

F. Montgomery Brown

Representative Cases:

United States v. Sholom Rubashkin (Agriprocessors, Inc.), Northern District No. 08-1324

142 Counts- pending

State of Iowa v. Sholom Rubashkin, Allamakee County No. SMAC 009342

9311 Counts- Child labor Violations

Pending

United States v. Miell, Northern District No. 07-101 MWB

24 Counts- Mail Fraud/Tax Counts/Perjury

State v. Lozano-Molina, Clarke County No. FECR012299 (December 2008)

I-Possession With Intent to Deliver Marijuana (20 pounds +)

II-Tax Stamp

Verdict: Not Guilty

United States v. Winters SDI #06-55(April 2008)

I-Conspiracy to Distribute Methamphetamine

II- Possession With Intent to Distribute Methamphetamine

Verdict: Guilty

United States v. McCoy, SDI No. 4:07-cr-077 (December 2007)

I-Attempted Extortion by a Public Official (State Senator)

Verdict: Not Guilty

United States v. Summy, (September 2007)

I-Conspiracy to manufacture and distribute marijuana

II-Conspiracy to Commit Money Laundering

Verdict: Guilty on Count I; Judgment of Acquittal granted on Count II

United States v. Mitchell (Maurice) SDI No. 06-305 (2007)

I-Conspiracy to Conceal Assets from Chapter 7 Trustee

II-Concealment of Assets

III-Concealment of Assets

Sentencing pending with plea agreement for probation

State v. Gilbert, Dallas County No. (April 2007)

Theft in the First Degree (Dallas County Sheriff)

Verdict: Guilty

USA v. Webster (March 2007)

Conspiracy to Distribute cocaine base and cocaine

Possession with Intent to Distribute cocaine base

Use of Communication Facility

Verdict: Guilty

State v. Webster, Polk County No. AGCR202935 (December 2006 Non-Jury)

Possession of Controlled Substance (Enhanced)

Verdict: Not Guilty

United States v. Becerra, Eastern District of Neb. No. 06-32 (December 2006)

Conspiracy to Distribute Cocaine and 500 grams of Methamphetamine

Verdict: Hung Jury- Mistrial Declared; Settled for Probation

United States v. Christopher Orville Myers, SDI No. 5-257 (August 2006)

I-Knowingly Mailing Threatening Communication

II-Threatening a Federal Judge (Hon. Linda Reade)

III-Knowingly Mailing Threatening Communication

Verdict: Guilty Counts 1 & 2; Judgment of Acquittal Granted Count 3

State v. Dudley, Polk County No. FECR (July 2006)

Possession With Intent to Deliver Marijuana (Class D Enhanced)

Possession of Prescription Drugs (2 Counts- Serious Misdemeanor)

Verdict: Judgment of Acquittal Granted

City of Storm Lake v. Patton, SMAC (June 2006)(Asst. County Attorney)

Keeping a Disorderly House

Verdict: Not Guilty

State v. Soria, Buena Vista County No. FECR034268 (February 2006)

Sexual Abuse in the Third Degree

Verdict: Mistrial Granted on Defendant's Motion

United States v. Miguel Barajas, SDI No. 05-128 (November 2005)

Conspiracy to Possess for Distribution of in excess of 5 kg of Cocaine

Verdict: Guilty

United States v. Juan Moncada-Gallegos, SDI No. 05-01 (March 2005)

Conspiracy to Distribute in excess of 5kg Cocaine

Verdict: Not Guilty

United States v. Rodney Fox, SDI No. 04-317 (2005)

Embezzlement from a Labor Union -29 U.S.C. Section 501(c), 7 Counts

Result: Dismissed

State v. Kevin Hoaglund, Warren County No. FECR022716 (February 2005)

I-Attempted Murder
II-Burglary in the First Degree
III-Willful Injury Causing Serious Injury
IV-Going Armed with Intent
V-Assault While Participating in a Felony
Verdict:
I-Dismissed
II- Not Guilty
III- Simple Assault
IV- Not Guilty
V- Simple Assault

United States v. Jesse Lee Crawford, SDI No. (February 2005)
Conspiracy to Distribute MDMA, Cocaine, Marijuana
Verdict: Guilty- Conspiracy to Distribute MDMA
Not Guilty- Conspiracy to Distribute Cocaine

