



OR

The Grey of Right & Wrong

by Carlos Valldeperas

The Grey of Right and Wrong

The words, ideas, opinions, and facts presented here come from the perspective of someone IN this particular situation. They will be biased based on this perspective. It is not to say they are false or wrong or somehow not worthy. What follows is a truth based on what is seeing, known, and experienced from this side; viewed from inside and with an insider's perception. Truth is influenced by perspective. One person's truth will not always be the same as another. The truth is based on the common opinion, accepted norms, point of view, and other such factors associated with the particular circumstance. This will be as truthful as can be; as truthful as the reality of having lived it.

If any doubts develop after reading these ruminations, these redactions, it would be simple enough to verify the information through other data sources. The data and information is out there. Others know what is going on. Not all of this knowledge comes from within; from sources prone to be viewed as biased. It just takes a little effort –and an open mind. Without an open mind and a sincere interest in hearing the truth –no matter how uncomfortable that truth may be- reality will go on being subdued, overshadowed, and perverted by comfortable fables and blissful ignorance.

The information that follows will undoubtedly appear to an uninformed outsider as impossible and unreal. That is a comfortable position. When the position also happens to be a peripheral one, with no or loose ties to the subject matter, it often is easier to dismiss the uncomfortable and accept the doled out, official facts –or even better, to develop a fantasy reality based on what should be real and what causes the least amount of strife and discomfort. Many would prefer not to consider they are being fed misinformation from sources suppose to be in positions of authority and reliance, but these sources do not always say what is real. Better to say what people want to hear than to risk further questions.

Again, this point is emphasized: if what you read here seems unlikely, false, or one sided, do some digging before just simply dismissing it as artificial and formulated by a biased view. What follows is here as a hint at the possibility that things aren't quite as perfect and righteous as unawareness and comfort wants an uninformed, detached, malleable public to believe or accept. Harsher words would put it much simpler: the system is deeply flawed. But only those who suffer by it or are drawn into it see the true reality of it know how fundamentally flawed it truly is. There are undoubtedly systems out there –third world countries come to mind- that are far worse, but that is no excuse for allowing what is here to go on, unexposed and unquestioned.

How I ended up in the grasps of this system follows a rather simple process, one that does not and never did include being caught doing something wrong. I was accused of a crime, by someone seeking retribution for a personal grudge. The grudge, from my point of view as time passed, was founded on some merit. There, it is said. There was wrong done; wrong not apparent to me at the time. Looking back, licking wounds to this day, I know I acted and took actions without malice. Malice is, however, what I have felt from the accuser and the system every step of the way. From this inside perspective, it has not been a system of justice and right versus wrong, but rather a system of retribution, rigid punishment, and a cloaked capitalism.

Two weeks before I became a prisoner of this system I was called upon to serve for another system of justice. For the first time in adult life my number (in the state of my residence this number was my driver's license number) was selected into civic duty and selected for

jury duty. This selection carried on to services in a criminal trial. Two short days of legal wrangling and a verdict was reached. Head held high I felt I had served a system of justice that provided the public's best interest.

That euphoria suffered as these wheels of justice worked against me. It is a humbling thing to have freedom taken from you. It is a natural frustrating feeling to find all control taken from you. The experience is a maelstrom of emotion, doubt, confusion, and, to tell the truth, anger. Decisions that could be classified as life or death were part of this maelstrom. To say that I was ill-equipped, ill-informed, unprepared, and emotionally overwhelmed to make such decisions would be an understatement. And here is where one of my first lessons of this ordeal came –my best interests are not the same interests of any legal representation.

Plainly said, legal representation, regardless of whether it is court appointed, public defender type or private hired is there to insure I's are dotted and t's are crossed, period. Unless the rapport grows to something real and supportive or was something prior established as such, their motivation to render assistance is personal gain –money. Call this an opinion and dismiss it as you wish, but it is a very real, very true part of this legal system. Money drives all wheels... and wills.

Harsh as this reads, it is a fact that I lived through. During my weakest time, when my thoughts and emotions were a scramble, I relied on individuals that cared not what became of me, they cared about their financial stability. As reality started to clear in my head I even asked an attorney I had envisioned was on my side, there to help me, if the amount of money that could be put forth to my defense had any correlation with the quality of that defense. Without a blink or hesitation this attorney affirmed this very direct correlation. My constitution was still weak and I suppose I still didn't want to believe the system was so wrong.

How wrong it was... is didn't hit me until my next attorney put a plea offer in front of me, take it or die in prison and returned a week later, at the hounding of my family, fuming that he was no longer my attorney, and stated that the contract he had negotiated did not provide him enough money to make his efforts on my behalf worth his while. There was just not enough money in it for him; my freedom not offering him enough money for him to seek.

