

Aggressive lawyer relies on his clients' test of character

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two of them teamed for a rousing rendition of "Hard Livin'." ("I wish hard livin' didn't come so easy to me," goes the David Halley song, which Turner calls his "favorite ever.")

He takes his country-and-western dancing so personally that folks say you'll never see anyone better. And he says, "Shoot me if you ever see me line dancing. Line dancing is for people who can't find partners, or don't know how to dance."

These days, he takes his fledgling Cana Cellars micro-winery so personally that he has turned the basement of the house on his ranch/vineyard into a tasting room, filled with customers on weekend afternoons, sacrificing whatever privacy he might otherwise enjoy with his wife, Deena (who conducts the tastings), and 9-month-old son, Jacob.

In the more private part of his life, he takes his spirituality personally, deeply so. He practices Transcendental Meditation twice daily, for 20 minutes each sitting, and devoutly attends Catholic Mass every Sunday. Jokes one of his friends, "We always said that Joe wanted to be the Pope, but he wouldn't be celibate."

Relationships with clients

Amid all of his complexities and contradictions, what Joe Turner takes most personally, since switching sides from the prosecution to the defense, is his relationship with his clients. The clients who come to Turner may have done some bad things — some of them may be guilty as hell — but that doesn't mean they are bad people, beyond redemption.

For if they were, Turner wouldn't defend them: "When you get to know and understand and like your client, there's something in there that's redeemable," he said. "If I don't like someone as a person, then I won't defend them. To be an effective defense lawyer is to find a passion about the case somewhere in it."

Whatever mistakes his clients might have made, Turner is convinced that they don't belong in jail. And if he's convinced, he's certain that he can convince a jury. Because, legal mumbo jumbo aside, juries take things pretty personally as well.

Regardless of whether the client killed somebody.

"Sometimes the people need killing," he insisted. "We want to put the bad guys in prison and we want the good guys out here. I'm a real believer when it comes to murder cases and juries, because they will sort out the good guys from the bad guys."

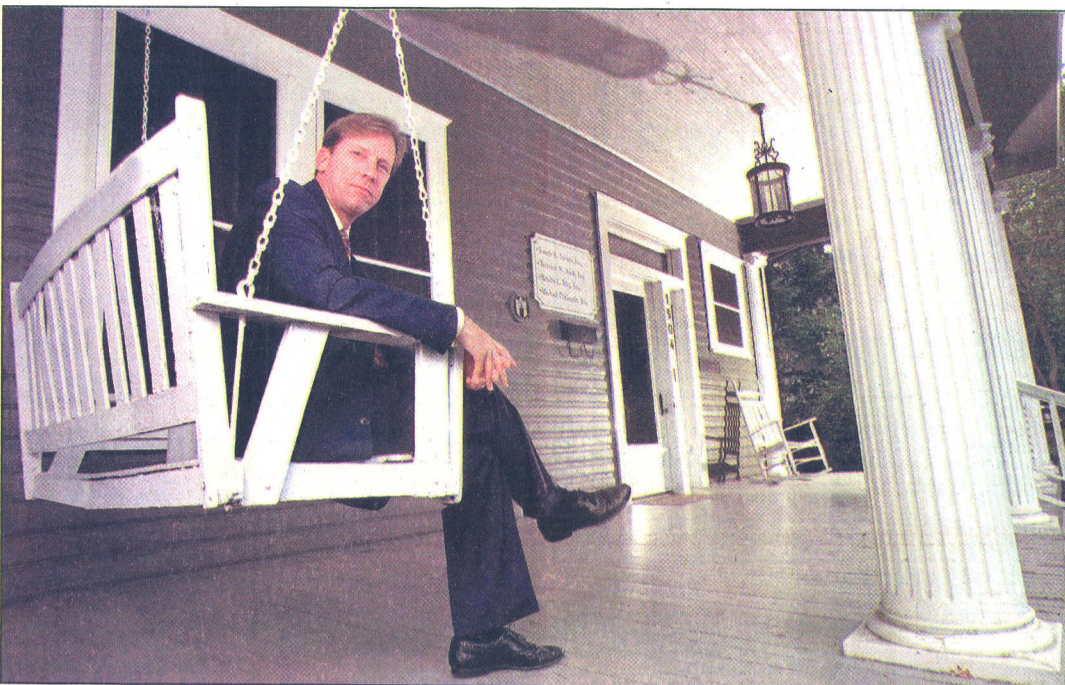
Turner's personal touch, the passion he brings to a trial, is integral to his reputation as one of the top defense attorneys in Austin. If lawyers had standings like baseball, Roy Minton would still be leading the city's league, but Minton has been concentrating more of his energies on civil work (like the recent settlement between UT and its former basketball coach Tom Penders). If you're looking for a younger, more aggressive, even hot-headed lawyer, one whose practice is 100 percent criminal, one who will argue for your life as seriously as if it were his own, Turner likely will be your call.