United States v. Benjamin Langford, SDI No. (August 2004)
I-Hobbs Act Robbery
II-924(c)
III-Bank Robbery
IV-924(c)
V-Felon in Possession
Verdict: Hung Jury Counts 1, 2
Guilty Counts 3,4,5

United States v. Richard Evans, SDI No. 04-72 (June 2004)
Felon in Possession of a Firearm
Verdict: Guilty

United States v. Pamuceno Rodriguez- Zuniga, SDI No. ____ (August 2004)
Conspiracy to Distribute Methamphetamine
Possession of Methamphetamine With Intent to Distribute
Verdict: Guilty

State v. William Foster, Cerro Gordo County No. (January 2004)
Assault on a Peace Officer Causing Bodily Injury (4 Counts)
Criminal Mischief in the Fourth Degree
Possession of a Controlled Substance
Interference With Official Acts Causing Injury
Verdict: Guilty- 3 Counts of Assault on a Peace Officer Causing Bodily Injury
Guilty- Criminal Mischief in the Fourth Degree
Not Guilty- Possession of a Controlled Substance
Guilty- Interference With Official Acts Causing Injury

State v. Owen F. Benson, Dallas County No. (December 2003)

Arson in the First Degree

Harassment in the First Degree

Verdict: Guilty- Arson in the First Degree

Guilty- Harassment in the Third Degree

State v. Leslie Jerome Bell, Polk County Nos. FECR175259/ FECR178816 (December 2003)

Attempt to Commit Murder

Burglary in the First Degree

Willful Injury Causing Serious Injury

Willful Injury Causing Serious Injury

Going Armed With Intent

Verdict: Guilty

Count IV- Lesser Offense of Assault With Intent to Inflict Serious Injury

United States v. Fred T. Risius, SDI No 02-160 (Feb. 2003)

Labor Union Embezzlement

Result: 14 months

State v. Terry Dalton, Polk County Criminal Number FECR (August 2002)

Murder in the First Degree (Class A)

Result: Plead to Homicide by Vehicle (Class C)

State v. Melvin Sandoval, Dallas County Criminal Number FECR025661 (July 2002)

Possession With Intent to Deliver Methamphetamine (Class B)

Possession With Intent to Deliver Cocaine (Class C)

Tax Stamp (2 Counts Class D)

Verdicts: Not Guilty

United States v. Andrew Mark Armstrong, SDI No. 01-59 (2002)

Fraudulent Receipt of Property (18 U.S.C. § 152(5))

Attempted Obstruction of Proceedings (18 U.S.C. § 1512(b)(2)(B))(3 Counts)

Verdict: Pled to One Count of Obstruction

State v. Fevold, Polk County Criminal Number FECR157351 (February 2002)

Sexual Abuse in the Third Degree (2 Counts)

Verdict: Guilty

State v. Kent M. Beard, Polk County Criminal Number FECR158967 (February 2002)

Theft in the First Degree (Class C)

Verdict: Not Guilty

State v. Brett Dullard, Polk County Criminal Number FECR159964 (February 2002)

Count I: Possession of Ephedrine With Intent to Manufacture (Class D- enhanced to 15)

Count II: Possession of Ether With Intent to Manufacture (Class D-enhanced to 15)
Verdict: Guilty Count I; Not Guilty Count II

United States v. Salvador Barrios, SDI No. 01-151 (December 2001)
Conspiracy to Distribute Methamphetamine, Marijuana and Cocaine
§ 924(c)
Distribution of Methamphetamine
Distribution of Methamphetamine to a Minor
Verdicts: Guilty

State v. Marti Allen Weber, Polk County Criminal Number FECR153964 (December 2001)
Count I: Willful Injury (Class C)
Count II: Assault with a Weapon (Aggravated Misdemeanor)
Verdict: Count I- Assault Causing Bodily Injury
Count II- Simple Assault

State v. Cory Foster, Polk County Criminal Number FECR 156038 (December 2001)
Murder in the First Degree (Class A)
Result: Plead to 20 years

State v. Arthur Pixler, Dallas County Criminal Number SRCR024500 (November 2001)(non-jury)
Sexual Exploitation of a Minor – Internet pornography (Serious Misdemeanor)
Verdict: Not Guilty

