



# Judge scolds Weller case team

BY JOHN SPANO

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A judge Monday ordered George Weller's defense team to stop harassing jurors who convicted the 89-year-old motorist of manslaughter for the deadly Santa Monica Farmers' Market crash.

"I'm not going to permit them to be harassed any further by an overly aggressive private investigator," Los Angeles County Superior Court Judge Michael Johnson said during a court hearing in Santa Monica.

Three jurors had complained that the defense's private investigators repeatedly contacted them, even after they said they would not talk about their decision to convict Weller for plowing his Buick through an open-air market in Santa Monica three years ago, leaving 10 dead and more than 60 injured.

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Deputy Dist. Atty. Sam Dordulian said one juror reported she was contacted three times in succession by a defense investigator. Twice she told him she would not speak to him, but he did not stop trying to contact her until she told him, “Stop harassing me,” Dordulian said.

In court, defense attorney Mark Overland insisted the defense was only trying to ensure that Weller received “a verdict reached by a fair and impartial jury.”

But Johnson, who had assured jurors that their privacy would be respected, said the defense engaged in behavior that was “very inappropriate, very offensive, and very disrespectful of jurors.” The judge, who was unflappable through the six-week trial, was clearly angry.

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He will sentence Weller on Monday. The maximum possible sentence is 18 years in prison.

Weller is suffering from hydrocephalus, or fluid on the brain, which has resulted in memory loss and impairment of his arms and legs, according to his physician. Attorney Overland won permission for Weller to skip the sentencing. Confined to a wheelchair, he attended only two hours of the trial.

On Monday, Dordulian submitted a pre-sentencing report to the judge in which he stopped short of asking that Weller, who turns 90 on Dec. 7, be sent to prison for his crimes.

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According to the report, a probation officer who reviewed the case urged Johnson to sentence Weller to prison, “even if for a minimal amount of time.” Dordulian noted that Weller’s deteriorating medical condition has not been confirmed. He urged Johnson to obtain “independent medical and psychological assessments” of Weller.

When Weller was found guilty on Oct. 20, the winning prosecutor, Ann Ambrose, stated repeatedly that sentencing decisions are up to the judge. She said her office would make no recommendation.

Also Monday, Johnson rejected Overland’s request for a new trial. Overland cited several grounds, including juror misconduct, but Johnson said the assertions were “plainly insufficient.”

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Johnson emphatically rejected a defense claim that one juror should not have gone to church “for spiritual guidance” during deliberations.

“Let me tell you something,” Johnson fumed. “During the trial I went to church too. I did it for spiritual guidance.”

Overland told the judge that the defense objected to the juror seeing his minister for spiritual guidance, not to his going to church. Johnson said he failed to see the distinction.

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[john.spano@latimes.com](mailto:john.spano@latimes.com)

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