

This yahoo missed the lesson on not ticking off judges

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Lawyer is found in contempt of court over lewd gesture

By Steven Kreytak

AMERICAN-STATESMAN STAFF

An assemblage of prosecutors and defense lawyers tried — with mixed success — to suppress smiles and laughter Tuesday as Travis County Court-at-Law Judge Jan Breland described how a lawyer in her court had made a gesture that simulated masturbation.

"As he did that, his eyes were rolling, and he was looking at me," Breland testified about Adam Reposa, a criminal defense lawyer.

The testimony came during a more-than-four-hour trial that ended with visiting state District Judge Paul Davis finding Reposa, 33, in contempt of court. Reposa faces up to six



Adam Reposa
Lawyer faces up to six months in jail and \$500 fine.



Jan Breland
Judge says Reposa looked at her when he gestured.

months in jail and a fine of up to \$500 at sentencing today.

Reposa testified that the gesture he made March 11 was meant to simulate masturbation but was not aimed at Breland. Reposa said he was agitated because a client in a driving-while-intoxicated case wanted to accept a plea bar-

gain. Reposa wanted to go to trial because his client said he was not guilty and had credit for more jail time than the maximum punishment.

The incident occurred after Breland called Reposa, his client and prosecutor William Swaim to the bench and asked Swaim to disclose the plea bargain offer. As he did, Reposa whispered in his client's ear, he said.

Reposa said he made the gesture at Swaim after the prosecutor complained about the whispering. Reposa said he meant to signify that Swaim was just "talking to himself."

Reposa apologized to Breland. "Sometimes," he said, "I let my emotions get the better of me."

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I feel a little sorry for Austin defense attorney Adam Reposa, who may do some time for being a wise guy.

Oh, I realize the dude should have known better than to make an obscene hand gesture in front of a judge. You do not want to mess with a judge. A guy who has passed the bar exam should know this. I'm not even a lawyer; and I know this much from watching Judge Judy on TV. You just don't make ha ha with a person in a robe.

But that didn't slow down Reposa, who, while defending a DWI client in a pre-trial hearing, actually cupped his hand as if he were partying with himself, so to speak.

The judge, Jan Breland, did not take kindly to this. But you gotta draw the line somewhere. I think Reposa's real trouble came when he rolled his eyes. If you just cup your hand, no big deal. But you roll your eyes at the same time, it's off to the Metal Motel. So now Reposa has been sentenced to 90 days in jail for contempt of court. Although he's currently out of jail while he appeals.

Here's where the sympathy part comes in. If Reposa loses the appeal, how does he explain what he did when he lands in jail? I mean, what do you say when one of the guys in your cell asks the age-old question that has helped write so many jokes, "What are you in for?"

I mean, you can't really answer the question with show and tell. If Reposa answers by showing his cellmates what he's in for doing, he's going to have the fullest dance card in North America. I mean, this guy's never going to get any privacy in the joint if he answers the question with a simple demonstration.

Then again, if he tries to explain it verbally, that ain't going to help much, either.

Anyway, on Wednesday, visiting state District Judge Paul Davis sentenced Reposa to jail, and Reposa was led away in handcuffs.

That was convenient because it's really hard to do what Reposa got busted for if you're in handcuffs.

By the way, Reposa's name is listed on the State Bar Web site as Adam "Bulletproof" Reposa. Apparently that's false advertising.

Reposa said he didn't intend the gesture for the judge but for the prosecutor. That's not much of a defense. A smart lawyer would have said that what he was doing was making the old craps-game shooting-dice motion.

One thing, though, is that you gotta really hand it (bad choice of words there) to Reposa because he scored real high on the Keep Austin Weird scale. On a scale of one to 10 on the old Keep Austin Weird scale, I'd give Reposa a nine. I'm pretty sure nobody has ever gone to jail for this before, so this should get Austin on CNN.

Oh, well, the good news is that if Reposa gets sent to solitary, at least he'll know what to do with his hands.

John Kelso's column appears on Sundays, Tuesdays and Fridays. Contact him at 445-3606 or jkelso@statesman.com.

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Lawyer free to appeal sentence

Austin defense lawyer Adam Reposa has been released from jail to appeal his 90-day sentence for contempt.

"If you look at contempt law, every case is the same — you lose at the trial court and you win on appeal," Reposa said Thursday. "I am not a minute of that time."

Karyl Krug, a lawyer for Reposa, said that the Court of Criminal Appeals ordered him released on his own recognizance after she and another lawyer petitioned for his release late Wednesday.

Reposa spent about eight hours in jail before he was released.

An emergency motion on Wednesday half called the sentence excessive and the finding of contempt erroneous.

Reposa was found guilty of contempt for making a gesture simulating masturbation at Judge Jan Breland during plea negotiations in a driving-while-intoxicated case last month.