

The BLACK C o M M e n t a t o r

An independent weekly internet magazine —
dedicated to the movement for economic justice,
social justice and peace - Providing commentary,
analysis and investigations on issues affecting
African Americans and the African world.

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June 21, 2012 - Issue 477

Insane Justice The Other Side of the Tracks By Perry Redd BC Columnist

I'm exhausted. Not because of the grays showing up weekly in my hair. No...I'm exhausted from the constant reports of injustice in our country's courtrooms. I'm nauseated every time I hear political season fundraising and the effects of the Citizens United ruling. Shifting elections through dollars is unethical, but it is accepted.

But what exasperates me to no end are the insane instances where the American justice system makes rulings that ruin the lives of the accused - chiefly, Black and poor people - and no one is held accountable for these injustices. Each instance further exasperates me. I find it insane that we, as a nation of people - a citizenry - don't demand that someone pay.

I read the new cases coming out of the courts and four new cases of ineffective lawyers misrepresenting people and ruining their lives come to mind. The case of Blaine Lafler is a prime example.

Lafler was charged with assault with intent to murder; the prosecution offered him a plea deal wherein he would receive a sentence in the range of 51-85 months in prison. His lawyer - who got paid, mind you - convinced him that the prosecution would be unable to establish intent to murder because Lafler shot the victim below the waist. Now, that's a peculiarity like that sounds insane to me, but I'm not a lawyer, nor was Lafler. What I know is that there is some chance of a person dying if indeed they are shot below the waist. But again, I'm not a lawyer...

Not taking into account that jurors are also not lawyers, Lafler went to trial and was convicted on all counts and ended up getting sentenced to a mandatory minimum sentence of 185-360 months.

The lawyer convinced Lafler to reject the plea deal based on faulty advice. The good thing is, Lafler won relief in The Supreme Court. That instance happens to thousands of people each year. For Lafler, it took seven years of his life to win a reprieve. As a result of not accepting the plea and being convicted at trial, he received a minimum sentence 3 ½ times greater than he would have received under the plea. No one was held accountable.

That's not to say Lafler was innocent; he wasn't. But that doesn't give justification for not affording him factual information to exercise his Constitutional right to a jury trial - or a plea bargain. This is an insane injustice that we tolerate...solely because it hasn't happened to us.

I just finished talking to a guy who was convicted at jury trial in Washington, DC - a predominately Black city - by an all-white jury; his lawyer did not challenge the composition of the jury under a Supreme Court mandate called a Batson challenge. I'm no lawyer, but I **know** something's wrong with that jury make-up. The guy who got convicted knew it too, but do you think judges allow defendants to speak? Sure... **after** they're convicted.

I can't begin to tell you about all the cases where police are afforded "qualified immunity" for everything from covering up their illicit acts to killing unarmed suspects. This is insane justice. We will see a police officer shoot an unarmed person - maybe even a subdued one - and say "that's a shame," but we won't act to make that officer accountable - until, of course, that dead person is one of our loved ones.

Then, there's the guy I talked with this week, who has to wait to file his appeal until **after** the last of his co-defendants is sentenced. It's now been four years. He may well be found not guilty by an appeals court, but in the meantime, he languishes in prison while the system drags its feet.

Then, there's the guy who got arrested in Maryland on an outstanding warrant. He was picked up by the feds and charged in the District of Columbia - without an extradition hearing! We learned in civics class that the Fourth Amendment to the Constitution demands that an Extradition Hearing be held whenever a fugitive is to be brought across

state lines. In this guy's case, the authorities couldn't have cared less... and he sits in jail - a Constitutionally-violated citizen. Of course, no one will be held accountable.

Or, how about the former US Attorney, Jerry Goren, who led the prosecution of eight Black men, resulting in murder convictions in the 1984 beating death of a woman? He admitted that he withheld evidence from defense attorneys for the men. One inmate died and six are still behind bars in the DC case!

It takes an insane populace to simply stand by and not call for accountability. You know, like I know, that nothing will happen to Goren. He won't go to jail. His reputation will go unscathed...and those men - cheated out of a fair trial - with lives beaten and scorched, with no hope of redemption. Their quality of life is forever marred. Their earning potential is extinguished, all because some privileged person took advantage of an unjust system.

How can these instances be deemed civilized? How can this form of justice be even remotely considered *anything* but insane?

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