

The pursuit of justice is not a game. After a crime is committed, the police are supposed to capture and arrest, District Attorneys prosecute, juries decide guilt, and judges hand out sentences. Justice should bring retribution to the criminal, consolation to the victim, and peace of mind to society.

The system is full of malfunctions. Some criminals elude capture, and others escape through loopholes. Likewise, many innocents get convicted and spend years in prison. Of these two travesties, the former draws more wrath and ire from the public. Sins going unpunished irritate and enrage the heart of the American soul.

American society is obsessed with winning. Winning has value in the realm of sports and in the stock market, but no real place in the arena of criminal justice. Yet, to a vast number of police and prosecutors winning is everything. At most justice is an afterthought.

Randall Adams knows this too well. The protagonist of the award winning documentary *The Thin Blue Line*, Adam's was arrested, found guilty, and sentenced to death for killing a Dallas police officer in 1976. Though another suspect on death row later confessed to the shooting, Dallas prosecutors relentlessly pursued Adams. Even after the confession, one prosecutor publicly derided both the judge who reopened the case, and called the Dallas Court of Criminal Appeals, certainly one of the nation's most conservative judicial bastions, "a bunch of twisted liberals." This obsession with winning resulted in his expulsion from the office.

Legendary Green Bay Football coach Vince Lombardi is known for espousing, "Winning isn't everything, it is the only thing." Though Lombardi never intended this remark to apply to criminal courts, his philosophy continues to infect and erode the mentality of criminal justice authorities. The goal of justice and fairness has been displaced by a "win at all costs" mentality. I call this attitude Lombardiology.

A recent victim of prosecutorial Lombardiology is Japanese businessman Kazuyoshi Miura. On February 22 of this year, U.S. authorities arrested Miura on the island of the Saipan. Although a famous vacation spot for Japanese tourists, Saipan is in the Northern Mariana Islands that became a self-governing U.S. territory in 1986. Miura was sought for years by the Los Angeles Police Department in regard to the murder of his wife Kazumi. She was shot during a burglary in 1981 while they were on vacation in southern California. Arrested in Tokyo in 1985, Miura was tried in Japan for assault and murder.

Kazuyoshi Miura Was A Victim Of Prosecutorial Lombardiology

By Michael H. Fox

The Japanese courts are extremely severe on criminal suspects: the guilty rate hovers at 99.8%. Though he denied the charges, Miura was found guilty of assault. Yet despite the great odds and the evidence presented to Japanese authorities by the LAPD in many visits to Japan, the Tokyo High Court declared Miura not guilty of murder in 1998. After almost two decades of incarceration, he was freed from prison in 2001. In 2003 Japan's Supreme Court acquitted him of the murder charge.

To the authorities in L.A., this was a defeat. But losing a game does not mean the series is finished. They sought a rematch. And one that would be played on their home ground

The problem is how do you arrest, detain and prosecute a suspect who has already been declared "not guilty?" How can you bend the rules and still show the world that the U.S. Constitution's sacrosanct guarantee against double jeopardy is not being violated? The solution: Use specious tactics. Insist that conspiracy was not prosecuted in Japan.

Miura's case was a media sensation in Japan. After his acquittal by Japan's Supreme Court in 2003, he estimated during an interview with *The Japan Times* that he had won about \$850,000 in damages from invasion of privacy and defamation lawsuits he had filed against Japanese magazines, newspapers and TV stations.

The LAPD's conspiracy case against Miura was built with fraudulence. During his long trial in Japan, he was not tried for pulling the trigger that killed his wife. He was charged and found not guilty of plotting the robbery incident in which she died. In other words Miura was acquitted at trial of being a participant in a conspiracy.

Despite great efforts by his lawyers and strong legal precedent supporting his case, Miura's extradition to California was allowed.

In 2004, the State of California passed a law nullifying double jeopardy for crimes occurring outside the United States. It stands to pass that wealthy criminals should not be allowed to buy their way out of justice in poor and corrupt societies. But Miura was found innocent in Japan for the 1981 crime in 2003, even before the California law was

passed. Retrying the case would have entailed an *ex post facto* [retroactive] prosecution – a violation of the precedents established by the US Supreme Court. If allowed to stand California's end-run around the Constitution would have enacted a new double jeopardy standard.

The plane landed in Los Angeles on the morning of October 10, 2008, and that evening he was found dead in his cell with a noose fashioned from his t-shirt around his neck. His death appeared to be a suicide.



Kazuyoshi Miura in 2008

Hardly proficient in English, and 61 years of age, Miura dreaded being incarcerated among street gangs and other rabble. Having endured 17 years spent in his own nation's prisons, the idea of more incarceration, more motions in front of judges, more prison food, more waiting and wondering ... proved too much for even a seasoned veteran in the pursuit of justice. He ended his life rather than face the dismal prospect of having to establish his innocence ... again.

Prosecuting the innocent and the exonerated, destroys more than the human soul. It demolishes the system which we have come to believe is the best in the free world. The unrelenting desire of police and prosecutors to win — regardless of facts, evidence, and prior acquittals — kills the basic rights inherent in the American system of justice. Ultimately, it killed Kazuyoshi Miura ... whether by his own hand or someone else's.

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Lawyer Claims Miura Was Murdered

Days after Miura's death his lawyer Mark Geragos hired an independent forensic pathologist examine his body. The pathologist found injuries consistent with him being beaten and choked to death. Miura had injuries to the middle and lower parts of the back as well as to the larynx. Miura was a prolific writer but no suicide note was found, and one of Geragos' associates visited Miura in the LA County Jail before the discovery of his body. He said Miura was in good spirits, and "He was ready and girded for the fight." On December 3, 2008 the LA County Coroner's Office issued its report that Miura's official cause of death was suicide.