

Rearview Mirror: George Floyd
and What America Refuses to Learn

When you watch the videos, whether it's cops crushing the life out of a man on the streets of Minneapolis, or executing a kid with a knife walking AWAY from them on the streets of Chicago, you are witnessing the gruesome manifestations of a police culture that believes it is superior to the average citizen, and is invincible. What no one seems to realize is that cops who act with such impunity toward American citizens, are actually at the tip of the iceberg of a thoroughly corrupt justice system. They are the uniformed servants of a dark nation of morally bankrupt prosecutors who, besides playing the role, operate as judges, or occupy highly influential minorities in state legislatures and a disturbingly great number of seats in Congress. From these combined positions of cummulatively enormous power, they have stripped the justice system of justice by not only protecting bad cops, but by also passing laws and creating court procedural rules whereby criminal trials are no longer the true test of a prosecutor's case, but instead, are conducted with such an overwhelming bias in favor of the state, that 95 percent of all criminal trials result in conviction. Defendants who dare exercise their Constitutional right to a trial, recieve exorbitantly higher sentences than those who plead guilty. Many who plead guilty but are innocent, enter such pleas knowing what the system will do to them if they assert their innocence, and seeing the 95 percent conviction rate of a thoroughly rigged operation that runs with the efficiency of a slaughterhouse, 95 percent of people charged with felonies, in the face of such crushing odds, PLEAD GUILTY and take the huge discount the state holds out as bait. Meanwhile, the 5 percent who stand up for themselves, are run through the twisted charade of a trial system that convicts 95 percent of them. The raw, ugly fact that 95 percent of felony trials end in conviction, screams of corruption, but the public isn't listening. This same system finds cops like those that killed Freddie Gray in Boston, while he was handcuffed and deliberately thrashed by being rolled around on the floor of a police paddy wagon, in essence, beaten to death, "not guilty", as it also did after a cop shot an unarmed heroin dealer to death in St. Louis, circa 2016. In the St. Louis incident, the cop's own body camera footage recorded him retrieving a gun from his squad car that he kept for such purposes, and planting it on the deceased. He took a bench trial, as cops in such cases almost invariably do, and after viewing the video, the judge ignored it and found him not guilty. Completely disregarding the evidence, the judge had the gall to say, "I've never known a heroin dealer not to carry a gun", even though the evidence clearly showed the subject did not. Between circa 2006 and 2011, 3 off-duty Chicago police officers, in 3 seperate, alcohol related traffic accidents, killed a total of 5 people, one of them a 10 year old boy, and recieved sentences averaging less than 3 years for each life they took, and this, after each of the

cops fled the scene, an element of aggravation that normally enhances the sentencing range for such crimes. Because the cops know the prosecutors and judges have their backs, it took cities being set ablaze across the country, before the Minneapolis prosecutor, dragging his feet, reluctantly brought the watered down charge of 3rd degree murder against the cop who killed George Floyd, a week after the incident, and only after the rioting continued nationally, did the charges get properly adjusted to 2nd degree murder, and did he additionally charge the other 3 cops as accessories, whereas the average citizen would have been charged with 2nd degree murder immediately, and it is always thus. Just as the police daily serve the prosecutors and judges with false testimony and manipulated evidence, and because the judges are overwhelmingly former prosecutors WHO CONTINUE TO PROSECUTE FROM THE BENCH, prosecutors and judges readily reciprocate when the police are in trouble. Even after a former cop, then security guard, and 2 on-duty cops were videotaped cowering outside of a Florida high school, abandoning children to the slaughter of a mass shooter some 2½ years ago, it took prosecutors ONE YEAR to bring charges against them, whereas average citizens are always charged instantly. The prosecutors wait for the furore to die down in order to soften the charges, perhaps lose a little evidence, and let the mindset of the prospective jury pool cool off, a pool taken from a nation of television addicts primed for the prosecutors by decades of television programming glamorizing the police, then the judges let the cases drag on in court to further let the cooling off continue, and the fix is in, the slap on the wrist applied, (if even that), and the system resumes, unscathed and unfazed.