At least it was for Sastrup, arrested last month for shooting Eric Smith in the back with a licensed handgun after he said he caught Smith breaking into Sastrup's girlfriend's truck. And so it was for Thomas Thacker, recently busted for growing a record amount of psychedelic mushrooms near Johnson City. And so it was for Willie Nelson, when he was charged with possession of marijuana near Waco, and former UT baseball coach Cliff Gustafson, when the university found financial irregularities in the operation of his summer camp, and Ruth Riddle, who received the lightest sentence for a weapons conviction in the Branch Davidian group trial.

'He gives it his all'

"I think he's one of the best around," said Minton, for whom Turner clerked as a law school student. "I was going to say one of the best young lawyers, but he's not that young any more. He's extremely aggressive, no doubt about that. And he likes it. That's awfully important. He gives it his all."

Since he has become such a magnet for high-profile cases, it can sometimes seem that Turner spends as much time trying his cases in the media as he does in court. While the flamboyantly loquacious lawyer is a master of the quick quip and the folksy anecdote — a master at self-promotion, one might say — he maintains that he is far more concerned with serving his client's



Photos by Ralph Barrera/AA-S

Turner no longer lives, sleeps and works 24 hours a day at his West Avenue office and he limits his swinging to the front porch.

best interest than raising his own professional profile.

Take Sastrup's case, for example. While it awaits a grand jury's determination as to whether he is charged with murder, something lesser, or not charged at all, Turner has been busy selling Sastrup as a good guy involved in an unfortunate incident for which he is deeply sorry. If such a case isn't high profile before Turner takes it, it soon will be.

"I don't like to fight in the media, but if I have to, I will," he said. "And sometimes it's to my advantage to do it, particularly if the case is going to be presented to the grand jury, because it's basically the prosecutor's show there. And I'm aware that sometimes grand jurors read the media and they're forming opinions before they even walk into the grand jury."

While most of the basic facts in this particular incident seem to be beyond dispute, Turner is known as a master at implanting "reasonable doubt" — questioning shoddy police work, shifting attention to alternate suspects and theories, bringing so much passion to his summation of a case that the jury is compelled to care as much as he does. For all of Turner's sincerity, there's a lot of show biz in what he does. Watching "Perry Mason" is what drew him to the law, convincing him that it was worth cutting classes at Reagan High School to attend murder trials downtown.

"I wanted to do the live drama," said Turner, whose military father had moved his family 15 times, all over the country and the world, before settling in Austin when Joe turned 13. "So I started skipping school, even before I could drive. I'd be watching the newspaper, see that a good murder trial was coming to town, and I'd go down there and watch the case. I wanted to do this; I was hungry to do it. And I've focused all my energy in it since I was 13, 14 years old."

After graduating from Reagan, he entered UT in 1972 with plans to major in government, only to become disillusioned in the wake of Watergate. ("Even before the Watergate hearings, I just knew that Nixon was guilty," he said.) Since he had already determined that criminal law was his life, he decided to go where the criminals were. He transferred to Sam

Houston State University in Huntsville, where he took criminal investigation classes and worked as a prison guard. Completing his undergraduate work in a whirlwind 2½ years, he returned to Austin to apply to law school.

"I had a great GPA, a 4-point average, but I didn't have very good numbers on the LSAT," the admissions test for law school, said Turner, who was incensed when he found that some minority applicants were being admitted with lower board scores than his. Coming from a family of six kids that he describes as "poor, not Kentucky poor, but I remember nights when we didn't have food" — he made a plea to Jack Roberts, then the U.S. District Court judge in Austin, that he was less advantaged than many of the applicants who were being admitted as disadvantaged.

