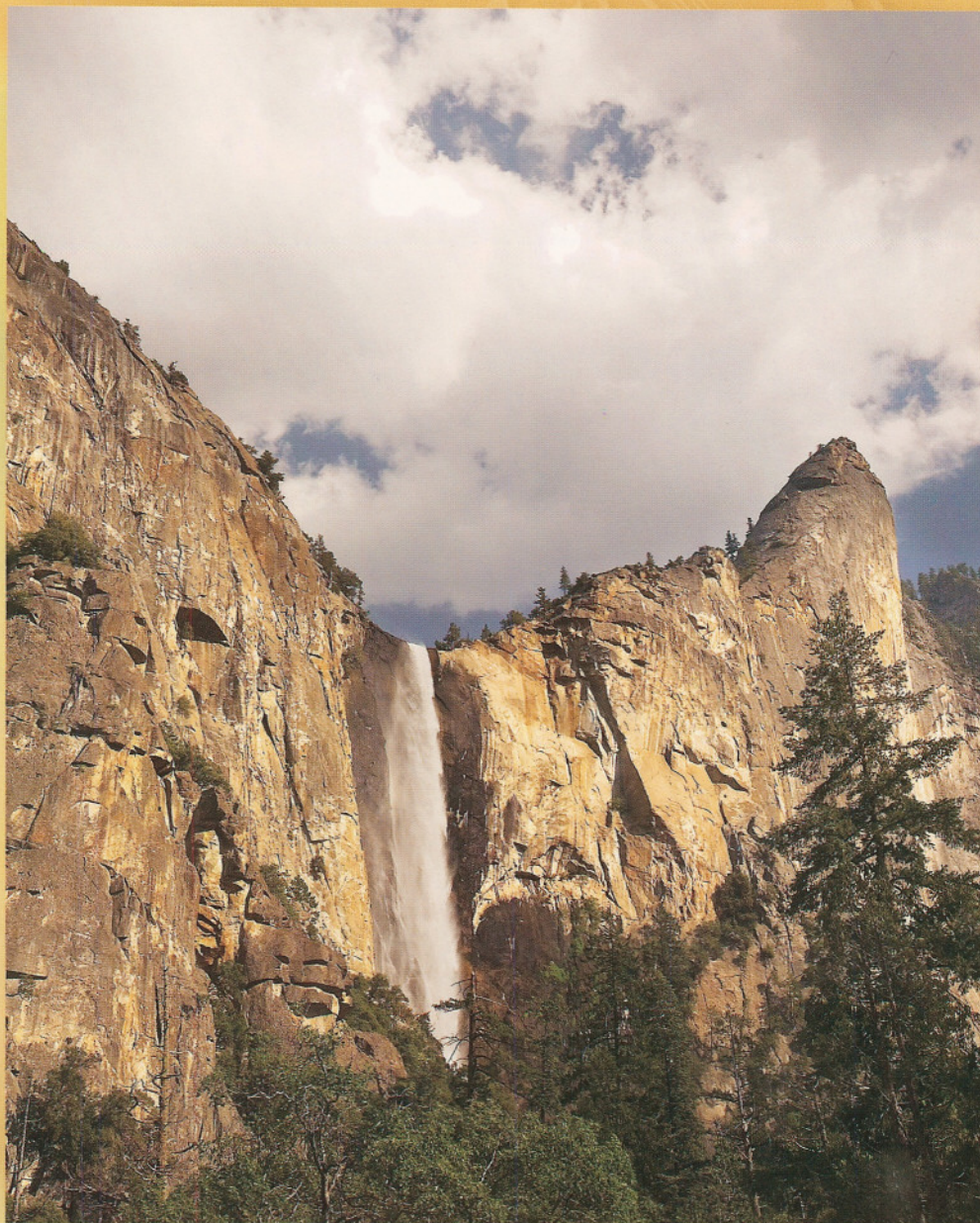


C A L I F O R N I A

DEFENDER

2007 Summer



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— IN PRINT —

Book Reviews

By **Albert J. Menaster**

Deputy Public Defender, Appellate Branch Los Angeles County

THE INNOCENT MAN: MURDER AND INJUSTICE IN A SMALL TOWN

By **John Grisham**

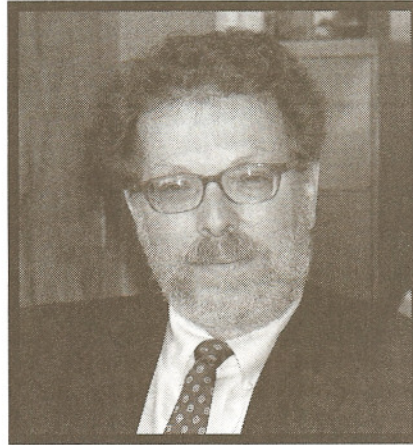
2006, \$28.95, 368 pages, Doubleday

John Grisham is quite famous for his lawyer thrillers. Some of those I have liked (*A Time to Kill*; *The Street Lawyer*), some, not so much (*The King of Torts*). This book, *The Innocent Man* is Grisham's first nonfiction work. And it is a corker.

The book follows the story of a guy in a small town in Oklahoma in the 1980s who is convicted of murder and comes within five days of being executed. And naturally, he is quite innocent. The book zooms along, carried by Grisham's extraordinary expertise as a thriller writer. I highly recommend this book on many levels, perhaps especially for non-lawyer readers, since it effectively illustrates the incredible incompetence and bias of the police and the prosecutors, as well as the incredible misuse of junk science.

I was most struck by one aspect of this story. Our main guy is innocent – as is his co-defendant, against whom the government has *no evidence at all*. The co-defendant gets life without parole. See there? No evidence means LWOP. A year later there is another murder in this same small town. Two other guys are convicted of that murder, and again, it's apparent that they are *also* quite innocent. But unlike the facts in the main character's case, there's no DNA evidence to exonerate them, so they languish in prison to this day.

While on death row, the main character meets another guy on death row who's been convicted on bite mark evidence. When that guy's case is reversed and an



