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Accused Limerick molester asks for new trial

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NORRISTOWN -- A former Limerick physical therapist convicted of having inappropriate contact with two female clients should not be granted a new trial, a Montgomery County judge has told a state court.

Dennis Lasorda's claim that his trial lawyer was ineffective has no merit, said Judge William J. Furber Jr., urging the Pennsylvania Superior Court to uphold his decision denying Lasorda a new trial.

In his request for a new trial, Lasorda, 54, of Claudia Way in Lower Gwynedd, alleged his trial lawyer, Barry Miller, didn't properly prepare him to testify during his October 2007 trial.

Lasorda claimed he was unaware that he was going to testify during his trial and implied that Miller advised him that he would be testifying only moments before he was actually called to the witness box. Kevin P. Regan, the lawyer representing Lasorda during his appeals, argued Miller was ineffective for not properly preparing Lasorda for testimony and for not properly preparing for trial.

During an appellate hearing last September, Miller fought Lasorda's contentions and defended his trial strategy. Miller testified that it was Lasorda's decision to testify and that he had advised Lasorda against testifying.

Furber explained he found Miller's testimony credible and the testimony of Lasorda "unworthy of belief."

"Lasorda insisted upon taking the witness stand contrary to his attorney's advice, and thus placed his credibility at issue. It was never trial counsel's strategy to call his client as a witness, and (Lasorda's) claim of his having been inadequately prepared is fallacious," Furber wrote in his opinion filed with the state court.

Furber denied Lasorda's request for a new trial on Sept. 26. Lasorda appealed that decision to the Superior Court, requiring Furber to file a written opinion with the state court explaining his reasons for denying Lasorda's appeal.

In January 2008, Furber sentenced Lasorda to three to 23 months in jail, to be followed by three years' probation, after convicting Lasorda of charges of indecent assault, unlawful contact with a minor and corruption of a minor in connection with incidents that occurred between August and November of 2005 at APP Physical Therapy in Limerick.

The conviction stemmed from Lasorda's inappropriate massage of two female clients, including a 17-year-old girl.

Furber rendered the guilty verdicts after hearing several days of testimony from the two females and Lasorda during an October 2007 non-jury trial.

During the trial, prosecutor James Zoll alleged Lasorda administered inappropriate massage to an 18-year-old woman and her 17-year-old friend.

When Lasorda testified he denied the accusations.

The 18-year-old woman sought treatment from Lasorda in August 2005 for injuries she sustained to her lower back and right knee, according to a criminal complaint. Lasorda, according to the arrest affidavit filed by Limerick detectives, inappropriately touched the woman on her buttocks and genitalia while he was treating her.

In October 2005, a 17-year-old girl, who was a friend of the 18-year-old woman, complained of back pain and Lasorda offered to massage her without an examination, according to the arrest affidavit. Lasorda allegedly massaged the girl's buttocks and brushed against the girl's genitals.

Testimony revealed that during the course of the investigation, county detectives recorded a conversation between Lasorda and the 18-year-old woman.

During the conversation, Lasorda admitted to touching both girls' buttocks, claiming he did it because the back muscles are supported by the buttocks muscles, and that massaging the buttocks and the inner thighs "helps to increase your ability to be more elastic and mobile," according to the arrest affidavit. However, an expert in the field of physical therapy testified for prosecutors that Lasorda was not using an approved massage technique while treating the two females.

The expert told authorities that there is no approved method or technique of massage that would call for massaging the buttocks and inner thighs in order to treat back pain.

However, in what became a battle of the experts, a defense expert testified Lasorda's actions represented reasonable conduct by a physical therapist. Miller previously testified that Lasorda agreed with the defense trial strategy.

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