

Attorney Bulletin

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Burns wins a hand in his defense of poker tournaments

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Derry Township attorney Larry Burns won a hand yesterday, but the game he is playing with the state police will continue.

Burns, 63, of 16 Robinson Ave., Derry Township, has been charged with violating gambling laws when he operated Texas Hold 'em poker tournaments out of the Seward and Adamsburg fire halls earlier this year.

Burns will face a preliminary hearing next month on the charges.

Burns was in court Tuesday, asking Judge Richard McCormick Jr. to return thousands of dollars state police confiscated during searches of his

home and the Seward fire hall Aug. 3.

District Attorney John Peck agreed to return \$1,110 in cash found in Burn's dresser, \$273 taken from Burns' pocket and \$839 found under his bed as well as several books on poker playing and gambling. Peck said police couldn't tie the cash or books to the gambling operation.

He also agreed to copy the hard drive of a computer confiscated from Burns' home to allow him to work on his law practice.

What investigators kept was about \$11,000 confiscated in cash during raids of the Seward Volunteer Fire Department as well as what investigators said are records of income from the games and splits between Burns and the fire companies.

According to state police Sgt. Robert Erdely, those records included in a four-month period ending in July the Seward company deposited \$31,000 as its cut of the takes. Burns took in \$26,100 for the same period.

According to Aity David Millstein, Burns doesn't deny that there were cards being played, riding the Texas Hold 'em wave had become a business for the attorney that included a Web site, building his own poker tables, and having chips printed with his logo.

What Millstein does deny is that it was illegal gambling; he said poker is a game of skill. "If he is acquitted of a crime

and there is a ruling that poker is not an illegal activity then, yes, he will be back in business," Millstein said.

Meanwhile Peck maintained poker involves chance, and the Burns games involved payment to winners and that meets the definition of gambling. He said that unless it is specifically allowed, gambling is illegal in Pennsylvania.

"Whether you win or lose, it's based essentially in the cards you are dealt and that's by chance," Peck said. "It means the definition of gambling."

And, Peck said, giving some of the money to a charitable organization doesn't cleanse the initial act.

"It's no defense that there was a charitable donation made," he said.