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Court orders woman to be taken off probation

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TAMPA — A 28-year-old woman who served five months in prison for perjury has been ordered freed of any probationary period by the 2nd District Court of Appeal.

The appellate court ruled Friday that Circuit Judge Richard Lazzara improperly exceeded sentencing guidelines in sentencing Pauline Louise Lehman on Oct. 31, 1990, to five years in prison, followed by five years' probation.

Lehman, who at the time lived in Brooksville, was a key witness in the 1986 trial of her former boyfriend, Leon Antonio Torres. He was convicted of killing restaurant owner Johannes "Hans" Frischknecht, 39, during a 1985 robbery of the Matterhorn Hofbrau Haus restaurant near Busch Boulevard and Interstate 275.

Lehman testified she gave Torres a stocking that he turned into a mask. She said Torres later told her about the robbery and that he had shot someone.

Torres, who was sentenced to life in prison, was granted a new trial in 1990 because of errors committed during jury selection.

When called to testify in the sec-

ond trial, Lehman said she knew nothing about a robbery or any statements Torres might have made concerning one.

Despite her change in testimony, Torres again was convicted and sentenced to life.

Lehman pleaded no contest to two counts of perjury and was ruled guilty. State sentencing guidelines called for probation, but Lazzara said he was exceeding the guidelines because the perjury occurred during a murder trial and was willful and intentional.

The appellate court said willfully committing perjury during an official proceeding was an inherent component of the offense and Lazzara was wrong in exceeding the guidelines.

It said Lehman has served a harsher sentence than permitted under the guidelines. The court ordered her taken off probation.

Assistant Public Defender Charles Traina, who defended Lehman, said he did not know how to reach her Friday.

"I'm glad this happened," Traina said. "But the damage has already been done."

Leah Lehman