

## Five Percent Fairness

op-ed

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After fighting my unjust incarceration for about four years, I've discovered something troubling for people convicted of crimes, especially the poor. Though there's supposedly judicial rules, codes, and laws on the books to ensure the accused is afforded a fair trial, the truth is fairness in the eyes of the court is but a word to create an illusion, in the eyes of the general public, mainly <sup>for</sup> persons whom never had dealings with criminal courts, of just treatment.

Though I don't know the history, I'd assume at some point the courts of the past were frequently having issues of trust among the public as it was likely obvious many criminal defendants were not treated in a just manner. And as we're learning in this current day, when the masses are at a point where distrust pervade society, anger and violence (rebellion) may unfold. Hence, it's likely courts eventually thought it wise to make an effort to ensure they can be trusted by projecting what should be fundamental of the courts in the first place — the promise of a fair trial and fair treatment throughout all aspects of the judicial process. Just to reiterate, this fairness is an illusion constructed for those whom are not privy to the functioning of a criminal courthouse.

In my dealings with several levels of the criminal justice process, it appears the preview of it all as it relates to how courts approach adjudicating cases, can be broken down like this: the accused can expect 70% manipulation; that is, the courts/prosecutors/adversaries of accused will manipulate rules, codes, and laws (RCL) to arrive at a judgment against the accused. 25% conniving; that is, the courts will totally ignore aspects of a case or pleadings they cannot manipulate — or they will provide shoddy arguments that have little to nothing to do with the underlying issue(s) being presented by the accused. And as for fairness, the accused can't expect this vital, precious damn to account for 5% of how they're treated by

the courts/judicial process.

Keep in mind this entire op-ed is related especially to criminal defendants whom choose to go to trial and are poor; there are minimal exceptions.

Positively I must state, this is my own philosophy based on my own assessments of the goings-on of my case, and the cases of others whether they are inmates (or former inmates) I know personally, or cases I've looked up on-line.

### Seventy Percent Manipulation

The main element of the manipulation process is about timing. Courts are quick to point out that convicted felons have several ways or methods to choose from when challenging their convictions. Though this is true, there's much trickery within those methods; trickery most felons are totally oblivious to as they are not trained lawyers like the ones who'll respond to all attempts made by felons to have their sentences reduced or other forms of relief they may seek from a final judgement. By the time it's realized that certain documents can be filed, or a certain strategy can be used to challenge a conviction, the time for filing paper work to get the process started, based on RCL, is often expired. The time-frames are usually short — maybe six months to a year at the most. Further, RCL usually express that if a inmate can prove or show they were hindered in some way, or otherwise they were in a position which made it impossible to adhere to RCL, they can overcome time-frame adversities. Simply not being aware of time-frame laws and such do not qualify as an excuse; this is to say courts expect the accused to know everything trained lawyers know, and if they don't — tough luck. Had clearing the hurdles of being hindered or showing you were put in a position that made it impossible to align with RCL is likely to be a totally separate labyrinth of legal processes with only a slim chance of the court finding in your favor.

Generally speaking, it's the timing issue that effectively stops incarcerated persons

from fighting their cases properly. But with so many RCLs on the books, and the many nuances of those RCLs, legal professionals can manipulate them in such a way to where they can be applied to almost any case to satisfy almost any ends conjured. Usually the ends conjured is to the accused detriment. It doesn't matter if the accused is overtly obvious in proving the outcome of legal back-and-forth is in his/her favor based on RCL. Situations as such is when prosecutors or other adversaries of the accused/incarcerated resort to conjunctive adverbs such as: 'however' or 'never-the-less'. They then proceed to display their mastery in law manipulation to arrive at a conclusion against criminal defendants. The accused can also expect any interviews they've had with police to be twisted by prosecutors in the most egregious of ways.

In my case, among other oblique navigations of my judicial enemies, I was blatantly denied a preliminary hearing though I requested one the first time I stood before a judge enent the charges of my case. Based on criminal rules, I did exactly what I was supposed to do. Yet, when this matter is presented in my legal pleadings, the opposition respond by saying a criminal defendant has no constitutional right to a preliminary, thus attempting to set a narrative off-the-mark of the issue at hand. Though there's no constitutional right to a prelim, there is a constitutional right to due process. Part of due process, according to criminal rules, is that the accused is entitled to a prelim if requested. But the main point of the game for prosecutors is to use confounding word-play and manipulating mind games meant to remove the accused from straight-forward logical thinking. Prosecutors then embed illogical twaddle as it relates to what the accused is truly conveying. This twaddle is likely to become the pseudological narrative that judges are likely to copy and paste.

(Note: speaking of judges whom copy and paste, a book I read some time ago by Judge Judy "Don't Pee on My Leg and Tell Me It's Raining" talks of two types of judges in a segment of that book. First type: judges whom copy and paste whatever lawyers say. Second type: judges whom examine all evidence themselves before arriving at a conclusion. Judge Judy contends, which I believe fully after

watching her for many years, she has never been the copy and paste type. Sadly, most judges of the American criminal justice system, it appears after a nuanced sample audience evaluation, are die-hard copy and paste types... so sad and a mockery of fairness/justice).

