

## To Catch A Thief

While my law practice mostly involves helping horse people with their businesses and personal equine investments, my legal background also includes defending people who have been charged with federal crimes. Gratefully, there has been no cross-over between my clientele in these two practice areas – my former clients who are sitting in jail are not horse people!

I know, I know – many folks think the horse industry has more than its fair share of crooks. I don't know that I agree with that sentiment but my representation of criminals has certainly exposed me to a whole new way of thinking.

Over the years, my “criminal” clients have taught me a thing or two about how the “criminal” mind operates. My main observation is that most criminals are not the geniuses they think they are – and this is why they are behind bars! Bank robbers seem to provide the best examples of “criminal genius.” Here are some choice bank robbery plots that didn't quite work out as planned... I wonder why?

- 1- Be casual and businesslike. Go into your bank, at the branch where you normally do your banking, and process a normal transaction like making a deposit or cashing a check. If you show your ID or put your thumbprint on the check you are cashing, the teller will not suspect that you are going to rob the bank. Then pass the teller a note demanding money and claim to have a gun. No one will suspect a thing.
- 2- Wear a mask. You don't want those security cameras to see your face. A ski mask is too obvious, but a painter's mask is perfect. You can legitimize your costume by dressing like a painter, too. No one expects trouble from a painter. Just make sure that your getaway driver isn't stuck in the line at the drive-through teller ....
- 3- Return to the scene of the crime. No one expects you to come back. Give the police a helpful tip about the guy you saw running away from the bank – this diverts attention away from you as a suspect. Just make sure that you change your clothes and wash the dye off your hands – those dye bombs that they put in the money bags have a way of staining.
- 4- Deny your involvement. If you are caught, deny knowledge of anything. “I've never set foot in that bank. I have an account at that bank? No, not me. The person on the security video? I don't know who that is or why he is wearing the same clothes I'm wearing now. I don't know how my thumbprint got on that check.” This works like a charm.

The moral of this story is not “don't think you can get away with robbing a bank.” That is a fairly obvious proposition, given the generalized use of those dye-bombs anyway. Banks can't stop bank robberies from occurring, but banks and law



enforcement have measures in place that make it easy to catch a (dumb) thief. Guess what? This is a deterrent to a lot of potential bank robbers!

The moral of this story is that we can all learn something from these examples of criminal genius that will protect us in our everyday dealings in the horse world and beyond.

Consider:

- 1- Criminals are bold. A criminal will try to rob you in broad daylight, in front of witnesses, in your own backyard, and when you are looking. How do you bring the criminal to justice? Documentation. Get it in writing. That is your protection. You may not be able to stop the crime from occurring but you will have your proof.
- 2- Criminals do not dress the part. They wear disguises they think you won't suspect. But something about their disguise won't be quite right. And they never seem to make a clean getaway – even Cinderella left behind that darn slipper! Would you hire the clean painter wearing a mask in a bank lobby to paint your garage? No. Trust your gut and run far and fast.
- 3- Criminals return to the scene of the crime (or don't leave). The crook who sells you a horse isn't going anywhere. You will see him (or her) at the next horse show – or eventually. The criminal will boldly approach you and blame the crime on someone else (“Gee, that horse never stopped when I had it. Must be something your trainer is doing.”)
- 4- Criminals (in real life) do not confess. Criminals are not helpful in investigations. Criminals deny, deny, deny, even the most obvious propositions. If you buy a horse and it comes up lame, and the seller discloses the vet records to you or gives you the name of his/her vet, then you can be fairly sure that you were not the victim of a crime. There is the not-so-remote possibility that you are the victim of one of three things: (1) the fragility of the equine athlete, (2) poor horse management, or (3) your own poor pre-purchase investigation.

Rather than complaining about being “victimized” by “crooked horse people,” a better plan is to use available measures (like documentation) and common sense to protect yourself from emotional and financial disaster.

Documenting an agreement or a transaction does not have to be some laborious, drawn out, expensive proposition. What you need is a system – just like the bank tellers. Someone comes to them with a check to cash, “may I please see some ID; thank you, please endorse the back of the check and put your fingerprint under your signature using the ink pad that is next to the pen holder on the counter there..” Easy. Normal course of business. No apologies. Done.

Coming up with a system is your lawyer's job. But to do it right – to make it easy for you – your lawyer has to understand your business. Not just the parts you choose to explain or disclose, but all the unspoken parts that you barely think about and the



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industry customs and practices that you may not even know about. You would hardly want to buy a car with a seat belt designed by someone who had never driven a car. Put yourself in the right hands to avoid shaking the wrong ones. It won't be hard, I promise.

