

**SHEPARD CONVICTED ON ONE BRIBERY CHARGE: JURY RULES EX-COUNCILMAN ...**

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# SHEPARD CONVICTED ON ONE BRIBERY CHARGE

## Jury Rules Ex-Councilman Took \$11,000 in Zoning Case

**BY RON EINSTOSS**

*Times Staff Writer*

Former City Councilman Thomas D. Shepard was convicted Wednesday of accepting an \$11,000 bribe in a Canoga Park zoning case.

The same jury acquitted the 43-year-old defendant of a second count of bribery and reported to the court that it could not reach a verdict on a third.

Shepard, who did not seek reelection this year and now is engaged in the import-export business, faces sentencing on Dec. 4 if he is not granted a new trial by Superior Judge Pearce Young.

His attorney, Phill Silver, moved for another trial and the motion will be argued on the same day.

### **Mandatory Prison Term**

The crime of bribery by a public official carries a mandatory prison term of one to 14 years and permanent disbarment from office. Probation may be granted, but only with the consent of the district attorney's office.

After the jury of eight women and four men returned the verdicts, Shepard said he had no comment.

Silver, however, said, "This is the greatest miscarriage of justice the state of California ever had in a criminal case."

He said there is absolutely no evidence that a bribe ever was paid or that there was any corrupt agreement between Shepard and anyone that his official decision would be influenced by the \$11,000.

Shepard claimed that the money, given him by three men who had a zoning matter pending before the City Council, was a loan, not a bribe.

Although he voted in favor of the rezoning, he said he did so on its merits and not because the applicants had loaned him any money.

No attempt was made by Shepard



**CONVICTED** — Thomas D. Shepard after jury found him guilty of accepting a bribe.  
*Times photo*

to repay either the loan, which he received in 1964, or the interest until after the investigation began many months later.

The case was submitted to the jury Oct. 27 but it deliberated only five days. Several of the jurors became ill last Thursday and were ordered locked up in their hotel to recuperate. They resumed deliberations Monday.

Shepard was acquitted of accepting a \$2,700 bribe from an applicant who sought the rezoning of seven acres of land in Reseda.

The former councilman, who also

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# Shepard Ruled Guilty of One Bribery Count

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supported that case, received in 1965 a \$1,500 campaign contribution and a \$1,200 loan.

The bribery count on which the jury deadlocked and said it could not arrive at a verdict involved a \$3,000 contribution Shepard received in 1964 from one of the developers of a large condominium project in Chatsworth.

Shepard showed no emotion as he heard the verdicts read by Court Clerk Kenneth E. Milton.

After the conviction, Judge Young, at Silver's request and with no opposition from Dep. Dist. Atty. Michael J. Montagna or Dep. Atty. Gen. Gordon Rose, said Shepard may take a business trip to Japan.

Montagna and Rose indicated to the court that they would dismiss the bribery charge on which the jury couldn't reach a verdict after Shepard is sentenced.

## Second Trial

The trial was Shepard's second. The first ended in January when another jury was unable to agree on a unanimous verdict on any of the five counts with which he then was charged.

The district attorney's office decided to prosecute him again on only three of the counts and dismiss the others which also involved alleged bribery.

One of those dismissed alleged that Shepard conspired with former Recreation and Park Commissioner Mel Pierson to arrange payment of a \$21,000 bribe to influence the withdrawal of a veto by Mayor Sam Yorty in the Canoga Park rezoning case.

The other alleged that he aided and abetted Pierson in the acceptance of a bribe.

In the first trial the jury stood 8 to 4 for conviction in the Canoga Park case, 7 to 5 for conviction on the Reseda rezoning matter and deadlocked at 6 to 6 on the Chatsworth case.

In the trial which ended Wednesday, the jurors said they stood 7 to 5 for acquittal on the Chatsworth matter.

After the decision was made to prosecute Shepard again the former councilman decided to allow a judge, rather than a jury, to hear the case.

At the last minute, however, he asked that he be permitted to discharge his attorney, John La Follette (who represented him at the first trial), and substitute Silver.

## Withdraws Waiver

The substitution of attorneys was allowed and Shepard was permitted to withdraw his waiver of the jury trial on the basis of his claim that he was "coerced" into agreeing to allow a judge to decide the matter, without a jury.

Shepard said he was forced into waiving a jury because La Follette told him he would not defend Shepard at another jury trial unless he got paid for it.

There also were new prosecutors the second time around. Former Dep. Dist. Atty. Robert Stanley now is a Municipal Court commissioner in East Los Angeles and former Dep. Atty. Gen. Robert P. Samoian is now in private practice.

Pierson still faces trial, stemming from the same indictment, and is scheduled to appear in court Monday.

That case, which involves two counts of conspiracy and three of bribery in alleged zoning payoffs, probably will be postponed because the matter is on appeal and is still pending in the higher courts.

During the trial that ended Wednesday, Shepard was asked only one question by Silver: Whether had ever accepted a bribe to influence any of his decisions while he was a member of the City Council.

He testified that he had not.

The prosecution has contended consistently that during the period of time covered by the bribery charges, Shepard borrowed more than \$100,000, much of it from land developers,