

Best for every one to do trial right The Advocate (Baton Rouge, Louisiana) May 10, 2004 Monday

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BODY:

As Derrick Todd Lee's lawyers continue to raise legal issues related to their defense of the accused serial killer, it is tempting to dismiss their attempts as a ploy to buy time and to tap the public coffers for money that could best be spent elsewhere.

All of us could list a variety of things we would prefer to see our tax dollars go for. Defense of indigent people accused of repulsive crimes is probably not high on many lists. However, if we couch the issue in terms of justice, not only for the accused, but for the victims and their families, the need for such expenditures becomes clear.

In our haste to try Lee, we must not create a situation that years from now could result in a court ruling that he did not get a fair trial. A fair trial encompasses more than a lawyer. It includes adequate time for preparation, adequate staff support and adequate funds for investigators and for expert witnesses.

Justice is not cheap. The defense of a criminal case - particularly a death-penalty case - is a cost that typically must be borne by taxpayers. Perhaps it is some consolation to know that getting it right the first time saves money. Investment at the front end can prevent expensive future litigation.

But apart from economics, the right to a fair trial is a basic tenet of our federal and state constitutions. This right is not just for the innocent. It is for those who might very well be guilty. Justice is for the rich and the poor alike; for those in positions of power and for the lowly and despised. Our system will never be perfect, but it is the goal toward which we must continually strive.

It is in **everyone's** best interest - including the families of victims - that the person accused of taking their loved ones from them be given an adequate defense. Otherwise, arguments will rage for years over possible defects in the trial.

Though we cannot know how the families of victims feel, we can sympathize and we can appreciate their desire to see an accused killer brought to trial. At the same time, we must recognize the role of the courts. They exist to see to that the laws of this state and nation are followed.

It is far better that the Louisiana Supreme Court say, in effect, "hold on, let us proceed cautiously and let us do this right" than to have judges who bow to public sentiment and send a man to trial without adequate representation.

Derrick Todd Lee is not going anywhere. He is in prison. Let us not begrudge our courts the time it takes to properly handle his case.