

BRIAN NICHOLS CASE IS A PERVERSION OF JUSTICE

William Gladstone, British prime minister in the late 1800s, said, "Justice delayed is justice denied." He could have been talking about the American judicial system today. More specifically, he could have been talking about the Brian Nichols case.

You may recall that two years ago, in March 2005, Nichols was on trial for rape in Fulton County when he allegedly overpowered a guard, took her gun and walked to the courtroom where he was being tried. He is accused of fatally shooting Fulton County Superior Court Judge Rowland Barnes and court reporter Julie Ann Brandau. Sgt. Hoyt Teasley, a Fulton County sheriff's deputy, was killed while chasing the gunman from the building. Nichols is charged also with killing U.S. Customs Agent David Wilhelm in North Atlanta while trying to hijack his car. He finally gave up while in the company of a brave young woman named Ashley Smith, who talked him into surrendering after he had broken into her apartment.

Of course, Nichols is innocent until proven guilty in a court of law. This presumes that the Nichols case is ever going to trial, which at this point seems about as likely as a bullfrog sprouting wings.

As a matter of fact, the Nichols trial has gone absolutely nowhere. Nichols is the beneficiary of something called the Indigent Defense Fund, which was passed with much self-congratulation by the Legislature four years ago. A prominent member of the legal community told me at that time that we would come to rue its passage. The law was, he said, an invitation for abuse. It was, and it is. At last count, Nichols' public defenders have spent \$1.4 million, bleeding the public indigent defense system dry, and now they want more. I would call that abuse.

Trial Judge Hinton Fuller has called the proceedings to a halt until somebody — i.e., the Georgia General Assembly — gives the defense attorneys more money, although the judge has not been very forthcoming on costs, having sealed specific financial information in the case. Fuller says it is his job to see that Nichols gets an "adequate defense." He has been true to his word. The state law requires two defense attorneys in indigent defense cases. Fuller has granted Nichols four attorneys.

While members of the incestuous legal community praise Judge Fuller as just a mere step away from sainthood and rattle on about the defendant's right to a fair trial, the rest of us unwashed are left to wonder how fair is fair? Has anyone factored in the families of the victims whose lives were changed forever by those horrific events of two years ago?

With Judge Fuller having told the Legislature, "No money, no trial," the lawmakers are not happy campers — to put it mildly. Lt. Gov. Casey Cagle observed, "It's wrong for an indigent to be getting better defense than an individual who would be paying for it. I think that creates an unfair balance." Amen.

Sen. Preston Smith (R-Rome), who chairs the Senate Judiciary Committee, said, "This is taxpayer money. And if anybody is spending money like a drunken sailor on shore leave, we have to wake up and pay attention to that."

And, as always, House Speaker Glenn Richardson got right to the point: "It is a gross abuse of the system by this judge to tell us how we are going to appropriate [money]. He is way out of his league."

Let your humble scribe offer a radical suggestion for everyone's consideration that might solve the problem: Why don't the judge and the lawyers return from La-La Land and get on with the trial? Strike a jury of Nichols' peers, call witnesses, hear testimony, get a verdict and then render a sentence. This is not rocket science, folks. Do I have to think of everything?

And a message to all the lawyers out there: Please don't patronize me with the "fair trial" lecture. A trial is fair only when the victims get the same consideration as the accused. That is not happening in the Brian Nichols trial. This is not just a case of justice delayed. This is a case of justice perverted.