

Crime witnesses still indispensable tool for justice
By SCARLETT WILSON
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In January 2008, something out of the ordinary happened. It wasn't just that a woman was raped one morning as she worked at the Queen Street Grocery near the "back door" of our courthouse. It wasn't that the defendant was able to flee the scene on foot without being captured.

The unfortunate truth is that this case was unusual because when the investigation unfolded and the grainy videotape was revealed to the community, someone immediately came forward and told the truth. Not just someone, two "someones": the defendant's mother and the defendant's aunt. With their gut-wrenching cooperation, Ronald Mark Simmons was brought to justice.

The fact is, when investigations and prosecutions go as they should, there aren't nearly as many headlines as when they don't. All of us rightfully expect "justice served" as our norm.

Too often, however, witnesses don't come forward during criminal investigations or, if they do come forward, they are nowhere to be found or have new versions of "the facts" when it's trial time.

The killers of Velvet Brown, Antonio Richardson, Terry Dunbar, Charlie Epps and Carlos Watson, just to name a few, have yet to face a judge or jury. Either their killers haven't been identified or the supposed witnesses to their murders proved themselves liars.

Every day, law enforcement makes quick decisions that keep us safe. Every day, dedicated police officers and sheriffs' deputies ask judges to issue arrest warrants based on their "probable cause" to believe someone has committed a crime. We've all heard that phrase on TV, but what it means in simple, real-world terms is that there is evidence to believe someone "probably" committed a crime. Obviously, believing somebody "probably" did something isn't a high enough standard to mete out a lengthy prison term. It is, however, a very appropriate threshold for taking dangerous criminal suspects off the streets while the legal process continues on its course.

Sometimes cases do not get stronger than "probable cause" after a suspect's arrest. This is especially true when entire neighborhoods turn a blind eye to the violence before them. As prosecutors, we are bound by a code of ethics that allows us to try cases only when we are able to move beyond the "probable cause" threshold, and present evidence that can convince a jury of a defendant's guilt "beyond a reasonable doubt."

"Beyond a reasonable doubt" is another phrase we've all heard. It also happens to be the highest burden of proof required by the law. It is defined as any doubt which would cause a reasonable person to hesitate before acting — a far tougher standard than proving someone is "probably" guilty; a far tougher measure than proving a case by "clear and convincing evidence," as required in civil lawsuits. So while we may be quick to forget the scant headlines of the Ronald Mark Simmonses of the world receiving lengthy prison terms, we all remember having seen headlines like "Man gets 10 years in killing," "Why were these guys free?" and "Sentence in killing too light, victim's family says."

No good prosecutor enjoys dismissing a case or "cutting a deal" for lack of evidence. But it would be irresponsible for us to take cases to trial when we know we do not have convincing evidence. It would be wrong for us to throw a case up just to see if it will stick. While trying a tough case is no problem, trying an impossible case is unethical. It's also foolish because double jeopardy would stop us from re-trying a defendant who is found "not guilty" even if more and better evidence later comes to light.

The point in all of this is that while the tools and technology of justice have evolved, there is still nothing more important than people in our communities looking out for each other rather than looking the other way. In the courtroom, criminal laws are stacked against law enforcement and against victims. Unless witnesses come forward with information and show up for testimony — and unless they're encouraged to do so by their friends and neighbors — all of us in law enforcement will continue to fight the good fight with one hand tied behind our collective backs.

In our community, our sheriffs and police chiefs are making solid progress in reducing crime rates. In Charleston County, my office has led the state in the number of guilty verdicts at trial and total overall convictions.

I have joined state and local leaders in pushing for criminal justice reform. While we must have that reform, passing more laws and giving victims equal footing in the courtroom will mean nothing if witnesses do nothing when crimes are committed.

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