

ARREST WAS NOT THE 1ST FOR MARVIN COUCH; RECORDS SHOW THE FORMER STATE LEGISLATOR HAD LEGAL AND FINANCIAL TROUBLES FOR 20 YEARS.

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By Jim Leusner of The Sentinel Staff

DENVER - When Florida legislator Marvin Couch was arrested with a prostitute in Orlando in February, causing him to resign, it wasn't his first brush with the law.

Trouble - both criminal and financial - seems to have followed the painting contractor for 20 years.

Since 1975, the former family values lawmaker has been arrested seven times by police in Colorado, New Mexico and Florida on drug, drunken-driving, resisting-arrest and assault charges, The Orlando Sentinel has found.

Couch, 42, is scheduled to return to court again Monday to enter a guilty plea before Orange County Judge W. Michael Miller to two misdemeanor charges stemming from his Feb. 22. arrest.

His lawyer, Hallie Zobel, told Miller at a plea conference April 3 that the prostitution case was Couch's first offense. She was seeking probation and a formal withholding of guilt.

Assistant State Attorney Steve Foster said at that same conference that he knew of only one previous arrest. That was for interfering with an Orlando police officer in 1975. So in exchange for Couch's plea, he offered to drop two misdemeanor charges and leave the sentence up to the judge.

Asked Saturday about other charges the Sentinel found in Colorado and New Mexico, Zobel said she could not discuss Couch's background because it was covered by attorney-client privilege.

"He's remorseful about his arrest and everything that followed," Zobel said. "He stepped down because he thought it was the right thing to do.

"His first priority is getting his family back together and concentrating on that. He's upset. And he also wants to accept responsibility."

Interviewed Friday, Foster said he might revise his position and seek jail time for Couch if he has prior arrests or convictions. First-time offenders on such prostitution cases usually get probation, Foster said.

"The information I have now is that he has one prior (arrest) in Orlando 20 years ago," said Foster, who heads the misdemeanor division for the Orange State Attorney's Office.

But a Sentinel check of records in Colorado and New Mexico showed five other prior arrests since 1975, mostly misdemeanor offenses involving drugs, alcohol or physical disputes.

While some records remain on file, few details of the cases are available because officials in Colorado and New Mexico purged them after a few years.

Contempt of court

His first known brush with the law came on March 7, 1975, when Orlando police charged 21-year-old Couch with interfering in the arrest of a man using loud profanity in public. Couch was ordered to pay a \$125 fine, but a contempt-of-court order was issued after he failed to pay.

Eight months later, in the Denver suburb of Littleton, a hitchhiker nicknamed "Bungalow" told an undercover police officer he knew where to buy marijuana. The agent entered a crowded home and bought \$20 of pot from two men cleaning 2 pounds of marijuana on a coffee table.

Drug agents raided the home on Oct. 3, 1975, and arrested eight people, including three people playing poker in the kitchen. One was house painter Marvin Couch.

Couch lived in the home with another painter, Bert Rorye, and a third man. Police seized drugs, plastic bags, hash pipes, a bong, a scale and three car stereos suspected of being stolen. Rorye later admitted he was the only resident of the house who owned pot. Some visitors to the house also had brought their own, he said.

What happened to Couch is unclear. Arapahoe County District Court records show Rorye and another man were prosecuted, but details are sealed by a judge's order. Prosecutors and court records say there are no records showing whether Couch went to court.

In March 1977, Couch was again arrested on drug charges, this time by New Mexico State Police in Santa Fe. He was accused of possessing drugs with intent to distribute. State police records show no disposition of the case and records in the U.S. Attorney's Office have been purged.

A month later, Couch was charged again in Englewood, Colo., also near Denver, after an officer saw Couch's vehicle ram another car at 11:15 p.m. Couch was charged with driving while intoxicated and failing to appear on another outstanding traffic offense.

He was treated at a hospital. A jail booking mug shot shows Couch with a cut lip, long sideburns and brown hair hanging to the middle of his back. His blood-alcohol level tested at only .026 percent - half the standard for driving impaired under Colorado law and one-fourth the limit for being legally intoxicated.

Six months later, Couch pleaded to the lesser offense of driving impaired and paid \$143 in fines and court costs.

