

What's impropriety? Roach's attorney asks

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Editor's Note: Portions of information reported in this article are sexually explicit and may be objectionable to some readers.

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The question of what constituted impropriety was the crux of Canyon attorney Bill Kelly's case during former 31st District Attorney Richard James Roach's sentencing hearing yesterday in Amarillo.

Roach was sentenced to five years in prison, to be followed by three years' supervised release, by U.S. District Judge Mary Lou Robinson after a two-and-a-half-hour hearing in Room 218 of the J. Marvin Jones Federal Building and Courthouse on 5th Street in Amarillo.

The sentence was the result of Roach's guilty plea to a federal charge of "addict or unlawful user in possession of firearms."

Kelly, Roach's defense attorney, began by citing Section 11 of the pre-sentencing report. "We disagree with the conduct attributed to Mr. Roach," he said.

"There was never any offer to the (Texas Department of Public Safety) officers ... for them to go to work for Mr. Roach, and no specific conversation between Mr. Roach and the officers to use any of the money (obtained through forfeitures) for improper purposes," Kelly said.

"There was a statement that Mr. Roach agreed to give part of the money to the defense attorneys. He specifically, vehemently denies engaging in any illegal conduct," Kelly said.

"Are you denying that he made an agreement to return the money, or denying that it's improper to do so?" Robinson asked.

"We're denying that it's improper," Kelly said.

Kelly next pointed out the portion of the report which stated Roach would dismiss charges against defendants in exchange for agreements in which some part of the seized money would be returned to them via their attorneys, but the rest would be kept by Roach.

"We're denying that it was improper to do so," Kelly said. He added that Roach was not denying that the agreements were offered or made.

Section 12 of the pre-sentencing report dealt with 15 firearms found in a metal locker on the fourth floor of Gray County Courthouse.

"We're not disputing they were there," Kelly said.

"There were also five found in his office, and others in his briefcase," Robinson said.

"We're not denying they were there. We're denying any illegality as regards his possession of the guns. They were seized items. We dispute that they were improper," Kelly said.

Kelly also disputed the impropriety of the ammunition found at a Pampa apartment leased to the DA's office.

Section 29 dealt with firearms found in the DA's office and home.

"We do not dispute that they were there. They (guns found at Roach's house) were hunting rifles used for hunting. The office guns (had been) seized pursuant to forfeitures," Kelly said.

Robinson again pointed out that five guns were found in Roach's office, and another two, which were loaded with ammunition, in his briefcase, on the day of his arrest by Federal Bureau of Investigation agents.

"The reason the guns were in his office was that there was no other place to keep them. The metal cabinet (the footlocker containing 15 guns) was full," Kelly said.

The next portion of the report to draw Kelly's objections was the one dealing with pornography found on Roach's home and office computers.

"We do not dispute what was taken off the office computer and his personal computer. However, we do dispute the interpretation given to that. And we dispute that there was child pornography," Kelly said.

"I believe you furnished an affidavit to the court that while some images were pasteovers, others were clearly of minors," Robinson said.

"I don't recall saying specifically that they could be under 18 years of age," Kelly said.

Robinson then read a portion of the affidavit previously submitted by Kelly concerning the issue.

"We're denying stating specifically that they were under age 18," Kelly then said.

A set of weight scales and a book on manufacturing methamphetamine, both found in Roach's office during execution of a search warrant, were the subjects of the next part of the report to be cited by Kelly.

"We do not dispute that the scales were there or that a book on methamphetamine manufacture was there," Kelly said.

"You're just denying impropriety?" Robinson asked.

"Yes," Kelly said.

Both the presence of firearms in Roach's office and home, and the presence of firearms during the commission of another offense, would increase the amount of prison time allowable for Roach's sentence, Robinson said.

"We deny he was in possession of any methamphetamine, cocaine or any other contraband at the time of his arrest with the firearms," Kelly said.

"Traces of cocaine were found in a nasal spray bottle in his possession, and also cocaine and methamphetamine were found in his office," Robinson said.

Kelly maintained that the presence of these substances was not "improper."

Kelly returned to the subject of child pornography found on computers at Roach's office and home.

"There is no evidence that Mr. Roach downloaded or stored any child pornography," Kelly said.

"You don't deny that it was on Internet temporary folders?" Robinson asked.

"We don't deny that. Other people had access to those computers," Kelly said.

Further denials were made by Kelly on Roach's behalf.

"We absolutely deny that any bribe was made by Mr. Roach to anyone and specifically to any law enforcement officers. We deny that he asked law enforcement officers to wear their uniforms and use their state vehicles on their days off to work part time for him.

"We deny that Mr. Roach was an estranged father to his sons.

"We deny his alleged use of marijuana two years prior to his arrest.

"We deny that he conducted himself in unethical ways during his tenure (as district attorney). We specifically deny that.

"There's not any evidence to prove that Mr. Roach intended to dispense, disperse or sell (illegal) substances.

"We deny that he agreed to dismiss charges against persons with large sums of money in order to keep some of that money. We don't deny that some cases were dismissed, but we do deny any misuse of trust.

"We're denying that he ever made comments of a sexual nature about child pornography and that he ever showed (a district attorney's office employee) child pornography. We agree that he showed her adult

pornography, but not a child, and she was mistaken when she thought it was a child," Kelly said.

Robinson then discussed a section of the report which stated a small bottle of clear liquid and a syringe were retrieved from Roach's office, and that Roach had injected methamphetamine into his (sexual organ).

"You've said Mr. Roach was mixing methamphetamine and Levitra and injecting that?" she asked Kelly.

"The bottle taken out of the credenza drawer (in Roach's office) was tested, and there were no drugs in that," Kelly said. He did not deny the injections.

"Does he deny he called (a female employee) in to observe him injecting himself?" Robinson asked.

"We do not deny that," Kelly said.

"Yes ma'am, he definitely has a sexual dysfunction," Kelly subsequently said to Robinson.

Robinson referred to a report on Roach by Amarillo psychologist Priscilla Kleinpeter.

"The report on Mr. Roach's mental state says he suffers from bipolar disorder," Robinson said.

Kelly ended by saying that Roach would not take the stand due to pending state charges against him, but that he was prepared to make a statement "at the appropriate time."