

Disbarred Sidney lawyer found guilty of 5 threat charges

■ Defendant cleared of 3 counts by jury

By CLAIR JOHNSON
Of The Gazette Staff

Although disbarred Sidney attorney James Douglas Alexander denied threatening his defense attorney and others, a federal jury in Billings on Wednesday convicted him of five counts of threatening to kill or injure a federal defender, a defense investigator and three Montana attorneys. The panel acquitted him of three other threat counts.

Chief U.S. District Judge Jack Shanstrom ordered Alexander to remain in custody and set sentencing for Feb. 18, 2000. The maximum penalty for the crime of interstate communication of threats of violence is five years and a \$250,000 fine.

The jury deliberated three hours in the two-day trial.

Alexander, 49, was indicted on eight counts of making threatening telephone calls from Lexington, Okla., where he had been staying pending trial on fraud charges, to Assistant Federal Defender Mark Werner and to defense investigator Russ Curry in Montana.

Alexander was charged with threatening to kill or injure Werner, Curry and three other attorneys, Rockwood Brown of Billings, Treasure County Attorney Gary Ryder and Sidney attorney Philip Carter. A ninth count of obstructing justice was dismissed earlier.

Brown was the head of the Commission on Practice at the time Alexander was disbarred. Ryder also was on the commission at the time but abstained from voting on Alexander's disbarment.

The jury acquitted Alexander on three counts charging him with threatening Brown, Ryder and Carter in communications with Werner.

Alexander initially was indicted on fraud charges in what federal prosecutors said was an international adoption scam, but those charges were later dismissed.

In a strange twist Wednesday morning, Alexander indicated that he would plead guilty to two counts in a plea agreement, halting the trial in midstream.

Shanstrom advised Alexander that he would not be able to withdraw a guilty plea later and that prosecutors would be able to argue for any sentence, including an upward departure from the sentencing guidelines.

Alexander reviewed the plea agreement for a few minutes with his attorney, Mark Parker, then rejected it.

The trial resumed, and Alexander took the stand in his own defense. He denied making threats and said his words were mischaracterized. Alexander's testimony contradicted in almost every way Tuesday's testimo-

ny by Werner and Curry, who were the prosecution's main witnesses.

Under questioning by Parker, Alexander said that although the court appointed Werner as his attorney, he never considered the appointment legitimate because of what he said was a conflict of interest. Alexander said he was beyond fearing that Werner wouldn't do his job and thought that Werner's representation violated federal law and Montana's rules of professional conduct.

During cross-examination by prosecutor George Toscas, Alexander repeatedly denied threatening Werner, Curry and the others.

Alexander, however, agreed on one point — that he told Werner in a voice message call in April 1998 that he was "deadly serious."

On Tuesday, Toscas played the recorded telephone message for the jury in which Alexander told Werner to get off the case and called him a "son of a bitch." Alexander ended the

message saying, "I'm deadly serious."

Alexander denied telling Werner in January that if Werner didn't quit the case he was going to come to Billings and surprise him in a parking lot. He denied telling Werner that he would have "no problem coming in and taking out a half-dozen people" or that he told Werner he was referring to Brown, Ryder and Carter.

Alexander also denied threatening Curry, Werner, Brown and Ryder in telephone calls that he made to Curry when he was in Sidney to interview witnesses in April 1998.

Curry testified that Alexander told him that if he didn't leave Sidney that night, he would come up and make Curry beg for his life. Alexander said he would get him and Werner and that they wouldn't know what hit them, he added. Further, Alexander told him that Brown and Ryder had ruined his life and that getting rid of them would not concern him, Curry said.

Disbarred Lawyer Found Guilty of Threats

Clipped By:



seabix1

Fri, Apr 17, 2020