State v. Bronson Carre, Polk County Criminal No. FECR153010 (April 2001)
Count I: Robbery in the 1st Degree)(Class B);
Count II: Conspiracy to Possess a Controlled Substance with Intent to Deliver (Class B enhanced to 75 years);
Count III: Conspiracy to Deliver a Controlled Substance (Class B enhanced to 75 years);
Count IV: Possession of a Controlled Substance with Intent to Deliver Methamphetamine (Class B enhanced to 75 years)
Count V: Possession of a Controlled Substance with Intent to Deliver Marijuana (Class D enhanced to 15 years)
Count VI: Failure to Possess a Tax Stamp (Class D)
Count VII: False Imprisonment (Serious Misdemeanor)
Verdict: Mistrial Ordered during defense case- double jeopardy motion to dismiss granted

State v. Jeremy Hughes, Polk County Criminal No. SRCR150759 (February 23, 2001)
Count I- Criminal Mischief in Violation of Individual Rights (Hate Crime) (Serious Misdemeanor)
Verdict: Guilty- Criminal Mischief without Hate Crime Component (Simple)

State v. Cruz Guerrero, Polk County Criminal No. FE149058 (January 2001)

Count I- Murder in the First Degree (Class A)

Count II- Murder in the First Degree (Class A)

Result: Defendant plead to 2 Counts Voluntary Manslaughter (10 years concurrent)

State v. Bobby John Bennett, Polk County Criminal No. FE150731 (December 13,2000)

Count I- Conspiracy to Manufacture Methamphetamine (30 year Class C)

Count II-Manufacturing Methamphetamine (30 year Class C)

Count III-Possession of Precursor (Class D)

Verdict: Defendant pled to Count III at close of State's evidence as offered by defense prior to trial.

State v. Billy Joe Graham, Madison County Criminal No. FECR104890 (_____2000)

Count I-Manufacturing Methamphetamine (Class C)

Count II-Possession of Precursor (Class D)

Verdict: Defendant pled to Count II at close of State's evidence.

State v. Anthony Negrete, Jr., Warren County Criminal No. SRCR019232 (March 29, 2000)(non-jury)

Permitting Public Indecent Exposure- Serious Misdemeanor

Verdict: Not Guilty

State v. David Stone, Polk County No.FE137704 (November 1999)

Burglary in the First Degree

Burglary in the Second Degree

Stalking

Burglary in the Third Degree

Verdict: Guilty (reversed on appeal)

USA v. Fabian Aguayo-Delgado, United State District Court Southern District of Iowa No. 99-35 (August 9, 1999)

Conspiracy to distribute methamphetamine- Count I

§ 924(c)- Count II

Verdict: Guilty Count I; Not Guilty Count II

See United States v. Aguayo-Delgado, 220 F.3d 926 (8th Cir.), cert. denied, 531 U.S. 1026 (2000)

USA v. Carlos Rivas-Cristales, United States District Court for the Southern District of Iowa No. _____ (_____, 1999)

Conspiracy to distribute methamphetamine

Verdict: Guilty

State v. Freddy Arias, Polk County Criminal No. FE126791 (October 1998)

Possession With Intent to Deliver Methamphetamine (Class B 25 year)

Tax Stamp (Class D)

Verdict: Not Guilty- both counts

State v. Courtney Burnett-Nelson, Polk County Criminal No. FE121019 (September 1998)

Murder in the First Degree

Verdict: Guilty- Lesser Included Offense of Assault With Intent to Inflict Serious Injury (Aggravated Misdemeanor)

State v. Robert Lyle Stephenson, Polk Count No. FECR120094 (June, 1998)

Sexual Abuse in the Second Degree (Class B 25 year)

Verdict: Defendant pled to Conspiracy to Commit Sexual Abuse (Class C) at the close of the State's evidence.

USA v. Christopher Kauffman, United State District Court Southern District of Iowa No.97-92 (July 1997)

Federal Death Penalty Prosecution- Carjacking

Mahaska County- Murder in the First Degree

Result: Negotiated plea to life sentences in federal and state courts.