independent bite mark expert looks at the evidence, he is amazed at how obviously the bite wasn't that of the defendant. The expert then sends the evidence to a dozen of the top bite mark experts in the country, including the F.B.I., and all of them say that this one is not even close. So this book isn't just about one innocent guy: *all these folks are innocent!*

Another interesting aspect of the book is something I've noted before. The police rush to judgment, pick out our guy, even though there is a much more obvious suspect (whose DNA eventually comes back as being the killer), ignore all contrary evidence, and just proceed full speed ahead. This "snap judgment" thing, something we often argue in our cases, is graphically illustrated repeatedly in this excellent book. So read it, and be comforted that you are not alone.

INSIDE: LIFE BEHIND BARS IN AMERICA

by **Michael G. Santos**

2006, \$24.95, St. Martin's Press, NY, 299 pages

When you think about it, those of us handling cases where the defendant faces prison have a very limited understanding of what our clients actually face in prison. Yet, every once in a rare while, a book comes along that can give us true insight into that very issue – and this is one of those books.

Back in 1987, author Michael Santos was sentenced to 45 years in federal prison on drug trafficking charges. He was 23. He has now served 20 years in a variety of federal prisons, from high security to low. As such, he is well qualified to write about the *real* life in prison, which he does not glamorize

Each chapter has a theme: prison violence; lack of rehabilitation; work assignments in prison; solitary confinement, etc. A central theme of this book is that not only does prison not prepare inmates for life after prison, the whole point of the prison experience is designed to *disable* inmates for life after prison. For example, after earning various post-graduate degrees, Santos gets into a Ph.D. program. The new warden will not let him participate, because he views higher education of inmates as a threat to prison security. Just reflect on that viewpoint for a moment: the point of prison is to merely *control* inmates, not to help inmates become self sufficient.