In a letter this last attorney brought with him on that one last meeting he numerated the things I had done that undermined my defense. It is difficult to read it without feeling numb, dizzy, and nauseous. The most stark claim he listed was that I did not clearly indicate to him what I wanted. So although I would like to say that the lesson here is that money is what matters, what may serve better is to note that being proactive, directly involved, insistent, and strong-willed is the only way to insure one's best interests are at least being noticed. Unless it is demanded of them, directly and clearly told, their interest is not your best interest, money is.

In a perfect world, in a system where it truly was a matter of right or wrong, justice and punishment, money would not play a role, at least not until an outcome was reached. Consider the current arrangement between attorney and client. What other profession, vocation, worker, or laborer receives full payment BEFORE the job is done? It is paying for something without the right to see what you are getting. Where is the incentive if outcome has no bearing on payment? Without going further into my experience of this justice system --which is replete with other injustices-- how can one overlook the reality of how much money one has to devote to a defense in order to determine one's vindication or a loss of freedom? This is a reality of the system. And the system is wrong. It is deeply flawed.

Looking back, I count myself fortunate and in a much better position than so many others that passed through the system during the same time as me. I had people on the outside looking out for me. I had (and continue to have) a strong support group. I have shed many tears during all this –not all for my pain. Sometimes I pause, thinking at how surely I must be wrong. Surely a court system in this country, the epitome of justice and equal rights, does not shun the weak or abuses the poor (pure of money and/or political clout). But I heard it from many around me and I saw it. This is where a little research can substantiate my claim.

I will declare though, I saw enough people struggle with their case to believe that something is wrong. The number of accused that sat in the county jail who did not see or hear from their court appointed attorney for months at a time is countless. Without someone outside to push things along, to inquire about progress, or give any kind of indication that someone cared, these people had nothing. An equally staggering number signed legal material with only rudimentary information or limited explanation because they could do little else. The county's system of court appointed legal representation depended on volume -the more cases, the higher the revenue. The quality of the work being performed playing no part (or perhaps little).

Of course this information comes off as hearsay and over dramatic. Things like this should not be happening in this country. But I was appointed an attorney by the court. In that early maelstrom that I lived through, during the first few days after I went from a free man to a shackled social pariah, I was offered an appointed attorney. I should have known I could expect little from this individual when the man appointed to my case was the very same one in the court room shuffling the judge's paperwork about. He looked straggled and overworked then; he appeared even more so when he came to see me later.

What he did for me, the only thing he apparently did for my case, was have me sign a waiver to a court appearance that he assured me I did not need to attend and would not benefit from taking part in. With paper signed he walked away, never to be heard from again. There was no further information from him, no correspondence, nor any reply to inquiries from any of my supporters. And the hearing he had me wave? It was where I would learn of not only the general charges against me but of the details and the evidence against me and the people making these allegations. Not a hearing one would think was unimportant. In retrospect, I believe it would have been critical –if not for a final outcome, then for preparation.

That was attorney number one –a court appointed attorney. I was not the only one feeling slighted by the limited experience with this attorney. My support group –family and friends–were irate. A private, paid attorney was sought. Given that I was not in my home state and that my support group was some thousand miles away, finding a competent attorney took on a sort of blind speculation. Again, money always proved to be a stumbling block. Payment would come before performance. One attorney quoted a fee of \$250,000 just to review my case, with a base fee of \$500,000 to accept it –with additional expenses to come as he deemed necessary.

A legal firm was finally retained. I can't say what qualifications made them the choice. The decision process was not in my hands. I met with a young woman and man. Both appearing competent. Both apparently having some qualifications. They saw my hesitation so at some point I was told they had the support of the firm's senior partners who would be available if anything came up that they couldn't handle. They were distinctly different from the court appointed guy. I was still warehoused in a county jail, months passing by like seconds to a child, but they appeared to be "working" on my case.

One bond hearing passed without a beneficial outcome for me. Because I was from out of state I had low expectations of prevailing in getting bond, yet I was disillusioned. Disillusioned by the way the young attorney team executed their position during the hearing. What I saw was the state steam rolling over the two attorneys and my integrity. It was a hearing to determine if I could be released on bond. The clearest and biggest obstacle I was facing was my out of state residency, yet the state portrayed me as a leech on those I was visiting in the state, suggesting I lived there, pilfering their generosity, unemployed and living like a vagabond at their expense.

