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Expert witness to stay in jail

Judge says history shows that Edmiston has credibility issues.

By John Ellis / The Fresno Bee

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A federal court judge Wednesday said James Earl Edmiston should remain in jail because "a long-standing issue with credibility" casts doubt on his willingness to follow strict rules that would be set for his release.

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Among those rules would be a promise to make all court appearances and not flee prosecution.

"There's a pattern here that cannot be ignored," U.S. Magistrate Judge Lawrence O'Neill said. "I'm not going to ignore it."

Edmiston was arrested last week on three charges that involve lying to a federal agent. The Long Beach resident earned a reputation as an expert in computer forensics, had testified in court, and had been retained by several lawyers, including Richard Berman and Eric Schweitzer of Fresno.

But authorities say he lied on his résumé, on the witness stand in cases, and in statements to federal agents in Fresno.

Two months ago, federal agents became suspicious after taking a close look at his résumé, which contained several inaccuracies.

"He lied not only to federal agents, but to the very court he is asking now to release him," Assistant U.S. Attorney David Gappa told O'Neill.

Gappa, who is prosecuting the case along with Assistant U.S. Attorney Sheila Oberto, cited two local cases before U.S. District Judge Oliver Wanger in which Edmiston had been retained as an expert and had filed affidavits.

In addition, Gappa asked that Edmiston be denied release on grounds that he is a danger to the community.

As evidence, Gappa said Edmiston wanted copies of child pornography images in one local case — a request denied by Wanger — and in another case had copied images that were evidence onto a computer hard drive while doing work as a hired expert, and then left a federal office without deleting the images.

"Why focus on child porn?" Gappa asked. "Why is that his field of interest?"

O'Neill agreed that questions about Edmiston's trustworthiness were enough to keep him behind bars. But O'Neill ruled that Gappa did not make a convincing case that Edmiston posed a danger to the community.

Long Beach attorney Rudy Cosio brought a \$14,000 cashier's check to court to secure Edmiston's release and made an impassioned plea to O'Neill.

"We all love James," he said of himself and his family. "We all care about him."

Cosio told O'Neill that Edmiston manages his office and has lived with him for more than eight years.

He said Edmiston's absence would put a strain on his law practice.

But it wasn't enough to sway O'Neill, who set a preliminary hearing for Oct. 6 and ordered Edmiston returned to Fresno County Jail.

Officials acknowledge that if Edmiston is found guilty of faking his résumé and was not qualified to be an expert witness, there might be legal challenges to previous cases in which he was involved.

Authorities are still trying to determine how many cases Edmiston worked on, and how his involvement might impact them.

He faces the possibility of five years in prison and a \$250,000 fine if convicted.

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