

Plea bargains are designed for the guilty, not for the innocent

Local attorney Mitch Guthrie should be censured for his abandonment of a client

There are, of course, poor excuses for attorneys. There are, of course, attorneys who barely made it through law school and/or barely passed the state bar exam or had to take it multiple times. There are, of course, mediocre or poor attorneys who become judges. And, there are, of course, exceptional attorneys who chose the profession but could have done anything.

Based on one case alone, just this single case, it is my opinion that local attorney Mitch Guthrie, who derives most if not all of his income as a public defender, should be removed from the practice of law. Or, at minimum, be removed from the public defender assignments and be forced into the competitive practice of law. Making unknowing and unwilling defendants accept Guthrie as their attorney is a miscarriage of justice and must be ended.

He is lazy and he is ineffective.

In the Jessica Ballard Venable matter, he cooperated, to her detriment, in knowingly sending to prison a woman who had endured repeated beatings. He did not interview witnesses who literally tried to force him to the ground in their attempts to be interviewed by him or a defense "investigator." He ignored the value of a psychologist's testimony that would have made it highly unlikely that an intelligent jury would convict Jessica Venable. With a capable attorney, of course, not Guthrie.

Now, he has taken the side of sex offenders against society. If the WTE words from an interview with him are accurate, and I suspect they are in his case, Guthrie disagrees that sex offender registration laws protect society and does not think they "are about public safety."

He does not have a clue.

Obviously, he cannot read. If he could, he would be familiar with the case of Jaycee Dugard. She was abducted by a stranger who had committed sex crimes against others in the past and was

released from prison after serving but a fraction of his sentence. His neighbors in Antioch, California did not know that he was a sex offender.

Guthrie must not have heard of Lisa Marie Kimmell. He doesn't know that she was abducted by Dale Wayne Eaton, a stranger, who killed her and dumped her body off a bridge in Natrona County. He doesn't know that Eaton is currently on Death Row, awaiting execution.

Of course he's never "represented" anyone accused in such a case. No one in their right mind would accept him as their defense attorney in a capital crime case.

If I had the time, I'd research the cases on which Guthrie was defense attorney. I would bet the ranch that his acquittals, admittedly very difficult to earn by good attorneys, are nonexistent. I would bet the Lexus that he plea bargains almost every case - whether the defendant stood a good chance of acquittal at trial or not.

Preparing a defense for trial in a criminal case is time-consuming and difficult. Interviewing witnesses, which Guthrie refused to do in the Jessica Venable case, requires preparation, ambition and intelligence. He did not interview a witness to one of Jessica's beatings during which her husband threatened to kill her.

Guthrie must be the darling of the DA's office. Willing and eager to strike deals that will avoid trials, whatever the guilt or innocence level of his "client," Guthrie can be counted on for his acquiescence.

Some weeks back, I asked to be notified of any criminal trial in which this guy would be the public defender. I have received no such notification. I didn't want to read plea agreements reached for clients he represented, I want to see this guy perform at trial. Those in the system who salivate over plea arrangements so trials can be avoided do the public no service when representing innocent defendants.

To create a safe society, repeat and hardened criminals must be removed from the streets. It is subhuman to incarcerate an innocent because they are willing to accept a conviction with a light sentence rather than risk the vagaries of a jury trial. They may be too distressed to understand.

I don't understand how attorneys can sleep at night knowing that they've allowed guilty people with connections to walk free and have taken part in incarcerating innocent people so they do not have to prepare for a complicated trial.

Plea "surrenders" certainly benefit the guilty. The axle swinger walked from the courtroom in a deal struck by a departing ADA (without authorization from the DA) and later accepted by an incoming, uninformed, malleable and naive DA.

But, the plea agreement accepted by Jessica Venable should never have been considered by her public defender. Of course, the DA's office readily agreed. The prosecution could never have convicted her of any crime at trial and, by going to trial, they would have been exposed as tolerant and accommodating to a serial wife beater - which led to the incident on June 30, 2008.

Judges do not have to accept plea agreements and, occasionally, one may say, "no dice." But, overworked because the justice system does not deal with repeat offenders, meaning they reappear and reappear in the courtroom, judges are also in favor of moving the calendar along.

Plea "deals" with innocent defendants are wrong, should not be accepted by a judge and should result in fines and censure.

Granted, it would take more effort on a judge's part to determine from the record whether a defendant should be facing trial but the justice system is supposed to be capable of dispensing justice, no matter how difficult or time-consuming. Justice does not release guilty people to re-offend or send innocent people to prison.

Jessica Venable had never been arrested before in her life. She is not, and never was, a threat to society.

She has told me she wanted to go to trial. Had she been assigned anyone else as her attorney, she should have been advised she had at least an 80/20 chance of being acquitted, if brought to trial. Again, for the DA's office to bring her to trial would have been folly for them. The record of Jessica's abuser would have been disclosed and the public would have criticized the DA's office for permitting this guy to be in Jessica's house that day - and ask why he wasn't already in Rawlins.

And, because a Notice of Appeal had to be timely filed and wasn't, her chance for a new trial was irreparably harmed by the incompetence of this public defender who would have had to admit it was ineffective assistance of counsel that warranted a new trial. His incompetence. An investigation should be undertaken to determine how many other improper plea agreements have been struck.

Source: WTE story, October 25, 2009

Public Defender Mitch Guthrie said he doesn't buy that such laws are about public safety.

Abduction is extraordinarily rare, Guthrie said, and in his 16 years as an attorney, has never represented anyone accused in such a case.

"When it happens, it's national news," he said. "That's the kind of rarity we're talking about."

Guthrie said that if someone is intent on kidnapping a child, it won't matter if the person lives in close proximity to a school.

"This just strikes me as a ruse to run people out of town," Guthrie said of restriction laws. "The reality is nobody wants a sex offender living next to them, so we all want a law preventing them from being our neighbor."

Most of the cases he sees are within the family, he said, and sometimes allegations can arise during divorce.

"You get charged with it, it never goes away," he said.

He said sex offenders are an easy group to pick on.

"I don't think (residency restriction laws) protects anybody," Guthrie said. "It surely inconveniences the offender."

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