

April 23, 2012

Prison Woes: PCR, Post Conviction Relief

Well, on April 6, 2012 I filled out my PCR application papers that will--if honored correctly by law and morality--will result in the overturning of my illegal conviction. I sent the papers to the proper clerk of court, certified, on April 19th and I assume it safe to say they have them now and that my court stamped copies will be on their way back to me any day now.

Of course a PCR in this state can take a couple of years to go through all of its purposely placed red tape; but in the end it has more power than an appeal. It's also the moment of truth for the county and state to either follow what the law of the country says, or, try to make their own law and face the government stepping in ... along with the list of lawsuits that will ensue if the PCR and new trial is not handled correctly and granted as it should be. A loophole allowed the state to point the finger at the lawyer they appointed to represent me, handing me the ability to file a PCR under the grounds of "ineffective assistance of counsel" which is automatic grounds for the reversal of a conviction (which is the same as if they'd given the mistrial that it should've been half a decade ago. But this way, they've drug out an incarceration that has been in effect since August of 2006! Which is the reason of all the red tape--to drag it out as long as possible. The PCR adding even M-O-R-E time.). If the county and state manage to somehow weasel their way out of a reversal through the PCR--then they will be contradicting themselves, and becoming legally liable for the hindrance of my rights.

You can't tamper with the jury, and expect the resulting illegal conviction to stay indefinitely--the law, thankfully, doesn't work that way. Although it is sad the county and state can push what they know is wrong--for so long; and that there isn't some kind of governmental intervention system to stop wrongful acts of lower courts.

But, I guess that's why we have lawsuits.

It just sucks that tax payers have to pay for the mistakes of those they put in office--when it should be the lawmakers and law-servants themselves that become financially liable. When a Solicitor, assistant Solicitor, or like in my case an assistant to an assistant solicitor, cops, all make a mistake that costs money to fix--they should have to pay it. They should have their home, cars, retirement funds all taken if the owed amount calls for it because of their negligence.

In extreme cases, criminal charges should occur.

It would send a much needed message to the future people in their position--that they are personally liable and cannot just do as they please and leave it for the next generation to deal with. When and if I file suit, it will be in a way that will cost those personally responsible for the blundering of this case.