Before I read this book, I had considered myself well informed about prison conditions, but I was dead wrong. For instance, I was quite stunned to find out that prostitution is rampant in prison. But it's not what you think. The prostitutes are frequently the female prison guards and female prison employees. While guys in prison can make money through various "industries," their opportunities to spend that money are rare. So when inmates can offer \$1,000 for five minutes alone with a

female guard, some of those guards accept this offer.

Santos does an excellent job of giving the reader a shocking view of what most of our clients will probably face during incarceration. And for that reason alone, we must read this book, so we can truly appreciate what they will be up against.

FALLS THE SHADOW

By William Lashner

2006, 432 pages, HarperCollins, paperback, \$7.99

It is now a pretty rare occurrence that I stumble across a lawyer-thriller writer that I've never heard of. One day recently, I was walking to meet a friend for lunch, and another friend, John Montoya, happened to be walking the same way. He recommended this book – and I loved it. It turns out that Lashner has written a bunch of these lawyer mysteries, so you're going to have to read my reviews of all of them. I happened to read this first, though it's not the first in order.

Lashner's books all feature Philadelphia trial lawyer, Victor Carl. Although this book had a full (and pretty realistic) trial, this novel is more in the category of "attorney solves crime."

Lashner's Carl is cynical and burned out. He ends up representing a guy who's already in prison for murder. Carl gets the guy a new trial. All the women (including Carl's partner) are really smitten with the defendant, who happens to be a suave French chef. Carl is, of course, highly skeptical and thinks that his client may actually be guilty.

There is a second storyline, which is non-criminal and actually quite moving, much to my surprise. Lashner is an excellent writer. His hero Carl is funny and sarcastic. There are lots of plot twists. I really enjoyed this novel and look forward to reading all of Lashner's books. Reviews to follow.

EXILE

By Richard North Patterson

2007, \$26.00, Henry Holt. & Co. Publishers, 576 pages

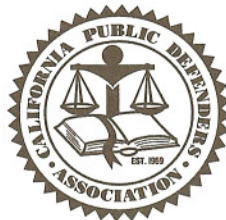
Richard North Patterson is probably my favorite lawyer-thriller writer. So when he publishes a new book, "Katie, Bar the Door:" I'm *there*.

Exile, Patterson's latest, is, as usual, beautifully written. Patterson's method is to pick a specific topic and write a novel around that topic; recent topics have included gun control, abortion, and the death penalty. This novel's topic is the Arab-Israeli conflict. Nothing like picking something small...

A hundred and fifty pages into this book, none of the plot presents as a lawyer thriller. And even after there's a crime and an arrest, Patterson spends most of his time developing the Israeli and Palestinian perspectives.

The hero, a Jewish-American lawyer, meets this Palestinian female lawyer, who is naturally beautiful. They have a doomed relationship. Years later, our guy is about to run for Congress and is engaged to a nice Jewish girl. I don't want to give away too much of the storyline, but the Palestinian woman and the Jewish man are fated to meet in a trial.

Politically, Patterson is very fair and balanced, so he explores the all various points of views very effectively. However, in the end, I had to admit, this is really not much of a lawyer thriller. There is a full trial, but it takes back stage to the larger political issues that are in conflict.



CPDA CONTINUING LEGAL EDUCATION

Evidence Seminar

August 25, 2007

Monterey Beach Hotel

Homicide Defense

Sept. 7-8, 2007

Berkeley Marina DoubleTree

Criminal Writs and Appeals

October 6, 2007

Irvine/Orange Co. Airport Hotel

Criminal Defense

October 20, 2007

Sacramento Radisson

Advanced Trial Skills Institute

October 11-13th

Palm Springs Hilton

Felony Defense Yosemite

Nov. 9-10, 2007

Yosemite National Park

MCLE Specialty Areas Seminar

Nov. 17, 2007

Berkeley Marina DoubleTree

Sex Crimes Defense

December 1, 2007

Palm Springs Hilton