

Did The 3rd Circuit Crt. of Appeals Create a Legal Gordian-Knot?  
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Subsequently, in a 9-0 ruling the U.S. Supreme Crt. reversed the 3rd Circuit decision which granted Lorenzo "Cat" Johnson his freedom and ordered Johnson back to prison summarily denying Johnson's Attorney's request for a rehearing en banc. On review, the same 3rd Circuit Court which freed Johnson voted unanimously against their previous ruling and agreeing with the Supreme Court that Johnson should return to prison. Clearly this was a political decision it begs the question, what would the consequences have been had the 3rd Cir. Crt. defied the Supreme Crt.'s ruling and stuck to their original ruling?. It also brings to question the integrity of the Court for not standing by their ruling. Clearly, they believed that the evidence did not support the conviction initially.

This case brings to mind the case of Lisa M. Lambert. In the Lambert case, she was freed to her lawyers (Tina E. Rainville, Esq., and Peter S. Greenburg, Esq.) following an evidentiary hearing in federal court which revealed 90 instances of prosecutorial misconduct. Similarly, after sparring with the Federal Courts both defendants gained their freedom. Lambert enjoyed 9 months of freedom, she had a job and had began a new life. Johnson had just begun his life of freedom, when, it was all taken from him on a whim by the U.S. Supreme Court, which was clearly pro-prosecution. It is very troubling to see with what ease the Court can take a man or woman's life and return it to a nightmare. The Johnson and Lambert cases are two examples of a Court system that's broken. It is perverse to hold defendant's accountable for failures by their lawyers, as it is the case with our system. As it was the case, in both the Johnson and Lambert, they later enjoyed the benefit of having outstanding Counsel, but, it is usually, the failures of the original Counsel that gives the system the out they need to deny relief--ineffective Assistance of Counsel!

It is difficult, if not impossible, to know what it feels like to fight for freedom, to gain it and after that person starts a new life, to have the system, on a whim, take it all away... Some may wonder how can that happen? First of all, our Country leads the world in incarcerations and it has become a sport to lock poor defendants up. To prosecutors the people they put away are trophies and when they have a Court tell them they must let go of one of those trophies, they take it personal. For example, in the previously mentioned Lambert case, the prosecutor from the Attorney General's office spent over 2.5 million dollars to get her back in prison after being released by a Federal Judge (Stewart J. Dalzell). Once the prison system gets their claws into you they are like a lion and prey. We do not have the financial resources to wage a sustained battle with the government and they know that eventually, they'll be able to file one more brief, one more motion.

I am not suggesting that people can't beat the system. But, I do know that the majority of the time people do not understand the magnitude of their undertaking. I encourage everyone to fight for justice. Especially, when the stakes are so high. It is impossible to fathom the thought of spending one's life in prison for a crime one didn't commit. But, unfortunately, this happens quite often and the majority of the time it goes unchallenged first because most defendants are uneducated, from poor backgrounds with no resources. It is sad to say, but, justice isn't cheap and the system knows they have the upper-hand.

Personally, I am very hopeful about the Johnson case. I would like to rely on the romantic notion that "the truth always prevails". But, this is, the stuff of movies, where the bad guy always gets caught or killed and the good guy gets the girl. Lorenzo Johnson, is in the fight of his life. The system will do all they can to keep him in the belly of the beast and the prosecutor from the Attorney General's Office will do all they can to keep their trophy, in their, trophy case. I know that the prevailing theory here is that justice always wins, but, justice wins when just men judge in our system there are very few of those. I have only one thought when it comes to fighting for justice--'don't flinch,' keep the fight going because the last one standing wins...

Edward R. Murrow stated:"We will not be driven by fear into an age of unreason, if we...remember that we are not descended from fearful men, not from men who feared to write, to speak, to associate and to defend causes which were, for the most part unpopular!"

The Voice and Face Inside The Nation of Prisoners...

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