

# DEFENSE LAWYERS WOULD BE STUPID

I mentioned in my celebration of Jeralyn my friend whose clients never get the luxury of Presidential commutations. Well, he says this is an accurate quote, so I thought I'd let him have his say on Libby's commutation.

David Moran, associate dean of the Wayne State University Law School, said Libby's commutation directly contradicts the Justice Department's position in the case of Victor Rita, a highly decorated veteran imprisoned for perjury under circumstances strikingly similar to Libby's.

U.S. Supreme Court justices recently upheld Rita's prison sentence, and it's that decision, not Bush's commutation rationale, that federal court judges are bound to follow.

Still, Moran said, "Defense lawyers would be stupid not to latch onto the contradiction.

"The president made an elaborate argument for leniency, and I'd be surprised if we don't see judges who want to hand out more lenient sentences citing the president's statement specifically," he said.

I've heard a lot about the folks Dave represents. I suspect he'll be making those elaborate arguments with little effect. Not that he's not smart as all get out—and persuasive too (and since we've been talking about ultimate frisbee—he's got a mean lefty huck that I **used** to be able to put to good use). But his clients, generally, are not protecting the President. Which, I suspect, still makes all the difference.