



MOBILE REGISTER

Lawyer guilty of computer tampering

Thomas Fouts accessed e-mail account of neighbor with whom he was quarrelling

Saturday, February 05, 2005

By PENELOPE McCLENNY
Staff Reporter

A Daphne lawyer acquitted at least twice of charges that he harassed his neighbors has pleaded guilty in federal court to tapping into one of their e-mail accounts, said David York, U.S. attorney for the Southern District of Alabama.

Thomas Fouts, 55, pleaded guilty last month to a computer fraud charge, York said in a statement.

"Mr. Fouts admitted in open court that he accessed the e-mail account of a neighbor without authorization," York said.

According to court records, Fouts tapped into the e-mail of neighbor Annette Lay four times from Aug. 3 through 8, 2002.

During that time, Fouts was fighting charges of third-degree criminal mischief and reckless endangerment filed by neighbor Paul Soutullo in Daphne Municipal Court. Fouts had appealed the case to Baldwin County Circuit Court and was acquitted by a jury on Aug. 12, 2002.

The e-mails, all from Annette Lay, included messages sent to Soutullo and his wife, Joanne. The case also involves messages sent to Bay Minette lawyer Bayless Biles, who is representing Annette Lay and her husband, Jim, the Soutullos and others in a civil case against Fouts. Fouts also gained access to two e-mails Lay sent to Daphne Police Capt. David Wilson, records indicate.

The e-mail subject lines included "FOUTS's mug," "Soutullo VS FOOTS" and "FOOTS went to Paul Soutullo's job." When asked during a phone interview Friday if the e-mails pertained to the Circuit Court trial taking place at the time, Fouts said, "I think it's obvious from the document."

Fouts is scheduled to be sentenced March 16 on the charge, the release from York's office stated. The charge carries a maximum penalty of one year imprisonment with a fine not to exceed \$100,000 and one year probation.

Fouts declined to comment Friday when asked how he accessed the e-mails and how he used the information, and the news release and court documents provided no further details. When asked for comment on the plea, he cited a longstanding feud with the Lays over a concrete slab on their property that he says has caused flood damaged to his own property and decreased its value.

"None of that excuses what I've pled guilty to," he said, adding that situations such as the one he has faced with the Lays can lead people to act in ways they otherwise wouldn't.

The Daphne City Council voted in April to enforce its ordinance against the Lays.

Annette Lay and the Soutullos all declined to comment on the plea, citing the pending lawsuit as well as past problems they've had with Fouts. Biles also declined comment.

The civil suit, filed by several parties in 2001, includes numerous accusations from neighbors of "terrorist activities." Fouts has filed a countersuit.

Fouts has been forced to leave several Daphne City Council meetings after being told he was speaking out of turn, had a 1998 altercation with the developer of a Daphne shopping complex, and has been charged with criminal surveillance, according to reports.

Both Fouts and developer Buddy Breland dropped charges stemming from that 1998 incident, and a Baldwin County Circuit Court jury acquitted him of criminal surveillance charges prompted after he allegedly took photos of Annette Lay in her yard without her knowledge.

Copyright 2005 al.com. All Rights Reserved.