

LYGLENSON LEMORIN AND THE LIBERTY SEVEN

As a number of you have pointed out, the judge in the second (!) Liberty Seven trial just declared another mistrial. The government's second failure to convince a jury that these "aspirational terrorists" were a legitimate terror threat has elicited increasingly critical comments:

University of Miami law professor Bruce Winick:

But Bruce Winick, a law professor at the University of Miami, said the second jury stalemate "tells a story. The jury doesn't trust the government's credibility here. It's a trumped-up, overblown case.

"We're paying the freight for prosecutors, defense lawyers, judges, jurors – everyone," he added. "Don't we have better things to do with our criminal justice system than to make the defendants run the gantlet over and over again?"

Former USA Matthew Orwig:

"There's no way to spin this other than to say this is another stunning defeat for the government," said Matthew Orwig, former U.S. attorney in Texas who served on a Justice Department terrorism and national security panel.

Stanford law professor Jenny Martinez:

"In a lot of these cases, the government has really oversold what it's got," said Jenny Martinez, an associate professor of law at Stanford who was involved in the Jose Padilla terrorism case. "They've held these huge press conferences at the beginning that set up

these expectations that the government cannot fulfill.”

Yet, in spite of the increasing criticism of the government’s case, it appears that one man has already served several months of time for this case. The defendant who was acquitted in the first trial, Lyglenson Lemorin, was rounded by Immigration and Customs Enforcement, and is (as far as I can tell) still in custody awaiting possible deportation.

Lemorin was spirited away from FDC, Miami and transferred to the Stewart Detention Center in Lumpkin, GA, by unknown government agents in the dead of night under secretive circumstances.

Apparently, the government has put Lemorin into deportation proceedings and has asserted in public documents, submitted after the gag order, that "Lemorin has liability in uncharged criminal conduct." That claim presumably makes Lemorin subject to a PATRIOT Act provision that provides the government broad leeway in deporting those with terrorist ties.

Lemorin is a legal US resident who grew up in the US, is married, and has two kids.

While some of the coverage yesterday notes that Lemorin is still facing deportation, none of it explains whether there has been a change in his status or whether there might be now that it has become increasingly clear that the government doesn’t have a case among Lemorin’s original co-defendants who were actually involved in this plot. That may be because the judge in this case issued a gag order covering Lemorin, his wife, and his lawyers—making it impossible for them to publicize the way the government is effectively

trying him again for charges he was already acquitted of.

The government needs to decide by next Wednesday whether it will retry this case. Perhaps the gag order remains in place until then. Perhaps if the government gives up, finally, we will learn what has happened to Lemorin. But it appears he has been in detention for four months for a crime that juries won't convict.