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News

Judge acquits Jeffrey Truman Sr. of all charges (updated 7:45 p.m.)

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UTICA — U.S. District Judge David Hurd issued a decision in the federal case of Jeffrey Truman Sr. Tuesday, overturning a four-count guilty verdict issued by a 12-member jury in November.

The decision comes more than a month after Hurd reserved judgment in the case at a motion hearing in December.

Now a free man, Truman said he will focus on “rebuilding” his life and move forward.

“This is a sad situation that should never have happened,” Truman said in a comment sent by e-mail. “It has been nothing but a living hell for me, as well as for all my loved ones. I’ve lost my reputation, career, retirement savings, home, investment properties and most importantly, the honor of the family name.

“They have all been ruined by poor choices made by my son and his friends, all of whom had illicit substance abuse issues at the time. Their excuse is that they were young and made terrible choices. The people that I cannot forgive are the adults who, in the face of truth and fact, ignored their sworn obligation to present that truth, and took steps to deceive and to cover-up those truths to satisfy their own agendas.”

Truman was indicted May 6 on six charges of aiding and abetting arson, insurance fraud, mail fraud and loan fraud in relation to the destruction of the old Stanton Box factory on North Warner Street. The two loan fraud charges were dismissed by Hurd at the end of the government’s case before the decision was handed over to the jury.

Following Truman’s conviction, his defense attorney, Edward Menkin, submitted motions for acquittal of the remaining four charges and for a new trial.

Along with the acquittal, Hurd conditionally granted a new trial. Both Defense Attorney Ed Menkin and prosecuting attorney, Assistant U.S. Attorney Ed Broton, similarly interpreted the judge’s decision to mean that a new trial would be granted if the government pursued and were successful in appealing the acquittal.

Menkin went on to say that after “carefully studying the decision to understand the technicalities involved as to whether or not the government has the right to appeal and my preliminary thinking is that they don’t,” he said.

Broton said the case could be appealed to the Second Circuit Court of Appeals, but the government has made no definitive plans to do that yet. He said he is disappointed with the judge’s decision.

“We need to digest it and we need to determine whether or not an appeal is viable and appropriate,” he said. “At this point we haven’t really made that decision yet.”

Broton declined to comment on the government's action against Jeffrey Truman Jr. in relation to his breached agreement to testify against his father.

Hurd's decision wasn't one to cheered, Menkin said.

"This has been a terrible ordeal for Mr. Truman and his whole family," he said. "There's not much more to celebrate. Maybe this is the end of it."

Oneida Fire Chief Don Hudson called Hurd's decision "a gross injustice to the community."

"It's a slap in the face to the 12 jurors that sat on the jury and listened to all the evidence and all the information and came to the conclusion they did," he said.

While Truman Jr. has "paid for his mistakes," Hudson said Truman Sr. "should be held accountable for his actions as well. It's going to be a long road to make that happen."

More than 200 firefighters responded to the North Warner fire in 2006 that Truman Jr. admitted starting. Hudson said each firefighter was put at risk of being injured or killed.

First Deputy Chief Jim Dowd, who was the lead investigator in the arson case, said the decision was frustrating. He said it's upsetting that so much time and effort was put into the case by the city's emergency responders. The justice system is designed to allow juries to decide cases, not one person, he said.

"It's not over by a long shot," he said.

In Hurd's 46-page decision, he says "no rational jury could have found beyond a reasonable doubt that Truman (Sr.) aided and abetted arson or committed insurance fraud and used fire to commit a felony."

To conclude that Truman was guilty of aiding and abetting arson, the jury would had to have found that he knowingly associated himself in some way with the arson and that he participated in the crime by doing some act to make it succeed.

While the government largely relied to testimony of Truman Jr. to substantiate the charge, it also emphasized Truman Sr.'s financial motive. Hurd called the government's evidence of financial motive weak, saying it did not "take into account that the defendant was only one-third partner of the entity that actually owned the building. The other two partners had equal motives."

Recorded phone calls and witness testimony of Truman Sr.'s alleged attempt to cover up his son's involvement in the fire were not sufficient evidence to find him guilty, Hurd said.

"Telling him to keep quiet about it was the natural reaction of a father protecting his son, who was now in trouble, not for the first time," Hurd says. "It does not implicate the defendant in setting the fire. At the most a jury might infer some attempt by Truman to cover up his son's arson. However, it is not evidence of Truman's prior association with or participation in the arson committed by his son."

Other actions by Truman Sr., like purchasing his son the sweatshirt that he later wore to start the fire, do not prove that he had prior knowledge that the fire would take place, Hurd says. Similarly, the prosecution offered no evidence or testimony to prove that Truman Sr. knew the shoes his son put in the back of his truck were soaked in gasoline and kerosene.

Hurd goes on to question the legitimacy of Truman Jr.'s testimony. He cautioned that Truman Jr. pleaded guilty to arson and agreed to testify against his father in exchange for a lesser sentence. He also admitted to drinking and using drugs, which "impaired his credibility," Hurd says. Truman Jr. is also a convicted felon, having been convicted of felony aggravated unlicensed operation of a motor vehicle three times and driving while intoxicated, Hurd said.

"The total lack of credibility of his testimony must be considered in weighing the sufficiency of the evidence," he said.

Without sufficient evidence to prove that Truman Sr. aided or abetted in arson, Hurd said the remaining three counts - two of insurance fraud and one of mail fraud - must be dismissed.

In Hurd's analysis of the need for a new trial, he cites three areas of the case that are a concern: Truman Jr.'s testimony, the government's cross-examination of Truman Sr. and the government's closing arguments.

In examining Truman Jr.'s testimony, Hurd says that his prior state court testimony should not have been admitted into evidence at the trial after he refused to answer questions. When his son refused to answer questions posed by both the prosecution and defense, Truman Sr. was deprived of his right to confront his accuser.

The prosecution did not lay the proper groundwork to have Truman Jr.'s state testimony admitted into evidence, Hurd said.

"Truman Jr. was never court ordered to testify concerning the relevant part of his state court testimony concerning his father, nor did he claim lack of memory or that he wished to protect his father," Hurd said. "The error was not harmless since Truman Jr.'s state court testimony was the only direct evidence of the defendant's association with and participation in the arson."

Hurd also ruled that the prosecution's questions of witness credibility during the cross-examination of Truman Sr. were faulty. Asking the defendant if witnesses who testified against him were either "lying or mistaken" in their testimony was improper, he said.

He also pointed to the government's reading of a 2009 deposition transcript in which Truman Sr. said all police officers are liars.

"There is no doubt that the (prosecution) intended the jury to believe that the defendant was impugning the credibility of the officers who testified against him, in essence suggesting an inference that either the defendant was guilty or the law enforcement witnesses were lying."

In this strategy, the government "in essence argued to the jury that in order to believe Truman, they must disbelieve all of the prosecution's witnesses and further that all of those witnesses would be lying to convict an innocent man," Hurd says.

Further, Hurd says the prosecution acted inappropriately in its closing arguments after failing to request its last witness identify Truman in the court room. After the defense pointed out the error, the government stated it was simply a mistake on its part and was confident that the witness could have identified Truman.

Hurd said the comment made by the prosecution was improper and prejudicial.

Truman Sr. previously escaped charges in state court relating to the fire after a Madison County judge dismissed all charges.

Oneida Police Chief David Meeker declined to comment on the case.

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