Driven, fearless

During this time, Couch was earning his living as a house painter. Larry Bate, a Denver sales representative for Kwal Painting, remembered meeting the thin, long-haired Couch in the mid-1970s as a driven, fearless man who rappelled off four-story buildings to touch up hard-to-reach spots.

"There was nobody who could outwork this kid," said Bate, 53, now a Kwal regional manager in Albuquerque, N.M. "He was a horse. He always was a quiet, almost an introverted, type."

Bate said he took Couch under his wing, teaching him how to bid on painting jobs and referring him business. Couch was a good painter but was a poor manager when it came to paperwork, planning and finances, Bate said.

By 1981, the future lawmaker had shed his long hair, married, and was running his own company, identified in court records as Colorado Painting Specialists.

But just 13 days before Christmas that year, Couch was arrested in Denver for investigation of second-degree assault and resisting an officer. Police and court records have been purged, but it appears that Couch was not prosecuted further for the two misdemeanor violations.

"In those days, we put people in jail for fights," said Denver police spokesman John Wyckoff. "A lot of times, if someone didn't want to prosecute, we didn't prosecute . . . on nonserious assaults."

Records show another arrest on Sept. 13, 1983. This time, the town was Castle Rock, 30 miles south of Denver. A Colorado State Patrol officer charged Couch with driving his 1981 red pickup while intoxicated and an insurance violation. Jail records show he posted bail, but no other details are listed in court or police records.

A Douglas County court docket shows the case was dismissed on a motion by Couch's lawyer. "Court finds motion is well taken," states a notation in the file.

'Pretty nice guy'

At the time of his 1983 arrest, Couch, his partner and their company, now identified in court records as Colorado Painting Specialties, had contracts to paint condominiums in Castle Rock, said Art Knaver, a former company employee. He said Couch had 60 to 70 painters working on homes, apartment buildings and government housing projects from Denver to Colorado Springs.

"He was a pretty nice guy, had lots of work and paid pretty well," said Knaver of Colorado Springs.

But during his first three months of employment, Knaver had a heart attack and was hospitalized. He discovered that Couch had not paid insurance premiums on time for employees, a situation similar to what Couch encountered when hurt while working for a painting company in 1978. Couch had received \$15,000 in a settlement for his injury.

"I thought I had medical insurance," Knaver said. "I didn't. So I sued him."

That suit, in 1984, was only one of Couch's legal troubles that year.

The Internal Revenue Service slapped him and his company with tax bills of more than \$51,000 in February and \$36,000 in May for failing to pay 1983 employee withholding taxes. Couch paid the \$51,000 debt in June 1984, but there is no record of the \$36,000 lien being paid.

In April 1986, Knaver won a judgment for more than \$13,000 in wages and medical costs. Knaver said Couch paid only \$750.

The Couches, deciding to move to Orlando, deeded their four-bedroom house in scenic southwest Denver to a Littleton woman on Oct. 31, 1986, for what they said was no profit, according to bankruptcy and land records. The current owners said they had to pay Kwal several thousand dollars to clear liens on the property from Couch's debts.

His financial problems followed him to Orlando, where he and his wife filed for bankruptcy. They listed 25 creditors, including his wife's parents and the IRS, and debts of \$167,000. They claimed assets of \$34,410, mostly from a car and a motor home, and only \$5 in cash.

Hadn't paid fine

The blue lights caught up with him again in December 1989. After a traffic stop in Orlando, Couch was arrested when a computer check showed he had not paid the \$125 fine for his March 1975 arrest for interfering with a police officer. He was released, but court records show he didn't pay the fine until July 1992.

By then, he was preparing to run for the Legislature after more than a year as chairman of the Orange County Republican Party.

Elected twice as the District 33 representative from Oviedo, he was preparing for the annual session in Tallahassee when Orange County deputy sheriffs caught him Feb. 22 with a prostitute off South Orange Blossom Trail.

He offered the woman \$22 for oral sex while they sat in his parked truck, investigators said.

Couch's rise and fall surprised Bate, his business mentor.

"My mind is boggled that he became a state legislator," Bate said. "He was not an outgoing person."