

# What is it about some judges?...

By Denis deVlaming

I read in the paper today about a judge who went off on a person who was just arrested during his first appearance hearing. As I read the comments that the judge directed toward the defendant (and of course the judge knew that the media was covering the hearing) I had to wonder “does that judge not know about the presumption of innocence?” Really! And then I was reminded that the judge took a similar oath that I took when I became a lawyer. That is, to defend the Constitution of the United States and the Constitution of the state of Florida. Both of those documents require the government to prove guilt and provide for the presumption of innocence. So why do some judges feel as if they can “assume a defendant guilty” before a trial is held or an admission of guilt is made? Beats me.

The judge that I’m speaking of was chastising a defendant for the conduct which formed the basis of his arrest. Never mind that the judge took no testimony, reviewed no evidence and conducted no independent investigation of their own. They simply made comments, which effectively poisoned any potential juror who might ultimately be called upon to sit at this defendant’s trial, completely ignoring that this poor schlep is presumed innocent. I don’t know, maybe it’s because they’ve watched too many Jerry Springer, Geraldo Rivera or Maury Povich shows.

Frankly, I don’t have a problem with judges who address a defendant after a jury has found him guilty or they have pled guilty to the crime that the judge makes his comments about. Fair enough. At that point, the presumption of innocence is gone and, with some limitations, they can speak for society. But judges, before that happens: “think it, just don’t say it.”