"I was kind of bold back then, and I wasn't going to take no for an answer," he said. "The judge made a phone call over to the dean's office and said, 'This isn't right; this isn't fair; get this boy into law school.' And this was the week before classes were to start."

Though he graduated in the top half of his class, Turner wasn't as concerned with grades as he was itching to get into court. After serving his student apprenticeship with the illustrious Minton, Turner took his first job as a Travis County prosecutor upon graduating in 1977.

'Always in a hurry'

"I wanted to be a trial lawyer, and that's the best way to learn to try cases," said Turner, whose convictions included one against atheist Madalyn Murray O'Hair for disrupting Austin City Council meetings that traditionally opened with an invocation. "In the county attorney's office, I tried 50 jury trials in a year. Most defense lawyers have never tried 50, and they'll never catch up with me."

He progressed through the proper prosecutorial career steps, spending three years with the county and a couple with the district attorney (where he became chief of the special crimes division) before becoming a federal prosecutor. For all the experience he received, he didn't think the financial rewards and prospects

for career advancement were commensurate with his efforts, and he was hungry for the challenge he saw on the other side.

"Joe has always been in a hurry," said Travis County District Attorney Ronnie Earle. "He was in a hurry to be a lawyer, in a hurry to be a prosecutor, where he did a good job. Then he was in a hurry to become a federal prosecutor. Then he was in a hurry to be a defense lawyer. One word that comes to mind with Joe is that he's quick. Even when he's dancing, he's amazingly fast."

"It seemed like working for the government, the harder you worked, the less you got," said Turner. "The truth is, you don't have to be much of a trial lawyer to be a prosecutor. Most of the time you've got the facts on your side, and, in federal court, you've got a wealth of investigators at your disposal... Particularly in this atmosphere that we work in today, the jurors are looking to convict you, the presumption of innocence is a myth. So, as a defense lawyer, you've got to be persuasive, you've got to figure out why these jurors should help you out."

As even his adversaries admit, in this Turner has proven inordinately successful. It isn't merely that he's a persuasive fellow; he also brings a tireless commitment to his investigation of a case. It's more of a challenge to out-work him than out-argue him.

"He's the only lawyer I lost a case to as a prosecutor," said Terry Keel, now a state representative, whose battles with Turner had the bravura of a heavyweight fight. (In a 1991 murder trial, Turner and Keel were described in the newspaper as "two of the county's most hot-tempered and most successful criminal lawyers" who "almost came to blows during the heated arguments that marked the trial.")

"In my opinion, he's one of the best in Texas," continued Keel. "Joe is passionate about his work, and he is dedicated to his clients. He will investigate a case thoroughly before he goes into the courtroom. That is his strength. He is not merely a legal technician. He actually will live the case."

"I know more about the case than anybody in the courtroom by the time I step in there," said Turner. "And I don't do that

through osmosis. I go out and interview witnesses and beat the pavement and study the facts. And you can do that if you charge enough money."

The payoff, said Turner, is that "of the last 25-30 murder cases I've tried, only one (defendant) has been sent to the penitentiary. I'm not saying that they were totally acquitted — sometimes they were given probation. I can't boast that about drug cases, because they're a little more difficult."

Though hiring Turner to work a capital murder trial or a federal drug case could cost \$25,000, \$50,000 or more ("I like to say that I do drug cases for money and murder cases for fun"), most of his clients consider their freedom to be worth far more than that. Turner doesn't go to trial, he goes to war.

To some, he's a snake

"I like to think of myself as easy to get along with, but when I go to court, it's a different matter," he said. "I can be ruthless. I tend to push prosecutors to the limit. And I've been known to cheat."

"I'm not talking about fabricating evidence or putting on perjured testimony," he replied. "You have to use the rules of evidence to your advantage, and I don't always follow those rules. But that's why they have the judge and prosecutor there to make sure that I don't get out of line. People say you've got to watch Turner because he's liable to try to get in evidence that's not admissible."

Actually, what some people say is that Turner is "a snake" in the courtroom, though even those who think he sometimes plays dirty call him an ikable guy away from a trial. And most of those familiar with Turner over the course of his career think that maturity has, if not mellowed him, at least broadened his horizons beyond a lawyer's tunnel vision.

