



# Lending Liberty to the Indigent: THE TEMPLATE TO ONE SOLUTION



by  
Stephen  
Andre  
Mosca

Alexi K. is a young man somewhat new to America. He had come from a country that was a former member of the Soviet Union. He is semi-skilled and works hard at odd construction jobs, when he can find them. He barely speaks the language but somehow he gets by.

One night, after a long day's work, Alexi decided to leave his rented room to go to the store. He wanted to buy cigarettes and a soda. He left his room, which contained all his belongings, including his tools and papers, and headed to the store. He cut across an empty lot between his room and the

store. Because there was construction going on nearby, there was a portable toilet set up on the lot, which Alexi decided to use. When he was finished, he opened the door and reemerged into the night. Suddenly, there were bright lights in his eyes. Someone shouted at him, "Freeze! Get down!" Alexi, startled and confused, had one response and it was automatic: run.

Alexi ran into a wooded area. It had rained recently and the ground was wet and muddy. The footing was unsure. As he splashed through the muddy bog he heard his pursuers slip and fall behind him, cursing loudly in anger. Then he, too, slipped in the mud and it was over.

Unfortunately, this young man's odyssey was just beginning. When the police finally caught up with him, they were angry. So angry they beat the 125-pound 19-year-old with their flashlights and then dragged him from the bog and back up to where the chase began.

Once there, one officer pinned him to the ground with a knee to the back. Another officer kicked him and stomped on his head, breaking his cheekbone against the concrete ground and leaving him heavily bruised. They brought him to the detention center, charging him with felony trespass and attempted burglary. The arrest and booking report claimed that a silent alarm had brought them to the scene but upon arrival and inspection nothing was found amiss, though there was a brick near the window of a nearby business and "a chip in the front plate glass window." The officers neglected to secure the brick as evidence, however.



It has been said that the true measure of a justice system is how it treats those on the economic fringe. Certainly, as defense counsel, we would place indigent defendants, like Alexi, among those residing

