



Showman in the courtroom

■ **Attorney Bill Keahon is both a believer in every person's right to a vigorous defense and unafraid of bold tactics**

BY ANN GIVENS

ann.givens@newsday.com

Bill Keahon sits with his sockless feet on the desk in his Islip office, a panoramic view of Suffolk County spread out behind him.

"Evan?" he says, picking up the phone almost before it rings. "It's Billy."

From the warmth in his voice, one would think the famed defense lawyer was talking to his younger brother, not to Evan Marshall, a client who pleaded guilty the day before to dismembering a retired school teacher and driving away with her head in his trunk.

"You did a really nice job yesterday. I'm glad you said those things," Keahon said, referring to Marshall's in-court apology.

No one in Long Island's legal community was surprised a year ago when Keahon, 63, showed up to defend Marshall in what seemed like one of the most grisly and unwinnable cases imaginable. Keahon, after all, is the same guy who won Suffolk's first acquittal for first-degree murder in 1997, even after defendant Gairy Chang made a full confession to the crime. He is the guy who last year kept a jury out seven days in the Zachary Gibian case after presenting the seemingly far-fetched theory that Gibian's disabled mother — not Gibian, who eventually was convicted — was the one who killed Gibian's sleeping stepfather with a samurai sword.

He is the guy, in other words, who you call when you're caught with a head in your trunk.

Marshall's guilty plea this week won him a commitment of 30 years to life in prison from Nassau County Court Judge Richard LaPera. It was a deal that angered prosecutors, who said they wanted Marshall put away for life. At the same time it was a relief to others, who feared that if anyone could pull a rabbit out of a hat and set Marshall free, it would be Keahon.

"Billy Keahon is the only one who would have stood a chance," said Jerri Krevoff, the head Nassau County reporter who has been friends with Keahon since they started in the courts together in 1973.

Any means necessary

Keahon, a graduate of St. John's University School of Law, is by turns a true believer in every man's right to a vigorous defense, and a showman who is not above using outrageous tactics if they help him win.



NEWSDAY PHOTO / GEORGE TSOUROVAKAS

Bill Keahon, above, is known for taking on cases that appear defenseless and unwinnable, such as that of Evan Marshall, below, who pleaded guilty last week to murdering and dismembering a retired schoolteacher.

Keahon's notable cases

- Won an acquittal for Daniel Toy on child rape and sodomy charges in 2001, even though Toy had signed four confessions. Keahon argued that the victim's brother, who said he witnessed the abuse, was lying to get himself out of an unpleasant living situation.
- Won an acquittal in 1988 for Carrie Lew, who was charged with arranging her husband's murder. Lew's boyfriend, who pleaded guilty to helping her arrange the murder for hire and testified against her at trial, was sentenced to 15 years to life in prison. Lew walked away with several million dollars in insurance money, Keahon said.
- Won an acquittal on murder charges for Michael Oddo, who was accused of dragging an off-duty Suffolk police officer to his death while his arm was stuck in Oddo's car window. The officer's wife and son chased the car. Oddo served 18 months for criminally negligent homicide.
- Got rape and murder charges dropped against Steven Emmerling in 1990 after convincing prosecutors to do DNA testing on evidence. It was one of the first New York State cases in which a suspect was exonerated based on DNA.

He is not ashamed to rub the back of an accused serial killer in court, or to peddle the most ludicrous-sounding story imaginable to a jury with a sad, sincere expression on his face.

"It's not about innocence or guilt," Keahon said. "To me the only question is can they [prosecutors] prove his guilt beyond a reasonable doubt. If they can't, I have to press them and get my client acquitted."

Keahon is best known for his devastating cross-examinations, which have been known to humiliate police officers, witnesses and victims alike. He's delighted when a person has made a mistake but refuses to admit it on the stand, said Suffolk prosecutor Leonard Lato, who has gone up against Keahon more than

once. Keahon will spend days leading the witness down a one-way street that dead-ends when he proves them to be a liar in front of the jury, Lato said.

When he defended serial killer Robert Shulman in 1998, the pretrial hearings took three months, with one detective's cross examination alone lasting 16 days.

Keahon also makes a show of bringing no files to court for pretrial conferences, his colleagues say. It's a way of telling prosecutors that he doesn't need files — their case stinks, his colleagues said. When the judge sets a date for the next court appearance, Keahon is fond of scribbling it in a matchbook, his colleagues say.

"I don't know if he owns a pen," Lato said.



NEWSDAY PHOTO / DICK YARWOOD

As a Suffolk prosecutor from 1973 to 1985, Keahon was known to insult defendants under his breath during a trial in the hopes of getting them so worked up that they would explode — seemingly unprovoked — in front of the jury, according to several people who worked with him.

Changing sides

Despite his prosecutorial zeal (he had risen to become Major Offense bureau chief by the time he left), Keahon had no problem defending the people he had so recently relished putting away.

"I think every human being is capable of committing every crime in the penal law under certain circumstances," he said. "That includes prosecutors, police officers, judges . . . we're

all human."

Keahon speaks from experience. In 1994, the Bellerose native pleaded guilty to assault and drunken driving charges after he crashed his Mercedes-Benz into a car driven by an East Setauket doctor on Route 347 in Hauppauge, seriously injuring him. That gave Keahon, whose law license was suspended for four months following the crash, a perspective on being a defendant that has stayed with him in all his subsequent cases, he said.

"It's a surreal moment when you're charged with a crime," Keahon said. "The embarrassment, the guilt. It has helped me appreciate how much my clients need someone who cares about them, and who will fight for them."