

A Sentencing to Remember

By Dick Braendle,
Chief Courtwatcher

During my almost daily court watching for over six years I have observed numerous sentencings. In early January I witnessed one of the more memorable ones before Circuit Judge Charles Arnold. Judge Arnold's final remarks, taken from the court transcript and shown below, summarize so well my own feelings about

the attitude of some toward the police, about our criminal justice system, and the involvement of drugs in most crimes.

An habitual offender, with four prior felony convictions, was convicted by a jury of five charges stemming from the same incident, the most serious of which was Aggravated Battery of a Police Officer. When Officer (now detective)

Margo Rhatigan attempted to question the defendant after observing him leaving a suspected drug house, he started to flee, and then beat her severely when she tried to apprehend him. He beat her so savagely she suffered permanent facial injuries, requiring installation of a metal plate in her cheek.

Following the usual routine, after the submission of a Presentence Investigation Report (PSI) by the Probations Department, the victim was given an opportunity to express her feelings about the sentence and then the defendant to offer his reasons in mitigation. Basically the defendant claimed the officer precipitated the incident and blamed his behavior on his drug use.

Judge Arnold then said the following: "And your excuse is that, A, you didn't do it, or if you did do it, it was because you were taking drugs. Well, everybody we get down here takes drugs and that's not an excuse for anything, taking drugs, and I feel sorry for people who take drugs, I know it affects you physically and mentally, you're not your complete self. That is absolutely no reason for violating the law in this courtroom. I've had all the fun

I can stand listening to people telling me the effects of drugs on their lives and how pitiful they are because of it. All it does is fill up the criminal justice system.

You made a comment on the PSI that because a police officer was involved in this case you felt like you were being railroaded. And I hope you do because the train isn't going fast enough. I wish you had gotten sentenced the next day. I wish they could take you out here on Bay Street, put you in a stock, and beat you half to death for what you did to that lady. That's what we ought to do in this country with people like you. Because police officers are not only our first but they're our only line of defense against criminals.

If it weren't for police officers every one of us would get beat up and robbed every day. They're the only ones out there that protect us. And quite frankly, I don't know why they do it. They have to put up with a public that doesn't understand; they put up with criminals that are not guilty of anything because they take drugs and had a bad background; then they put up with lawyers that have absolutely no regard for their time and other duties; and then

they come down to the courthouse to sit around and wait before testifying.

Well, when you come into this courtroom and you beat up a police officer I have absolutely no sympathy for you. And as Detective Rhatigan said, I hope every day for the rest of your life when you wake up you'll be thinking about her and the terrible thing you did to her. And the very least I can do to carry out justice in this case is impose the sentence that is mandated by the Legislature in this case for habitual offenders.

Therefore, based on the jury verdict finding you guilty of Counts One, Two, Three, Four, and Five the Court will adjudge you to be guilty as an habitual offender to Count One (the aggravated battery) and sentence you to serve 50 years in the custody of the Department of Corrections."

The judge then went on to sentence on the remaining four counts with the sentences to run concurrently with the 50 years.

Fortunately, Margo Rhatigan recovered sufficiently to continue serving the public as a detective. Her husband is also a police officer. The public should be thankful that we have families like the Rhatigans.

HAVE YOU SEEN...



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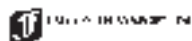
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