State v. Shobha Horstman, Dubuque County No. FECR24923 (Trial May of 1997 on change of venue to Waterloo, Iowa)

Child Endangerment- Multiple Acts (Class B 50 year)

Verdicts: Guilty- 4 specifications
Not Guilty- 3 specifications

USA v. Donald E. Harrison, United States District Court No. 96-106 (March 1997)

Conspiracy to Manufacture Methamphetamine

Maintaining a Drug Manufacturing Location (Crackhouse statute)

Verdicts: Hung Jury- Conspiracy
Guilty- Count II

USA v. Tim Spence, United States District Court No.96-85 (Nov. 1996)

Conspiracy to Distribute Cocaine/Marijuana

Possession With Intent to Distribute

Verdicts: Hung Jury- Conspiracy
Guilty- PWID

State v. Deandre Jefferson, Polk County No. 99824 (August of 1996)

Attempted Murder (Class B)

Robbery in the First Degree (Class B)

Verdicts: Guilty on both counts (Reversed on appeal following preservation of Bruton issue)

USA v. Sean Demarco Stone, United States District Court for the Southern District of Iowa, No. 96-91 (August 15, 1996)

Count I-Conspiracy to Distribute Methamphetamine/Cocaine
Count II- Possession With Intent to Distribute Methamphetamine
Verdict: Guilty both Counts.

State v. Robert Wright, Polk County No. 92682 (January of 1996)
Murder in the First Degree (Class A)
Robbery in the First Degree (Class B)
Verdicts: Not Guilty

State v. Dudley, Polk County No.92844 (1996)
Robbery in the First Degree (Class B)
Verdict: LIO of Assault with a Weapon (Aggravated Misdemeanor)

State v. Merritt, Dallas County No. _____ (1995)
Felony Misconduct in Public Office (Chief of Police) (Class D)
Verdict: Not Guilty

State v. Robinson, Dallas County No. 019291 (1995)
Theft in the Second Degree (Class D)
Verdict: Not Guilty

State v. Ronzell T. Brown, Polk County No.FE80647 (1995)
Willful Injury (Class C)
Verdict: Aggravated Assault

State v. Garland Shaffer, Polk County No. 81232 (1994-5)
Murder in the First Degree-
Result: Plea to Murder in the First in Iowa.
Negotiated Plea in Missouri to life Imprisonment where Defendant faced Death Penalty.

USA v. Verduzco, United States District Court SDI No. 94-30 (1995)
Conspiracy to Distribute
Delivery of Controlled Substance
Communications Facility
Verdict: Hung Jury on Conspiracy
Not guilty on other counts

State v. Rodriguez, Polk County Criminal No. FECR87082
Possession of Methamphetamine With Intent to Deliver
Tax Stamp

Verdict: Guilty

USA v. Roach, United States District Court NDI No.____ (1993)
18 U.S.C. § 1001 False Statements to Financial Institution

Verdict: Not Guilty

State v. Cartwright (a/k/a Johnson), Polk County No.70921 (1994)(2 trials)
Attempted Murder

Terrorism (Class C)

Verdict: Not Guilty- Attempted Murder

Hung Jury on Terrorism, conviction of Class D Terrorism on re-trial.

State v. Lewis, Polk County No. 62431 (1993)

Robbery in the Second Degree

Verdict: Not Guilty

State v. Maclin, Polk County No.____ (1992)

Possession With Intent to Deliver Crack Cocaine (Class C)

Verdict: LIO of Possession (Serious Misdemeanor)

State v. Maclin, Polk County No. 68437 (1993)

Terrorism (Class D)

Assault With a Dangerous Weapon

Verdict: Not Guilty

State v. Chambers, Polk County No. 73413 (1994)

Domestic Abuse Assault

Verdict: Not Guilty

State v. Jenkins, Polk County No. 66469 (1993)

Gambling violation

Verdict: Not Guilty

State v. Ricky Earl Wagner, Guthrie County No. 12-97 (1993)

Murder in the First Degree

Kidnapping in the First Degree

Sexual Abuse in the First Degree

Verdict: Guilty on all counts

State v. Streeper, Polk County No. 61118 (1992)

Kidnapping in the First Degree (Class A)

Kidnapping in the First Degree (Class A)

Verdict: Not Guilty- Count I; Count II-Simple Assault

Appeals- Eighth Circuit Court of Appeals

United States v. Steward

United States v. Myers

United States v. Barajas

United States v. Evans

United States v. Crawford

United States v. Langford

United States v. Rodriguez

United States v. Cash, 2004

United States v. Fortney, 357 F.3d 818 (8th Cir. 2004)

United States v. Aguayo-Delgado, 220 F.3d 926 (8th Cir. 2000)

United States v. Ortiz (Stone), 125 F.3d 630 (8th Cir. 1997)

United States v. Rabins, 63 F.3d 721 (8th Cir. 1995)