

You Can't Fix Stupid— **BUT YOU CAN GIVE IT A COURT DATE**

WRITTEN BY JOHN G. BROWNING

LONG BEFORE I BECAME A JUDGE, I recall asking a local judge and friend of mine how she managed to keep a straight face on the bench during the most ridiculous moments and harebrained “defenses” she witnessed in her court. She looked at me and said that she realized long ago that “we can’t fix stupid, but we can give it a court date.” As I look at the seemingly never-ending parade of idiocy making its way through American courtrooms, I now realize the wisdom of her words.

Take, for example, 30-year-old Michael Conley Loyd, of Springfield, Missouri. Last November, he pleaded guilty in federal court to robbing a Bank of America branch. The stickup itself, in which Loyd approached a bank teller and handed her a note that said, “Give Your Money Now. Don’t Say Anything. I have a Partner Outside,” wasn’t that unusual. What *was* curious was the fact that Loyd’s demand note was written on the back of his birth certificate, as well as that he robbed the bank while wearing an ankle monitor. Criminal mastermind that he is, Loyd began panicking while making his getaway in his roommate’s truck, so he started throwing the stolen cash out the window—only to also throw away his ID. Law enforcement had little difficulty tracking the inept thief to his home at the aptly named Lazy Acres Mobile Home Park.

Of course, Loyd looks like a Mensa member next to some would-be bank robbers who have clearly forgotten that penmanship counts. Echoing Woody Allen’s character Virgil Starkwell in the

comedy classic *Take the Money and Run*, 67-year-old Alan Slattery tried to rob three banks in two weeks in Sussex, England. At the first branch, puzzled tellers were unable to decipher the handwriting on Slattery’s stickup note, and he left empty-handed. At the second bank, it took a while—long enough for surveillance footage to capture Slattery’s image and for police to be alerted—but the tellers finally figured out that Slattery was trying to rob them. By the time Slattery attempted his third heist (where bank staff again couldn’t make out what his note said), police were ready for him, and he was quickly arrested on charges of attempted robbery and suspicion of robbery. Slattery ultimately received a six-year sentence. Twenty-nine-year-old Jamal Garrett evidently took a page out of Slattery’s illegible book. The California man tried to rob a Wells Fargo bank branch in Antioch, California, only to grow frustrated and leave when neither the bank teller nor her manager could discern the contents of his stickup note. Garrett was soon arrested for attempted bank robbery.

But bank robbers haven’t cornered the market on stupid; drunken drivers give them a run for their money. Take 18-year-old James Miller, of Oxford, Ohio. In what no doubt seemed like a good idea at the time, Miller decided to dress up for a Halloween party as a giant Breathalyzer. Unfortunately, he also decided to drive drunk that night. Police became understandably suspicious when they observed a car being driven by a giant Breathalyzer going the wrong way on a one-way street. They stopped Miller, and after observing an open can of beer, decided the “Breathalyzer” needed a real Breathalyzer. Miller had a blood alcohol level of 0.158, or about twice the state’s legal limit.

It probably wouldn’t have helped for Miller to trade costumes with Dominic Salazar. The 31-year-old California man was also arrested on Halloween for “drunken disorderly conduct,” among other charges. What tipped off police? Well, it likely didn’t help matters that

Salazar was dressed as a giant bottle of Fireball whiskey—you know, the booze that advertises that it “tastes like heaven, burns like hell.” Dominic “Fireball” Salazar was taken to the county lockup—where I’m sure some regular drunk tank denizens saw a giant whiskey bottle appearing in their midst as a sign from heaven.

Finally, there will always be those geniuses who are inspired by some criminal plot they saw in a movie. The latest such example of “life imitating art” comes to us courtesy of 28-year-old Ermenildo Valdez Castro, of Washington. The software engineer began working for online retailer Zulily in December 2018 but was fired in June 2022. Starting in the spring of 2022, Castro had been editing Zulily’s software code, allowing him to make “price adjustments” on a number of products that were sold by the company. The items would be shipped to Castro’s house, but the price changes that were made netted Castro \$302,278.52 before he was fired. Castro was apparently inspired by the 1999 cult comedy classic *Office Space* in which several disgruntled tech company employees scheme to move fractions of cents from their employer’s account into a personal bank account.

So how did law enforcement make the connection between Castro’s misconduct and its cinematic inspiration? Zulily’s fraud team found a OneNote document on Castro’s work laptop labeled “Office Space Project” along with a helpful explanation, “scheme to steal shipping fees.” Last December, Castro was charged with first degree theft. As my judge friend sagely noted, you can’t fix stupid—but you can give it a court date. **TBJ**



JOHN G. BROWNING

is a former justice of the 5th Court of Appeals in Dallas. He is a past chair of the State Bar of Texas Computer & Technology Section. The author of five books and numerous articles on social media and the law, Browning is a nationally recognized thought leader in technology and the law.