Bear in mind the above for instance — the paragraph before Note — is one small example of the games played in courts to wrong the accused and keep the proverbial knee to the neck of those seeking just-due. To scribe most instances ~~of~~ I've read about, been told of, or witnessed would be to scribe a intimate essay.

The fact of the matter is this is how lawyers are trained... on how to manipulate the law to win. I recall my days in college, specifically a "History of African Americans" course I was enrolled in. The professor, whom probably is one of the most influential persons ever in my life, once spoke of lawyers and her disdain for them. She stated the job of lawyers is to "know the law and how to get around it." Though intrigued at the time the comment was made, being a person whom had had meager dealings with the criminal justice system at that time in my life (1998), it was hard to grasp the seriousness of her position.

As it turns out, the biting truth of that comment, since I've been able to thoroughly observe for myself, have lingered in all components of legalities of my case whether civil or criminal.

The 5% fairness one may receive is overshadowed so immensely by 70% manipulation that to have a balanced scale as a logo, or as representing justice, is a travesty and patent jest. We — as tax payers — ought not let prevalent claims of fairness drown-out true deviousness; both in which American justice is now inextricably coalesced.

Had make no mistakes about it, lawmakers design RCL in a way that makes them manipulative-ready; this is done strategically and purposefully.

## Twenty-Five Percent Conniving

Certain arguments made by the accused may be difficult for the opposing party to deny at times. And it seems professional lawyers take issue with persons whom are not trained as they are but are intelligent enough to out-argue them. When these type of situations arise, prosecutors simply pay no attention to particular pleadings. Either that, or, they'll pretend to not comprehend assertions... ultimately interpreting pleadings purposely wrongly in a way that sets them up to shift the narrative. In this sense, the conniving aspect can be used in the same way as the manipulation aspect — to set a narrative having nothing to do with what is being argued or addressed from a criminal defendant's point of view.

Imagine being at home craving a bowl of vanilla ice-cream. There's vanilla and strawberry ice-cream in the freezer but the vanilla ice-cream belong to your mom as she don't care for strawberry. On this particular day your craving is so strong you decide to eat what's left of the vanilla, knowing your mom usually like to have a bowl in the evening after she gets in. When she arrive and gets settled in, she eventually makes her way to the kitchen in anticipation of this creamy, odd delectable only to discover it has been consumed. She impromptu seeks your presence to inquire of the missing dairy goods. You reveal: one — you ate the ice-cream, two — there wasn't much left, and three — that there's still plenty of strawberry ice-cream; however, you're aware of the fact your mom don't care for strawberry ice-cream — she's furious.

The ice-cream debacle above is a semblance of the behavior of legal adversaries of the accused (though I probably could have conjured a better analogy). These are the basic elements of conniving... pretending to be unaware of persons' wants or needs, to casually imply there's no big deal, and to contend the bottom-line can easily be solved; i.e., when the bottom-line is involved with feigned narratives meant strictly to satisfy wily scum.

(Note: sometimes a prosecutor's urge to win is so strong, logic takes a back-seat to self gratification. It doesn't matter if the logic is based on pragmatism — pragmatism that when ignored may lead to serious confrontations/consequences)

So there's no wonder why persons, myself included, are furious when we receive answers to filings that skates around several important issues, and respond to questions never asked. I'm steadily screaming at the top of my lungs for strictly "vanilla ice-cream" and some dolt is trying to con me into accepting strawberry flavor, after conveying they ate the 'little' vanilla that was left... some people got a lot of nerves.

The 70% manipulation combined with 25% conniving two items closely related, brings us to 95% in total games and deceptions as to how most people, especially those whom are indigent, are treated by corrupt filled judicial systems. This leaves us with 5% fairness — give or take depending on social caste.

### Five Percent Fairness

It's really quite simple; the courts/constitutions do or say all the right things to create an illusion of fairness, e.g., court appointed lawyers are provided, there's access to some legal materials, paperwork is doled explaining how to navigate some legal procedures, and other on-the-scene moves courts and legal professionals make to have it seem fairness is rife within judicial bodies. But the proof is in the pudding, jello, and "ice-cream".

Anyone who's examine criminal cases, or have spoken to persons concerning specifics of their cases, or if one has themselves been a victim of malfeasance of vile court maneuvers, know full well fairness is anything but a element of the court process that all can expect — in fact most will not be treated fairly (if not most, a good number will not be treated fairly).

Recently it's starting to be revealed that even DNA tests are being man-

ipulated by prosecutors. Prosecutors know damn well quite-a-few DNA markers on a DNA strand must be the same before they can claim a match. Yet, at times prosecutors are claiming they've found a match when only 2 or 3 markers are the same. Contamination of DNA is another issue... but that's a whole other story.

It's a wonder how one would even conclude fairness is even at 5% with such deliberate, obvious ways in which the accused are wronged, but at least we, as defendants, get to breathe, listen, and OPEN OUR EYES TO SEE — all the while smelling a rat — a rat who care not of its mephitic. It's just time for us as taxpayers to show our defiance and willingness to fight it that's what it takes to achieve true fairness in courts and beyond.