It is said that "We are the people we will become by the time we are 4 years old", and this human trait further manifests when newly minted lawyers leave law school and enter the justice system. Brand new to it, many of these legal toddlers look to their local prosecutor's and public defender's offices to get their careers started, and the choices they make so early in their careers say a great deal about what they will develop into as journeymen lawyers. Most public defender's offices pay slightly more than most prosecutor's offices do, and those that choose to prosecute, eschew money for power, whereas those who choose to defend eschew power for money, generally. Since the big money is in the private sector, and the real power, on the bench as a judge, or in political office, prosecutors, the very same people who are immune from prosecution or even oversight for the crimes they daily commit as part of the way they do business, have filled the judicial benches, and taken seats as large, extremely influential minorities in the state legislatures and in Congress, like cancer metastasizing across our judicial and political landscapes. The personality type, from day one after law school, continually seeks more and more power, as part of its' compulsively predatory nature in seeking to assert itself over everyone else. A clear and disturbing example of this was seen in the recent, 2019 Democratic presidential primary race where nearly 25 percent of the oval office aspirants were former prosecutors, a grossly disproportionate representation over all other non-elected professions in

the race. This psychotic predation has created a grim and dangerous imbalance in the ranks of people who run our lives, writing laws and court rules that protect their own and keep the system rigged.

The DNA exonerations that have become so ubiquitous over the last 2 decades, are simply the canaries in the coal mine indicating the rottenness of a system where the vast majority of felony convictions have nothing to do with DNA evidence, therefore denying legions of the wrongly convicted, the low hanging fruit of DNA to prove their innocence. It's also important to note that the DNA exonerations almost always reveal criminal malfeasance on the part of the prosecutors of the case, many of whom have gone on to become judges, and NOTHING is ever done to these characters who have destroyed peoples lives while criminally subverting justice and often costing the taxpayers millions in false incarcerations and reparations paid to the wrongly convicted, because of the sovereign immunity doctrine. These cases, like the George Floyd case, are STILL just the tip of the iceberg.

Meanwhile, defense attorneys, after having accumulated knowledge of the system if they started out as public defenders, often go into private practice, charging fees most average citizens cannot or can barely afford. Because they get paid the same whether they win or lose, they have little motivation to change the system, especially because its' very corruption drives desperate defendants TO them, willing to pay almost anything to eke out slightly better odds for an acquittal. The vast majority of defendants, thrown to the public defenders like so much raw meat, have little hope of real representation in court, at the hands of either the inexperienced, or the journeymen lawyers too lazy or incompetent to have moved on to private practice, and who invariably encourage their clients to plead guilty and take a deal, which is so much easier for them as lawyers than the protracted and messy undertaking of preparing for, and going to trial, something they all abhor.

Now, in the wake of the George Floyd murder, the federal laws being touted by Congress as "The Justice in Policing Act of 2020", is nothing more than a means of scooping up votes while washing their hands of the matter. These laws, like all the others that gave us this egrigious system in the first place, are being written by former prosecutors, both elected, and acting in advisory capacities to the authors of the bill, making it about "police reform", while their cohorts, prosecutors and judges across the country, hide in the shadows of the prosecutor's offices and judicial benches, ready with work-arounds to thwart the latest pablum and window dressing from Congress, while continuing to protect the police and preserve the status quo.

What the public doesn't see, is how the corruption of prosecutors controlling the entire system manifests in daily criminal court proceedings across the country, upending the playing field to guarantee them their 95 percent conviction rate. As just the beginning point for true reform of this whole, rotten system, 3 rules and laws that need to be done away with immediately, are:

> The sovereign immunity doctrine. These laws shield prosecutors

and judges from criminal prosecution for admitting false evidence into trial, withholding or concealing evidence that would prove the defendant is innocent, or admitting into trial, irrelevant and prejudicial evidence that seriously misrepresents the defendant's character and true motives. These are everyday trial practices judges and prosecutors engage in with impunity. They are also never held accountable for committing perjury or abetting it in state's witnesses, or a score of other types of criminal malfeasance that underhandedly distort the case and overwhelmingly stack the odds against the defendant. The ridiculous and self-serving argument the prosecutors who wrote the sovereign immunity doctrine and campaigned their fellow legislators into voting it into law, gave, is that "If we don't protect prosecutors and judges from prosecution on these issues, they can't or won't do their jobs." The truth is in the opposite direction: Without this carte blanche to cover their nefarious activity, they could and only would do their jobs HONESTLY. This reasoning, like it is in the other 2 issues here, stands logic on its head, as it must, since it is written by criminals to protect other criminals. There is an old adage that asserts that "Absolute power corrupts absolutely", and it is likewise true, that absolute immunity corrupts absolutely. Absent any SERIOUS penalty for their malfeasance, for prosecutors and the judges that serve them, it has become a mundane practice.

