

## LIBERTY PARK INN®

*A Syndicated Column*

*Name: Loughner Pleads Guilty*

*By: David Henry © 2012*

“What do you think about Loughner’s guilty plea,” I asked as Aaron entered the lobby. “You’re an attorney. What’s your perspective on this subject?”

“Well for one thing I am glad he is now competent to be tried and that he did plead guilty,” Aaron answered.

“Yes. I am too. Congresswoman Giffords and the other victims in Tucson need to get closure on this,” I replied.

“But,” Aaron continued, “I do have mixed feelings about this plea agreement.”

“Why,” I asked?

“Well on the one hand I feel that a heinous crime like this one really demands the death penalty. But on the other hand I am in full agreement with the prosecuting attorney on this case that this plea deal was the best way to speed healing for the victims,” Aaron responded.

“Why do you feel this way,” I asked?

Aaron replied, “Most people are not aware of the tough decisions the prosecuting attorney has to make in cases like this.”

“What kind of decisions,” I asked?

“Well,” Aaron replied, “under the best of circumstances our legal processes in this country are very hard for most people to endure. They are slow, complicated, scary and expensive. Sometimes the victim of a crime actually doesn’t want to have a trial for the offender because it will reopen wounds that are still painful. They would rather the crime go unpunished.”

“I can understand that,” I replied.

Aaron continued, “Sometimes in order to show mercy to the victim, we have to show some mercy to the offender also. It may not be perfect, but this is the way our system works. And I do think that is what the prosecutor is trying to do in this case.”

“That’s a good insight, Aaron,” I replied.

Aaron continued, “Loughner caused enough pain by doing what he did. Why should the legal system inflict additional pain on the victims by taking them through a long complicated trial followed by one appeal after another for the next 10 to 20 years?”

“You appear to feel strongly about this,” I observed.

“I do,” Aaron replied. “But the important thing here is that Loughner is taken off the streets for good.”

“Yes,” I agreed. “People do feel sad for the victims, but I think most people are more concerned that Loughner will not be set free and have the opportunity to kill again.”

Aaron added, “I think some of the victims might be unhappy with the prosecutor’s decision. But I really think that if they knew how much pain Loughner’s trial would likely cause them, I think they might have second thoughts.”

“That makes sense,” I replied.

“And nobody really knows how a trial will turn out,” Aaron added. “In a case like this, there is a very real possibility that Loughner could be found not guilty by reason of insanity.”

“At least with this plea,” I commented, “we can be sure that Loughner will never harm other people again like he did in Tucson.”

“Well it’s true this agreement will take him off the streets. And that is beneficial,” Aaron replied. “However, Loughner could be a problem in the prison too. He could have another killing spree and kill other inmates. It’s not too likely, but this kind of thing does occasionally happen in our prisons. And I would consider him a likely candidate to do that kind of thing.”

“You may be right,” I replied. Then I thought for a moment and said, “I have a friend whose daughter was the victim of a crime about eight or nine years ago. Some years later they arrested the person who did the deed and he spent time in jail. But unfortunately this reopened the wounds for my friend’s daughter.

“Before the arrest and subsequent

legal action, she was a good student in school and well behaved. But after the court process took its toll, she became withdrawn and began exhibiting bad behavior. Her grades dropped and she eventually left school completely. Finally the family had to put her in a counseling program.”

“That’s the kind of thing I’m talking about, David. I’m a defense attorney now, but for years I was a prosecuting attorney. At that time I didn’t realize how I was hurting the victims by my relentless determination to prosecute the offenders. I have since learned that sometimes the victim and society in general are better off if we don’t prosecute.”

“Well,” I replied, “you’re the professional here so I won’t argue with you.”

Aaron continued, “Obviously the prosecuting attorney has to determine if the person is likely to re-offend. But if the chances are low, then it is oftentimes better if we just let the matter drop especially after a long time.”

“As a Christian,” I added, “I believe there is a God and that Loughner’s case will come up before that ultimate judge in the supreme court of heaven someday. If the courts here on earth don’t get it right, I believe that the court of heaven will set everything straight. Human courts are fallible but God makes no mistakes in His judgments.”

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Over time our legal system has become a system of injustice rather than a system of justice. Today the question is not, ‘How can we do justice in this case?’ The question is, ‘How can we get a conviction?’ Despite all the talk about victim’s rights, they are virtually non-existent at this time.

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