

## IT IS WHAT IT IS.

Justice for the Accused? Justice for the convicted, Justice for the victims. Depending on what side of the fence you are on colors your perception of justice. I know lots of people that complain about criminals “getting off” because of loopholes. These same people are outraged if someone they know is charged with a crime (dui, domestic violence etc) then they say that prosecution has a vendetta. Can’t they catch the real criminals? There is trouble brewing in the US Justice Department, because of the firing of the several US attorneys that weren’t “loyal” enough to the President to indict people different (in other words opposing) agendas and philosophies. The President asserted executive privilege to thwart a congressional inquiry. Why wont the President tell us why these US attorneys were fired and what were the criteria? Methinks there is something rotten in the State of Denmark!

In Nebraska, a judge prohibited the DA from using the words Rape victim sexual assault and assailant in the trial. The judge thought that this would violate the Defendant’s rights. Protesters appeared outside the courthouse with their mouths taped up. I’m aware that advocates would think that this is unfair to prosecution, but the “victim” still would be able to testify regarding the facts. If she was assaulted, battered or threatened she could certainly tell the jury.

I Clark County this probably would not happen. I personally have a trial where my client is accused of murder. I filed a motion for th State not to use the word murder and murder victim. Of course I lost! My reasoning is that is what the jury needs to decide. There is no question that someone died, (He is the decedent or the victim of a killing) But Murder is what needs to be proven so I don’t think that the term should be used. What if my client is innocent, doesn’t he deserve the constitutionally mandated presumption of innocence. I know everyone thinks, how can you defend those bad people, these protections apply to all of us. It is one of our cherished Freedoms.

Did you know that in Great Britain, there is no longer a right to remain silent? IF a Defendant decides not to testify then the Prosecutor can comment on his failure to speak. The English Common law (which forms the basis of American Jurisprudence) originally granted this right, but now jolly Olde England has legislated this precious right away. More and more of the world’s citizens are being deprived of their rights. Our citizens’ rights are slowly eroding: the Patriot act, the sneak a peek warrants, the ability to wiretap conversations without a court order, etc. We should be afraid, be very afraid!

Just so you all don’t think I[‘m a bleeding heart, hippie, communist radical freak, pinko liberal subversive, I don’t think that everyone is innocent (But as I explain to everyone there is no verdict of innocent. It is guilty or not guilty. Because of the presumption of innocence, until you are found guilty or plead guilty, you are still protected by the presumption. A friend of mine that is a fellow criminal defense lawyer thanks that NO ONE is innocent. Not guilty is another matter.)

Speaking of people that are guilty I read with interest about a certain corrupt politician (Erin Kenny) she was sentenced to 30 months in prison, 6 months more that the Assistant US attorney asked for. She helped the Prosecution, when she was contacted; she realized that

her "reign of corruption" was coming to an end. She cooperated with the Government. Most likely she would have gone down like the Titanic if she had proceeded to trial. Bet as I've always said the first rat gets the biggest piece of cheese.

It's been a long time coming, but the case against former County Commissioner Erin Kenny in the G-Sting political corruption scandal finally came to a close Wednesday July 17<sup>th</sup>. Kenny was sentenced to 30 months for taking bribes while in office. Kenny has also been ordered to pay a fine of \$129,741 and will be placed on three years supervision upon release from prison.

Some people in attendance at the court house were surprised at the length of Kenny's sentence, having expected her to receive a lesser sentence upon the plea deal she took to testify in the Donald Davidson corruption trial. Kenny will have 10 days to appeal the sentence; she is expected to turn herself in by September 18.

Wasn't this a great story? Strip clubs, bribes corrupt politicians, Tens of thousands of dollars used to Grease the wheels of progress. Las Vegas at its finest say my friends that don't live her. I feel a novel or expose coming soon! In a KVBC (channel 3) online poll regarding Erin Kenny's sentence? 17% thought It is appropriate 4% thought It is excessive 79% thought She got off light. I must say I agree with the majority.

She admitted taking hundreds of thousands of dollars in bribes. She never apologized to her constituents. Why should she. She said she suffered from Vertigo that led to a significant memory loss. It's funny how her memory was foggy on about some events but crystal clear on to her. Judge Dawson was skeptical He stated "the vertigo, her may be an element of truth to that ,But to try and keep track of the lies and deception could make anyone's head spin." she could remember the number of vehicles that traveled on Destroyed inn road each day in 2001 but not a contentious vote in 2002.

The signs and symptoms of Vertigo, or dizziness, refers to the sensation of subjective vertigo) or the perception that surrounding objects are moving or spinning (objective vertigo). Severe vertigo can be disabling and may result in complications such as irritability, loss of self-esteem, No mention of memory loss. Maybe the spinning referred to her testimony.

Prior to her sentencing she was working for Jim Rhodes as a "government services consultant". After she has pleaded guilty crimes committed while she was in office. This is like the commissioner of baseball paying Pete Rose as the anti-gambling consultant. Can you say fox guarding the hen house? Was justice done, well as I said in the beginning, it depends on your perspective. I'll be glad when all of this corruption slinks off into the Sunset. That's all folks. Cya next time

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