> Evidence of other crimes doctrine. This code of rules completely eliminates the guardrails that originally and historically kept the prosecution of any criminal case limited to the CHARGED CRIMES as approved by the vitally important filter of the grand jury. Those guardrails also kept the evidence admitted to trial limited to that relevant to the crimes being tried. Now the state can bring in anybody to say anything about the defendant, accusing her of OTHER crimes not even tested in a court of law, and with absolutely no proof of what they are saying is true. This incredibly damning "evidence of other crimes" is often proffered with great theatrical embellishment by people with an axe to grind and nothing more, happy to paint the defendant in the most negative light possible, usually as a serial offender. Once again, the prosecutors who wrote these laws stand reason on its head and give us insanity for logic, by claiming the doctrine is to "show propensity, motive, intent, identification, absence of mistake, modus operandi, and lack of consent". This is surreal, first of all, because "propensity" and "modus operandi" are not criminal patterns unless they attach to prior crimes, i.e., convictions. Secondly, the rest of the excuses they offer, "motive, intent, identification, absence of mistake and lack of consent", are EXACTLY what the evidence of the case being tried are supposed to do, and once upon a less corrupt time, if the actual evidence didn't prove your guilt, you got to go home. Now, with the other crimes doctrine, et.al., almost NOBODY goes home, fair trials being an artifact of the past.

> In closing arguments, the prosecutor gets "2 bites of the apple", the defense gets 1. Once both sides have rested their case, each

side

side makes a summarizing statement of their position predicated on the evidence or lack thereof, along with "final arguments" against the other sides position. The prosecution, just as it did in trial, goes first, and the defense answers. But now that the wolves are in charge of the hen house, the prosecutor COMES BACK AGAIN to counter the defense, thereby BURYING their position in a sandwich of the state's arguments and sending the jury back to the jury room to deliberate (or the judge, if it's a bench trial), with the words of the prosecutor ringing in their ears. And of course, we have more absurd and twisted reasoning from the prosecutors who wrote and sold this snake oil to our comatose lawmakers, and it goes like this: "Because the state carries the burden of proving the defendant guilty, the state needs the additional time to make its case". If this is the first time you have encountered this "reasoning", you may think you missed something; but you didn't. This is the actual rubbish we are expected to accept as another pillar in the 95 percent rule. Without anyone challenging them, in the vacuum of their complete control of the court system and the legislatures and Congress, and using this unrestrained power additionally as an edifice to protect the police, reason, logic, fairplay, democratic principles, and humanity, are viewed as obstructions to prosecutorial supremacy, and to be eliminated. The state is SUPPOSED to carry the burden of proof FAIRLY, but with rules like the 2 bites of the apple rule, they shirk that responsibility entirely. A simple test to prove the complete absurdity of the 2 bites of the apple rule, is to substitute the words "state" and "guilty", with "defendant" and "innocent", to see how equally they apply. Their excuses for their relentless malfeasance are just doublespeak for "Since we don't have enough evidence for an honest conviction, we need to make it look like we do".

Looking at the stack of band aids Congress is selling as the "Justice in Policing Act of 2020", I'd like to offer 2 real reform laws that would much more honestly get the ball rolling toward real police reform, knowing that they are just 2 steps of many that must follow.

> A "Police Sentencing Public Conformity Law", that requires any police officer, convicted of any crime, whether committed on-duty or off, to a mandatory sentence of whatever the average sentence has been for that crime for everyone else for the last 12 months. A much stiffer, and more fair sentencing rule for cops, as I've said, is just the beginning, since prosecutors and judges bend over backwards to avoid prosecuting cops in the first place, but it's a good start and a good precedent against which all the other reforms that must follow, should be measured against.

> The second reform law I'd like to suggest is a requirement of mandatory jail time for "code of silence" crimes. The code of silence is the bad cops first line of defense, and one of his strongest, and it also draws good cops into becoming unwilling accessories to his criminal behavior, metastasizing their criminality through the police force and slowly turning a lot of good cops into bad actors. A key part of reform must be to protect cops from each

other. Workplace bullies don't just work at Kraft Foods or Combined Insurance of America, but when cops bully cops, WE ALL suffer. Some half dozen Chicago police officers witnessed the execution of a kid with a knife walking AWAY from all of them by one of their fellow officers, and if not for the dashcam video from a single police car on the scene, because of the blatantly false statements they gave on the incident when it was investigated, the cop would have got away with it. Every one of them should have gone to prison, but instead, only one or two got fired. If we prosecute such behavior aggressively, the bullies don't look so tough anymore, and with their panopoly of acquiescence removed, they are more easily isolated and removed from police forces.

As I've said, the police are only the tip of this very rotten iceberg, and no amount of legislation regarding them will ever change anything if we don't tear the corruption of the judiciary and the prosecutor's offices out by the roots EVERYWHERE; the police are just the starting point. Just as prosecutors dismantle large and complex criminal organizations by starting at the bottom and working their way to the top, if we fail to vigorously and relentlessly overhaul the ENTIRE system, people like George Floyd will continue to die in vain, the prosecutor's nation will guarantee it.

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A wrongfully convicted
prisoner being held in
the Illinois Department
of Corrections.