

Tuesday, July 24. 2007

**Hey, prosecutor, I'm at 301-495-4300.**

Many times on the way to or from court, I find ideal kayaking places. (Image from National Park Service website.) On July 23, I rose before sunrise to arrive on time for a drug possession trial at a courthouse nearly three hours away. As I had anticipated, the drive was peaceful and beautiful, as I went deeper and deeper towards and into Maryland's westernmost county. All that was missing was a kayak or canoe on the roof -- or a whitewater raft -- and a tent and sleeping bag in my trunk. However, I had to arrive home by evening to be back with my family. I called the prosecutor a few days ago, and left a voice mail suggesting the dismissal of my client's case, with compelling reasons. I heard nothing back. Soon after arriving at court on July 23, the prosecutor told me he had considered the circumstances of my client's case, and decided he would dismiss the prosecution. I replied that I was satisfied with the dismissal, but that I had stayed up the previous evening finishing trial preparation, which would not have been necessary had I known in advance of the trial. The prosecutor already knew that my client was coming from several states away, necessitating a roundtrip of over eight hundred miles. I can only think of four possible reasons why the prosecutor did not tell me before the court date of his decision to dismiss. Possibly he had not decided to dismiss until the trial date. Possibly he had a witness or evidentiary problem that did not come to his attention until the trial date. Possibly he was too busy to let me know in advance of the dismissal decision. Possibly he wanted to assure that my client would drive the eight hundred miles roundtrip as a cost of getting a dismissal; however, the law does not require a defendant's presence merely to dismiss a case. I did not bother asking the reason, in part because I wanted the dismissal entered before having any such discussion. The prosecutor accepted my request to have my case be one of the first called that morning. Before getting back in my car, I spent a few minutes with my client walking and talking around this downtown where I had never walked before. The air and nature seem very clean from there through at least the next hundred miles. The walk and ride were very peaceful. Several years ago, my ability to enjoy beautiful nature areas sometimes got dampered by my knowledge and obsession that the area's judges and prosecutors were more unfairly harsh than those in counties where I usually appeared (and such unfairness and harshness often visits the nearby counties, too). To live that way is to live a stymied life rather than a real life, and overlooks that all people are temporary visitors to wherever they live or travel. Fortunately, I finally moved beyond that, assisted by my deeper and growing connection with nature, including new experiences kayaking and canoeing the waterways, and hiking and biking new paths. My client also enjoyed the nature on the way to and back from court, although he preferred not traveling so many hundreds of miles had it not been necessary to do so. Jon Katz.

Posted by Jon Katz in Criminal Defense at 00:00

I love how I always get a fresh perspective from you, Jon. I was flattered to hang out with you in western maryland, and I agree-- getting hung up on judges and company in such a scenic spot is to live a stymied life. Much wisdom in this "nature" attitude!! Also, camping would have been great,too. Your presence was very calming. I have learned alot about life from this experience-- my best and maybe I'll bump into you at the Washington march on Sept. 15--- oreo  
Anonymous on Jul 30 2007, 00:12