Since moving to his 90-acre Oak Hill spread in 1991, he is no longer the guy who lived, slept and worked at his offices on West Avenue, practicing law 24 hours a day. Since marrying the former Deena Smien two years ago, he's no longer the carouser with what he admits was "a complicated love life," the guy who closed the

country and western bars with the good dance floors as many as six nights a week. These days, he's more likely to pour all that excess energy into his family and his winery.

"I guess criminal lawyers are kind of adrenalin freaks, but I've never been so happy," he said. "Being single in Austin and having a little bit of money was nice. When I was in college, I didn't have any money, and I didn't have any dates. I postponed all my gratification until later years. But it's good that I waited so long to marry, because I do have a flirtatious nature."

"Having a family is very important to me," he continued. "My father never had a lot of money in his life, but he's the most successful man I know. Because he doesn't care about money; he had six kids, and family was very important to him, and still is. Money, fame, power, whatever, those things don't really compare to the joy of having a family."

Love and lack of boredom

All of which is easier to say when you've already amassed the money and power. For such a smart guy in the courtroom, Turner could be awfully dumb in his personal life, at least as far as his pursuit of Deena Smien was concerned.

"I had heard of Joe for almost two years before I met him," explained Deena, a children's dance instructor before their marriage. "He was good friends with my roommate, and she always told me, 'This guy would be perfect for you.' And I always wanted to meet him, and she would never introduce me. I think she was saving him for herself."

For his part, Joe was equally intrigued, so he kept calling the roommate, hoping to talk to Deena, not realizing that each of them had a separate phone line.

"I thought he liked her the whole time, since he kept calling her," Deena continued.

Once the two finally connected, the jury didn't need to deliberate for long before arriving at a romantic verdict. Six weeks after their first date, they became engaged, and were married four months later.

"I promised her she'd never be bored," said Turner.

"And he's never broken that promise," said Deena. "He was the first person that made me laugh all the time. After our first date, my face hurt the next day from laughing so hard."

"We both love kids a whole lot," continued Turner. "I think that's one of the greatest gifts you can give your kids is a good mother."

With a second child on the way, Turner says that his familial responsibility makes him all the more concerned with being a good provider, thus reinforcing his professional responsibility. Prior to his marriage, one of his long-term romances was with Willie Nelson's daughter Lana, and he remained friends with the family even after her marriage to Johnny Rodriguez. Three years ago, when Willie was found near Waco asleep in his car with marijuana remains in the ashtray, the local lawyers the singer hired advised him to cop a plea and accept probation. Instead he called his buddy Joe.

'I found a way to win'

"When I got on the case, I wanted the local lawyers to stay on the case," explained Turner.

"They're very good lawyers, and when you go into somebody's backyard, you'd better be friends. They knew the judge a lot better than I do."

"The difference was, I found a way to win. Besides passion, tenacity is one of the mainstays of a good criminal lawyer. So we worked hard, studied the videotapes, went over them with Willie, and figured out that these cops were lying, that this was clearly an illegal search. I remember going out with Willie to look at the car, and I said, 'Show me where they say this was at.'"

"So, he looked in his car and said, 'Right where that one is.'"

"I said, 'Willie, why do you smoke so much dope?'"

"And he said, 'It keeps me from killing people.'"

So, Willie is a good guy, and the cops did a bad thing, even though finding Nelson not guilty of smoking dope is about as easy as finding him not guilty of singing through his nose and playing a beat-up guitar. If Nelson ever finds himself in a murderous rage, at least he knows the lawyer to call.

"I only represent innocent people," insisted Turner, with a smile in his eyes and a hint of challenge in his voice. He was daring his interviewer to cross-examine him.



Paul Sastrup, center, is flanked by his counsel Sandra Ritz, left, and Turner. While Sastrup awaits a grand jury's decision on whether it will indict him for shooting a man alleged to have been breaking into his girlfriend's truck, Turner has been busy selling Sastrup as a good guy involved in an unfortunate incident for which he is sorry.



Joe Ely, at mike, performed at Turner's 40th birthday bash at his ranch, where the two teamed up for a rousing rendition of "Hard Livin'."