

THE STARS, IN ALIGNMENT

ANNALS OF JUSTICE

By Steve LaCheen

Every community, whether actual or virtual, has its celebrities, whether actual or virtual. In the sector of the legal community where I practiced early on, there were superstar prosecutors; celebrity lawyers among the defense bar; and, of course, among the defendants themselves, contemporary local successors to the legendary criminal icons of an earlier time.

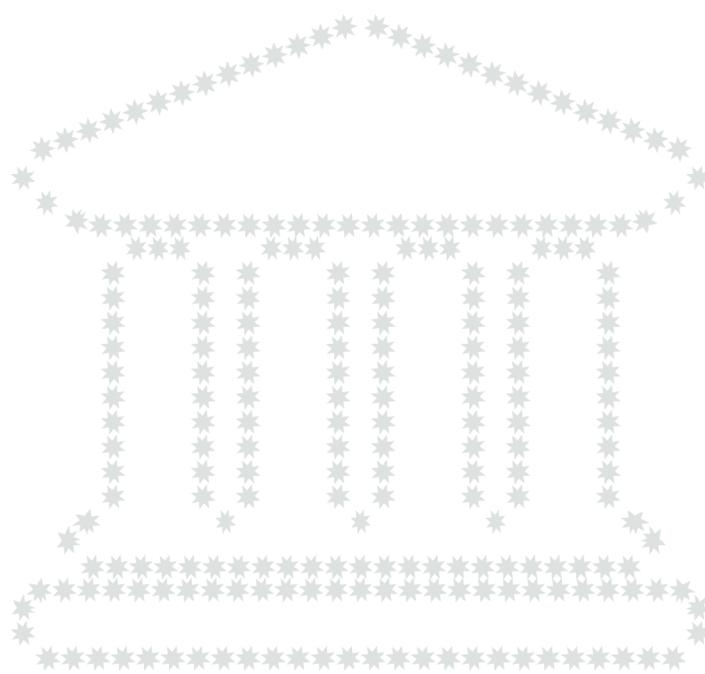
I will reserve for another day - given world enough and time - the bright and shining lights among the ranks of the first two categories, and address for the moment the “stars” in the third class - then seated in the “Pantheon of Crime” - the criminals whose exploits, whether factual or fabled, were the stuff of local legend.

As in every other endeavor, there are journeymen practitioners and there are standouts. Among the denizens of the criminal class, celebrity status was generally based upon one or more of the following factors: creative concept, excellence in execution and incredibly lucky escapes. Sometimes it was a lifetime body of work; more often it was a single piece of work which became the stuff of legend. A few examples seem in order; names may

be altered to protect the guilty.

Billy Blue and some friends drilled a hole in the roof of Robert Hall Clothing Company and made off with 200 suits. Junior K did the same at a Food Fair and used a hoist to lift the safe through the roof. Dickie Daylight, who worked solo as a house burglar, was so meticulous that his thefts were often not discovered until days later. Little Doug and Company held up the manager at E.J. Korvette’s Department Store one New Year’s Day and got away with the prior week’s receipts. Red Charley was reputed to have burglarized every apartment in a Society Hill high-rise on a single day, posing as a smoke alarm inspector. On another occasion, he and his cohorts stayed late at the cinema and drilled their way into the vault of the bank next door.

There was Cherry Hill Fats, a morbidly obese criminal mastermind, who used a repertory company of criminal associates to pull off one larger-than-life, “can you believe it,” caper after another, including retrieving a government-seized safety-deposit box from a bank, and high-jacking a truckload of cans of an inexpensive house paint and “re-labeling” them with



counterfeit labels of an expensive brand, to complete a criminal “hat trick,” cheating the seller, the fence and the ultimate consumers in the same caper.

And then there was Pasquale Sole, called “Patty,” who along with several others was considered to be a criminal of a different stripe - so tough and so independent that the local mobsters were afraid of him because he was not only openly defiant of all authority, including theirs, but simply was his own man, doing his own thing, in his own way - “Every man for himself and God against all” would have been his motto, if he had one.

At some point, Pat Sole was referred to me by a long-time client of mine named Mike O’Leary, who was a part-time bartender and a full-time I-didn’t-know-what because he had never been arrested. Michael was something of a local celebrity himself, as the result of being, with his wife Leah, the subject of an article in the Philadelphia Daily News about the New Age astrological horoscopes offered by their company, Philadelphia Resident Astrologers, Inc.

