

When Judges, Not Juries, Decide Guilt

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Pool photo by Brennan Linsley

To the Editor:

Your article is accurate for the state judicial system as well as the federal courts. A characteristic of state courts is that justice is very local. Counties differ and vary greatly from very liberal (progressive) to very conservative (punitive).

Judges aren't likely to push back against the prosecutor because of judicial elections. Federal judges, who are appointed for life, do not face this challenge.

The state prosecutor also has the real power based on the ability to file charges and to amend or add charges or increase consequences if necessary to make it almost impossible to go to trial because of the increased sentences that are likely to be imposed if one loses and doesn't take the deal that is offered. While a judge can refuse to allow the amending of charges, few are willing to do so, which is the safer action to take.

In most cases there are no real "checks and balances" as originally intended by the founders. Real justice therefore suffers, and we are all the poorer as a result.

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The writer is a retired judge of the Superior Court of California.