Needless to say, I walked away from that hearing feeling degraded, dirty, and dejected. I did not expect bond. I had heard enough already about the system I was caught in to understand my chances were minimal. But to have outright lies and twisted half-truths told about me by the prosecutor without even the slightest whimper from the two attorneys that were by my side, in a position I believed was to protect and seek my best interest, was profound blow and a great disappointment. When a plea offer came my way from the prosecutor I deferred to them as authorities of knowledge. Though I looked to them to be impartial while providing solid information, I remembered their performance during the bond hearing and held some trepidation.

Well, sure enough, after more months passed and little seem to be coming from the young attorney team, my family and I prompted them, "what's going on?" They were waiting on me. They were waiting for me to accept the plea offer. When I expressed my objection to just "giving in" they offered to prepare a detailed report illustrating the benefits of the plea offer versus receiving the maximum sentence for the charges. While they worked on this report, my support group went searching for legal assistance elsewhere.

Why would I expect anything more from the third attorney? But I did. I was still under the impression that these people would look out for my best interests. I also still believed I was in a system of justice where right and wrong counted for something, where the truth was real and inarguable, and people working within all parts of the system believed in its integrity and its ideals. Yes, I was idealistic, naïve, and so very wrong.

Attorney number three dealt me the last blow. He came on strong, but in the end he was motivated by money. The outcome of the case –whether I went free or not- mattered little to him. Even as I write this, knowing that it is the driving force for so much in our society, it is the capitalist foundation, it infuriates me to accept and recognize a system where one's freedom depends not on guilt or innocence but on available money to buy one's desired outcome. This is wrong to me in the most deepest way.

Anyway, during an unexpected call to court, with limited information, no time to consider or consult with family or friends, and under threat of death, I gave the attorney what he wanted. It is my response to his presenting a plea offer saying "take it or die in prison." After about 20 months incarcerated in the county jail, my freedom was officially taken from me. The lesson I learned, seeing it much later, was simple: they are not on your side. What I know now is my point to all this: assume nothing, demand action, control all decisions, and stand by what believe. What is still difficult to come to terms with is the reality that guilt or innocence is secondary to monetary gain.

If you doubt, look into the industry that is the legal and "corrections" systems. Some states' are better (or worse) than others. Some have it right, looking to correction and rehabilitation. Some are despicably wrong, warehousing and punishing without compunction seeking vengeance rather than fair justice. In the state I lost my freedom to, this system is one of the biggest industries. It is designed to snarl and contain the largest number of

people as possible. Again, if in doubt, look up the state's laws. See what is deemed illegal here. Look at the listed range in sentences possible for each crime. Read some of the case summaries and how sentence times were doled out.

Disbelieving and dismissing is easier than looking for data that provides evidence to or invalidate the stated. The data is out there. Just reading through the state code should make the doubting reconsider. Following a case from beginning –accusation, warrant, and arrest- to end is the only way short of living through it. In my 20 months wasting away my life in the county jail I witnessed countless abuses of the spirit of the law. In no way do I suggest that the several thousand detainees were all innocent. There was certainly a good percentage that had long ago forfeited their right to be free. But to have one innocent, to be that one innocent is too much.

Then there is the trouble with degree of innocence. During my experience I heard the idea that the state, prosecutor, and law enforcement often employed the tactic of “throwing everything possible” at the accused, then seeing what sticks, with a sort of disregard for right and wrong. So I lost track of the number of people I came across that were guilty of one thing, but were facing a multitude of charges only loosely related to reality. Like thieves charged with breaking-and-entering, vandalism, theft by taking, trespassing, and others when all they actually had been able to do before being caught was break a window (with the intention of gaining entry... to steal).

There were some charged with several drug related crimes who were guilty of recreational drug use. Being charged with manufacturing and/or possession with intent to distribute drugs is far more dire than being caught with a joint, but the “throw all and see what sticks” policy won't distinguish. Let money work it out. Another common “complaint” was canvassed arrests like a car load of people being arrested for drug possession when the alleged drugs were found on one person or hidden in the vehicle. One guy who asked me to help him with a letter to his attorney was caught with drugs on him, to which he willingly accepted responsibility. The problem he was having was that his sister was also arrested, charged with the same crime, even though no drugs were found on her and no ties were established with them –except that she was there at the arrest.

How about this one case I heard about: a guy knocking at the door of a party just as the police were arriving was arrested along with all within, under multiple charges related to drug possession. Drug arrests for possession of a control substance because some “residue” or a “seed” was found inside a rental vehicle abound. Never mind that such searches often are done without cause or under false pretense. Other procedural wrongs and abuses surely inundate the system.

Don't accept or believe, look it up; ask ChatGPT. The truth is out there, but it isn't always what we are told or what should be. Sometimes the truth is murky, dirty, and unpleasant.