

Thursday, February 8, 2007

**Mistrial declared in refusal to deploy to Iraq.**

Following up on our February 5 posting about Ehren Watada's court martial for his refusal to deploy to Iraq, today the judge declared a mistrial. It appears that Mr. Watada's lawyer arranged to plead not guilty on an agreed statement of facts. Lt. Col. John Head, the presiding judge, declared the mistrial after the defense would not have Mr. Watada answer the judge's questions about what this news article calls "potential inconsistencies with a 'stipulation of fact' that Watada agreed to before the trial began." More details are in this Associated Press article. It now appears either that the case will proceed without an agreed stipulation of facts, with a new agreed stipulation of facts, or with Mr. Watada's finally agreeing to answer the judge's questions to assure Mr. Watada is knowingly and understandingly agreeing to the stipulation, which would seem to amount to his waiver of his right to contest each and every fact alleged by the prosecutor. Jon Katz.

Posted by Jon Katz in Criminal Defense at 00:00