

Friday, September 26, 2008

### **Flatulent defendant; albatross of domestic military patrols**

Â Â Bill of RightsÂ (From public domain.)Â Today I argued a felony criminal appeal before the Fourth Circuit in Richmond, Virginia where I stayed overnight, so today's blog entry is brief, but very important.Â As George Carlin saidÂ on his Occupation: Fool album from the early 1970's, "farts are fun". That is to say, when they are your own farts.Â Ever since becoming a father two and one-half yearsÂ ago, the words fart, poop and booger flowÂ freely from my tongue. It is one of the many pleasures of having children.Â Â In any event, a West Virginia cop purportedly refused to let a drunk driving suspect use the bathroom, which apparently led to the theÂ expulsion of methane/flatus. The cop claims the suspect fanned the flatulent fumes towards the cop, and claims that to be assault. Curiously, of course, one apparently would haveÂ to be very talented to successfully re-directÂ flatus odor by merely using one's hand to do the fanning. Kudos to theÂ Â Kanawha County prosecutor's office for deciding to pass on the gas-passing assault charge, although the drunk driving charge remains. Thanks to Jonathan Turley for reporting on this (where does he find all these bizarre stories?).Â Meanwhile, I would almost prefer to suffer through the above-described suspect's flatus for a few seconds than to have the albatross of domestic Army patrols, compliments of lame duck George Bush, II.Â (Thanks to a fellow listserv member for posting on this.) Would McCain or Obama do any differently? Jon Katz.

Posted by Jon Katz in Criminal Defense at 00:00

Thanks goodness the prosecution deciding to kick out the flatulent charges. The last thing we need are more frivolous lawsuits.  
Anonymous on Sep 26 2008, 17:51