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Wednesday, December 3, 2008

Commentary

Detroit plea deals serve justice

Larry Dubin

Now that both former Detroit Mayor Kwame Kilpatrick and his former chief of staff, Christine Beatty, have publicly admitted their guilt to multiple felony counts, has justice been served?

After all, both of these convicted felons have not only disgraced themselves, but have caused considerable harm, injury and damage to various police officers who were either fired or punished for investigating or revealing details about the mayor's security team, the alleged Manoogian Mansion incident and the Kilpatrick-Beatty affair. They also frustrated the administration of justice as well as ruined the reputation and financial interests of the residents of Detroit.

Does 120 days in jail to be served by both individuals satisfy one's sense of justice?

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Some critics in The Detroit News' online forum argue that the jail portion of these sentences is unduly lenient -- that both Kilpatrick and Beatty should have received sentences in excess of six months and been forced to serve their time in a state prison rather than a county jail.

Although I can understand such reactions, I would contend that justice, indeed, has been served.

Wayne County Prosecutor Kim Worthy and her prosecutorial team deserve much credit for gaining the multiple felony convictions against Kilpatrick and Beatty. After the text messages were made public in January, Worthy conducted a brief but thorough investigation before bringing the criminal charges against the two most powerful people at City Hall.

With a limited budget for prosecuting this case against a challenging and demanding defense team, Worthy withstood a media storm, multiple defense motions and a city that was paralyzed by political turmoil directly caused by the criminal acts of these defendants.

Worthy truly exemplified the idea that a prosecutor is more than an advocate. To quote the ethics rules for lawyers as stated by the Michigan Supreme Court, a prosecutor is also "a minister of justice."

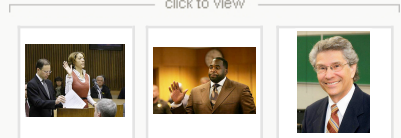
Worthy demonstrated her commitment to fair treatment afforded to both Kilpatrick and Beatty by being careful not to make public statements that informed the public about the strength of her cases, but rather deferring that obligation, if it became necessary, for the introduction of evidence at trial.

To seek justice, it was important for these defendants to face the legal consequences of their criminal acts as swiftly as possible; to restore political tranquility for our business and civic leaders; to use county resources as efficiently as possible; and to sound an alarm that public officials must be held to a high standard of looking out for the best interests of their constituents, rather than their own personal interests.

In other words, seeking justice requires the consideration of a multitude of competing interests rather than a fixation merely on the amount of jail time to be served by the guilty.



Christine Beatty, with attorney Jeffrey Morganroth, takes the oath Monday to tell the truth before pleading guilty to lying in court. (Daniel Mears / The Detroit News)



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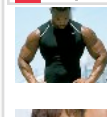
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As a result of the plea agreements, the bottom line of Worthy's efforts are multiple felony convictions against both defendants, each of whom will likely never be able to practice law. They will be barred from holding public office during their terms of probation.

The residents of Detroit can now proceed with elections in which new leaders will be able to emerge who can earn the trust of its citizens. I call that justice.

Larry Dubin is a professor of law at the University of Detroit Mercy School of Law and a former chairperson of the Michigan Attorney Grievance Commission. Fax letters to (313) 222-6417 or e-mail to letters@detnews.com.

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