Based on O’Leary’s recommendation, I visited Sole who, having been denied bail, was that day confined in the sheriff’s cell room on the seventh floor of City Hall, while waiting for his case to be called. After being admitted to the visiting area to meet with my potential client, I was surprised to see him eating a South Philly cheesesteak and drinking a beer, treats arranged for him by his guards, who, not surprisingly, were enjoying lunches of similar exotic viands, no doubt as guests of their grateful charge.

Sole explained to me the circumstances surrounding his arrest for attacking and knocking out a Philadelphia detective with a blow to the back of the head. As it happened, the incident had occurred on the sidewalk when he had rounded a corner and confronted a scene in which a man was pointing a gun at an apparently unarmed victim. Sole, thinking he was witnessing a robbery in progress, snuck up behind the gunman

and administered a blow to the head, causing the man and his weapon to fall, giving the victim the opportunity to shout a gratitude and flee the scene.

Sole picked up the gun and only then recognized the erstwhile gunman as Detective Sofranski, who he knew from prior contacts, to whom he immediately turned over the revolver in his hand. He was promptly arrested for Assault & Battery on a Police Officer, and placed in the “paddy wagon” that had been summoned to take into custody the escaped miscreant.

Moving forward, we agreed upon a fee, and I entered my appearance on behalf of the defendant. The case was listed for trial before a judge I knew to be fair, and we waived a jury and went to trial. Once it became clear to the judge how the circumstances of the confrontation were totally ambiguous, without any proof that Sole knew either party, and that the scene would have looked like a hold-up in progress to any bystander, the Court sustained a defense demurrer and found Sole not guilty. Having disposed of the case so advantageously both as to cost and result, I felt that I had earned whatever future business Sole might be able to refer to me.

Six months or so later, however, I learned from another client - Sammy “the Barber” LaRussa - that he was involved in a domestic dispute with his wife; and her brother had threatened to kill him. His wife’s brother, as it happened, was

Pasquale Sole. The potential conflict of interest convinced me to pass on becoming involved in any event, and I participated in further discussion only to the point of recommending settlement, rather than litigation, as being in the best interests of both parties, as well as their children. I do not recall whether and to what extent they took my advice.

I do remember, however, being disappointed when, about six months later, I heard that Sole had pled guilty to committing a burglary in Montgomery County. Rumor was that, although

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the victims had been unable to positively identify him, he had admitted the offense and returned most of the stolen items. In return he was able to negotiate a county sentence of less than two years.

Next time I saw O’Leary, I asked him if he thought Sole had gone to another lawyer because of the dispute with my other client. “Not at all,” said O’Leary. “He wanted to come to you, but I asked him not to call you, and get somebody else.” I asked why. O’Leary said he couldn’t discuss it then, but would tell me everything later when he could.

A year later, he did.

“I had to wait until I was sure it was all over, for good,” he said. “Is it true that everything I tell you about past events is confidential, and you can’t disclose it even if you wanted to?”

I explained that was generally true, except if the client attacked me or my representation.

“No chance of that,” O’Leary said. “You never did nothin’ wrong, because you never knew what really went down. It was an honest-to-God coincidence that Patty showed up when he did, but it was me he rescued when he cold-cocked that cop who had nabbed me driving a hot car. Since I had no priors, and he never got my license, the cop could never ID me; and Patty took the heat.”

“So what has that got to do with telling him to get another lawyer for his case in Montgomery County?”

“Remember there was a killing in Philadelphia in which a bookie was killed a couple years ago?” I said I didn’t, but so what. “Well, Patty was the prime suspect in that killing.

What got him off the hook and cleared him was the burglary in Montgomery County which, coincidentally, happened the same night about the same time, about 20 miles or so away.”

“I still don’t get it,” I said. “If Pat was committing the burglary in Montgomery County, what did that have to do with me, or my representing him; or you, for that matter?”

“Well, there you have it,” said Mike. “Just imagine if someone else had committed that burglary. Like me, for example. Or, better yet, suppose there never was a burglary. Suppose the victim in that case turned out to be a relative of someone you knew. Like me, for example.”

Postscript:

Pasquale Sole was never charged with the homicide. He served a moderate sentence for the burglary, and within a year of his release was shot to death in a gun battle with police at the scene of a hold-up.

Mike O’Leary and his wife continued their astrological fricassee as long as the market supported that particular New Age entrepreneurship. And then, several years later, without prior notice or any warning signs, he was diagnosed with an aggressive cancer and within several months was gone. He was only 39 years old when he died. ■



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