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"Freedom of the Press belongs to those who own one."

A. J. Liebling of the New Yorker

September 23, 2002



So Much for "Justice"

My neighbors tell me that I have an invitation awaiting me at home upon my return – an invitation to jury duty.

It has only been a couple of months since I had such an invitation, and you may recall that I was dismissed from a prostitution case. My e-mail column describing that experience was also run on the editorial page of the North County Times and other daily newspapers.

I can't imagine that the court system really wants me again, particularly since this time I am armed with the information developed after the Westerfield trial. I now know that it is the policy of the justice system to require that the prosecution scrupulously tell the truth, but that the defense can outright lie with impunity.

The defense KNEW that Westerfield was guilty...it even knew where the body was. The prosecution knew that Westerfield was guilty because the defense was prepared to plead guilty in return for something...probably taking the death penalty off the table.

The judge KNEW that Westerfield was guilty, because he was privy to the preparations for an agreement that never came because volunteers found the body of Danielle Van Dam.

Hell, probably the Bailiff knew about the possibility of a guilty plea. EVERYONE knew except the jury. Local defense attorneys

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said that was usual...defense attorneys are permitted to lie for the defendant. Only the prosecution must tell the truth.

For weeks, the defense attorney LIED to the jury, and some strange judicial club rule forbids the prosecution from telling the jury that the defense attorney is a lying sack of something or other.

I can't wait for the judge to ask my panel if there is anyone in the panel who cannot give a fair and impartial opinion as to the guilt or innocence of the defendant.

I will say, "I can't."

The judge will ask, "Why not?" and I will answer: "I learned from the Westerfield trial that the defendant may have tried to work out a plea agreement, and that offer failed for some reason. If he did make an offer, or was ready to accept an offer from the prosecution, then everyone in the courtroom except the jury will KNOW to a certainty that the defendant is guilty as hell. You are going to waste weeks of my time, and the time of my fellow jurors, for something that everyone but us already knows the truth!"

I will conclude: "This whole game is rigged...and it is rigged against me and my fellow jurors. It is rigged for the defendant. You couldn't talk me into playing in a rigged card game, or a rigged dice game, and I sure will not participate in a several-week-long rigged jury game."

I've been in this Kubaki Dance before. The judge characteristically will ask me whether I can reach a fair and impartial opinion if he orders me to ignore my feelings and make an effort to reach a decision in the case. To that I will reply: "Certainly, if you will give me your personal assurance that the defense attorney really believes in the innocence of his client and that he will not lie to the jury."

The judge will then say, "You are dismissed with the thanks of the Court."

But I will know that I have polluted the jury panel...and that will make me happy for having wasted my time in a rigged game. Surprise...the "justice system" does not provide justice.

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Dolphin Realty

Allen P. Hemphill

Real Estate Broker

15817 Bernardo Center Dr,
111, San Diego, Ca 92127
RB Office (858) 487-4750

27739 Mountain Meadow Road
Suite #5
Hidden Meadows CA 92026
Meadows Office (760)-749-5005

Home Office (760) 749-2654

www.allenhemphill.com
allen@allenhemphill.com