

Attorney set to stand trial for possessing child pornography

Contributed by Elizabeth Larson
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LAKEPORT ‐ An attorney who formerly represented children in civil and criminal cases in the Lake County courts is scheduled to go to trial early next year on child pornography charges.

Robert Wayne Wiley, 75, is set to go on trial on Jan. 27, 2009, on two counts of possessing child pornography, according to Deputy District Attorney Ed Borg. The trial date was set at an Oct. 29 court appearance.

Calls to the office of J. David Markham, Wiley's attorney, have not been returned.

Wiley was arrested on a single count of possessing the materials in September of 2007, after which his contracts for representing juveniles in criminal and civil matters were immediately terminated, as Lake County News has reported. The children portrayed in the materials are not alleged to have been children he either knew or represented.

The District Attorney's Office did not formally charge Wiley until earlier this year. In July he was in court to plead not guilty to four felony counts of possession child pornography.

According to court documents, all local judges have recused themselves from the case, so Judge Harry N. Papadakis, a retired Fresno County Superior Court judge, is hearing the case.

The filing against Wiley alleges that on Feb. 27, 2007, a bailiff in Lake County Superior Court's Department A ‐ where Wiley regularly appeared in the course of his work ‐ found a thumb drive in the courtroom's jury box.

The bailiff plugged the device into a computer to see if he could identify who it belonged to, and that is when he is alleged to have discovered pornographic images of children. Afterward, the bailiff turned the thumb drive over to Det. Mike Curran of the Lake County Sheriff's Office, who passed it on to District Attorney's Office Investigator Craig Woodworth.

Woodworth is assigned to the Northern California Computer Crimes Task Force, headquartered in Napa, and has expertise in examining computers, said Borg.

Investigators later served a search warrant on Wiley's home and Lakeport office, where they located “several devices” found to contain child porn, according to court documents.

One of the devices, a hard drive, is part of the case's evidence, which was sealed at Borg's request.

Wiley's preliminary hearing was held in two installments, the first on Sept. 17, with the hearing continued to Oct. 10.

Before the hearing began on Sept. 17, Markham, Borg and Papadakis had an informal meeting in chambers to try to reach a resolution.

“We are talking about settling the case for various reasons,” Borg told Lake County News.

Immediately following the Sept. 17 hearing, Woodworth helped Papadakis review the materials on the hard drive in the judge's chambers.

When the case returned to court Oct. 10, Markham successfully argued for reducing the four felony counts to two.

Those two charges would correlate with two occasions Wiley was alleged to have been found in possession of the pornographic materials. The first alleged instance was on Feb. 27, 2007, when the thumb drive was discovered in the courtroom, and the second was on Sept. 20, 2007, when a search warrant led to the discovery of additional materials. That also was the date Wiley was arrested.

Borg argued on Oct. 10 that Wiley had allegedly admitted to being in possession of the materials for years ‐ at least a year and a half to two years, according to statements in court.

Papadakis, who viewed the materials, stated, “There is also the issue of art versus pornography.”

However, he added, “The court was satisfied that this was what we refer to as child pornography.”

Wiley has worked for about two decades in the local courts, and was considered an expert in juvenile justice matters.

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