

THE WILKES FIRESTORM

Chris, who thankfully made it safely through the San Diego fires, didn't let them distract her from the matter at hand: the Wilkes trial. Mark Geragos took the opportunity of a big natural disaster to sneak his client onto the stand to testify—apparently taking the government by surprise. I'll review a few of the details, but I'd like to compare the account of Seth Hettner and that of Allison Hoffman. It's a great example of why blogging (or non-"objective" reporting) can be more informative than traditional reporting. Hoffman, who has been doing a good job on this story, gives us the gist of Wilkes' testimony: Geragos sprung Wilkes on the Prosecution, and Wilkes denied everything.

Defense contractor Brent Wilkes emphatically denied bribing former U.S. Rep. Randy "Duke" Cunningham Friday as he took the stand in his trial, which had been suspended while wildfires ravaged Southern California.

Wilkes' attorney, Mark Geragos, surprised prosecutors by calling Wilkes on the first day of trial in a week. The lawyer had not warned them he would be calling his client and had not hinted in earlier hearings that Wilkes would testify in his own defense.

But she doesn't give us a full assessment of the effect of his testimony. Hettner, on the other hand, gives us a fair impression of the effect of Geragos' surprise.

We were all curious what the government would do on cross, but Geragos' maneuvering left Halpern with less than an hour to prepare. It showed. His questions were argumentative and off the mark. Several attempts to impeach Wilkes failed because Halpern couldn't get

the documents he needed admitted as evidence.

[snip]

At other times, the prosecutor lost control of his witness. He allowed Wilkes to trash the government's witnesses and deliver a ringing endorsement of earmarks:

Earmarks are not dirty things and earmarks are an alternative to a bureaucracy being in complete control of the budget.

Instead of challenging this (bridge to nowhere, anyone?) Halpern only rolled his eyes in disbelief.

It dawned on me that Halpern was trying to run out the clock, stalling until the end of the day so he could regroup and prepare for a proper cross. But in the meantime, he afforded Wilkes to connect with the jury at the government's expense. Jurors were cracking up at Wilkes' jokes and smiling when he shook his head at Halpern's questioning.

Far be it for Geragos to miss the opportunity to use showmanship to try to win a case.

One thing Hettner doesn't say in this post (though he has said it elsewhere). This trial—particularly the government's case—has been putting the jury to sleep. It's bad enough for Halpern's case that he got caught unprepared. Still worse, though, that Wilkes' testimony seems to be the highlight of the case so far.