

## Attorney charged with possessing child pornography

Contributed by Elizabeth Larson  
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LAKE COUNTY &ndash; A former juvenile court attorney was in court Thursday to plead not guilty to felony charges of possessing child pornography.

Robert Wayne Wiley, 74, of Lakeport was arrested last Sept. 20 on a single felony charge of possessing child pornography, as Lake County News has reported.

Following a lengthy investigation, Wiley is charged with a total of four felony counts of possessing child pornography, according to Deputy District Attorney Ed Borg.

Calls to Wiley's attorney, J. David Markham, were not returned Thursday.

Borg said Wiley was arraigned Thursday morning and pleaded not guilty to the charges, which &ndash; if he's convicted of all of them and sentenced consecutively &ndash; could carry a maximum of five years in prison.

Retired Fresno County Superior Court Judge Harry N. Papadakis has been assigned to the case, said Borg, because all of the county's judges have recused themselves from hearing the matter.

&ldquo;They've determined they don't want to hear the case for whatever reason,&rdquo; he said.

In making his plea, Wiley also reserved the right to demurrer, which in this case could mean he might challenge the four separate charges and argue they be combined into one. Borg said he had no concern with the demurrer issue, and didn't argue against it Thursday.

Borg declined to comment on the specifics of the allegations against Wiley. He also didn't want to discuss the investigation and its length, although he said there were &ldquo;good reasons&rdquo; for the several months it took to file charges.

He said, generally speaking, when an attorney is under investigation, there is the possibility that a search warrant might seize items considered &ldquo;work product.&rdquo; Such materials are used to prepare a client's case and have a special protection under the law.

Because the release of work product could compromise attorney-client confidentiality, in such cases a special master is appointed, said Borg. The special master is another attorney who examines the materials before they are submitted to law enforcement in order to determine if it's appropriate to include them in the investigation.

&ldquo;I'm not confirming or denying that's what happened here,&rdquo; said Borg.

A search warrant was served on Wiley's home and his Third Street office last September. A computer belonging to Wiley was seized and underwent forensic examination, officials said at the time.

Wiley had been a longtime fixture in county courts, specializing in juvenile cases.

On Sept. 21, 2007, the day after his arrest, Wiley and Stephen Carter, who administers Lake Legal Defense, mutually agreed to terminate Wiley's contract for defending juveniles in criminal cases.

That same day, Wiley's contract with Lake County Superior Court to represent children in juvenile dependency cases &ndash; including those related to Child Protective Services &ndash; was terminated, according to a statement issued by Court Executive Officer Mary E. Smith.

Wiley, who was admitted to the State Bar of California in August 1975, retains active State Bar membership, and has no public record of administrative or disciplinary actions.

Borg said Wiley is scheduled to return to court Aug. 28, when his preliminary hearing will take place.

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