

# RAINING ON THE WEST MEMPHIS PARADE: FUNDAMENTAL FAIRNESS DENIED

The West Memphis 3 are free!! Yea!

Three men convicted in the 1993 murders of three boys in West Memphis, Arkansas, were ordered released after entering new pleas following a court hearing, prosecutor Scott Ellington said Friday.

Damien Echols, Jessie Misskelley Jr. and Jason Baldwin pleaded guilty and were sentenced to 18 years in prison with credit for time served, a prosecutor said. They were to be released on Friday.

The three entered what is known as an Alford plea, which allows a defendant to maintain innocence while simultaneously acknowledging that the state has evidence to convict, Ellington said.

Cause for celebration, right?

Not here; I feel nothing but sweet sorrow because, while Damien Echols (who had actually been on death row most all of the intervening time), Jessie Misskelley Jr. and Jason Baldwin are free, a solid little chunk of the American justice system, due process and fundamental fairness was sacrificed in the process.

Let one of the three, Mr. Baldwin, speak for himself and me here:

This was NOT justice. I did not want to take this deal, but they were going to kill Damien and I couldn't let that happen.

And therein lies the huge rub. The facts had

never been particularly solid against these three once young men. They were brow beaten by avaricious prosecutors, sought to be lynched by a southern community ginned up on fear, horror and emotion and poorly served by their attorneys at the original trial level. In short, every facet of the American system of due process was compromised and tainted, and they have sat convicted, one on death row, ever since as a result.

Thanks to a litany of friends, motivated activist celebrities like Johnnie Depp, Natalie Maines and Eddie Vedder, and documentary filmmakers the cause of the West Memphis Three has never died. And, in fact, I would love to say that all that sweat, love and belief was vindicated today. But, sadly, that is simply not the case.

Yes, it is good, and truly heartwarming, to see "The Three" in sunshine. That said, justice and the rule of law are a little more dead for the effort if they are truly innocent. And the facts, including the key absence, indeed exclusion, of DNA evidence, now known – almost unequivocally – militate to a conclusion of innocence. While people should be happy, no thrilled, they are out of custody, I cannot believe there is not concurrent shrieking at the highest levels as to how exactly that has transpired.

Let's be honest, no prosecutor in his right mind walks these three men out the front door of the courthouse if he truly believes they are guilty and there is even the slightest chance in hell he can make the charges stand up in a retrial. And no prosecutor lets them do it through *Alford* pleas. I do not care what kind of happy pabulum they spew to the television cameras and press, it is really just that simple.

So, what we have here is nothing but a reaffirmation, ratification and craven ass covering of the original miscarriage of justice that railroaded the West Memphis Three. There will be no words of commendation here for the

prosecutors, nor for Judge David Laser for giving the court's imprimatur of propriety to this; in fact, they should all be questioned as to their ethics and morals.

This is nothing short of Mike Nifong making the Duke lacrosse players take misdemeanor pleas and register as sex offenders in order to save his precious reputation and job, and stop civil damage suits. Nifong did not get away with such depravity in Durham, and the prosecutors in Jonesboro Arkansas should not either.

Somewhere a gold lady with a set of scales weeps because another pint of her lifeblood has been spilled in Jonesboro Arkansas in the name of prosecutorial malice, vanity and civil damage mitigation. So many people have put their souls into this case, but the work is not over and the job not done yet. Because until the names of Damien Echols, Jessie Misskelley Jr. and Jason Baldwin are cleared in full, due process has been denied and fundamental fairness refused.