

## Mikhail Khodorkovsky Tells Judge The Case Against Him Is “Utter Rubbish”

Mikhail Khodorkovsky was Russia’s richest man and the 16 wealthiest man in the world when he was arrested in 2003 and charged with tax evasion. There was widespread speculation the charges were politically motivated because he was publicly critical of then Russian President Vladimir Putin and he funded opposition parties. Khodorkovsky’s prosecution neutralized his influence on the 2004 Russian Presidential election.

Khodorkovsky was the largest stockholder in the oil company Yukos. Khodorkovsky’s partner and Yukos’ second largest stockholder, Platon Lebedev, was also charged with tax evasion. The two were held without bail. After an 11 month trial they were convicted in May 2005 and sentenced to 9 years in prison, which was later reduced to 8 years.

Khodorkovsky’s conviction made news in the U.S. when it was reported that President George Bush expressed concern to Russian President Putin that Khodorkovsky “had

been judged guilty prior to a fair trial.” Khodorkovsky and Lebedev were several months from being eligible for parole in 2007 when they were charged with embezzlement and money laundering. The new charges prevented their release prior to the 2008 Russian Presidential election. If convicted of the new charges they would be imprisoned during both the 2012 and 2016 elections that Putin is expected to participate in.

The men’s trial began in March 2009 and the close of evidence didn’t end until 19 months later in October 2010. Khodorkovsky, 47, gave his own closing argument on October 26. It lasted for three hours. The men are accused of stealing oil worth \$27 billion and Khodorkovsky told the judge that if that amount of oil were placed in freight trains they would circle the equator twice. He then told the judge, “I am sure that you are competent enough to understand that the allegations made by the prosecution are utter rubbish” that hadn’t been proven, and he urged the judge to dismiss the charges.

When Khodorkovsky was brought handcuffed into the courtroom dozens of his supporters, including former World Chess



Mikhail Khodorkovsky (left) and Platon Lebedev in 2004 during their first trial. In Russia defendants are kept in a cage in the courtroom. (Life magazine)

Champion Garry Kasparov, cheered and chanted “Freedom, freedom!” Kasparov told reporters, this “political trial will determine the configuration of the future government in Russia.”

The verdict in Khodorkovsky and Lebedev’s case is expected on December 27, 2010.

Once a multi-billionaire, *Forbes* magazine has estimated that because of his legal troubles and the collapse of Yukos that Khodorkovsky has only a fraction of his wealth left.

Khodorkovsky and Lebedev’s official website is, <http://www.khodorkovskycenter.com>

## Jernigan cont. from p. 3

... As we view the withheld evidence in the context of the entire record, it is apparent to us that the evidence [of other bank robberies] was material and that Jernigan was prejudiced by its suppression. Withholding knowledge of a second suspect conflicts with the Supreme Court’s directive that “the criminal trial, as distinct from the prosecutor’s private deliberations, [be preserved] as the chosen forum for ascertaining the truth about criminal accusations.” *Kyles*, 514 U.S. at 440. By suppressing this evidence, the prosecution arrogated to itself a central function belonging to the criminal jury and pursued its role as adversary to the exclusion of its role as architect of a just trial. The government has deprived Jernigan of a fair trial and placed a possibly innocent woman behind bars. Because the evidence withheld by the government was material, we reverse the decision of the panel and district court, and remand to the district court for further proceedings consistent with our opinion. *U.S. v. Jernigan*, No. 05-10086 (9th Cir., July 9, 2007)

For seven months Jernigan remained im-

prisoned in a limbo-land. She did not know if the government was going to drop the charges or retry her. Then on February 5, 2008, the government submitted a motion to dismiss Jernigan’s indictment. The motion detailed that two days earlier Gallegos confessed to federal law enforcement officials that she robbed the three banks Jernigan had been indicted for robbing. Due to the unusual circumstances the judge immediately granted the motion and ordered Jernigan’s release from custody after 7 years and 4 months of imprisonment.

The night of her release she had dinner at a Phoenix area McDonald’s with her husband, children and other family members. Two days after Jernigan’s release she told reporters she needed a job. “I don’t care what it is. I’ll work at McDonald’s, I’ll work at Jack in the Box, Circle K, whatever. I’ll do whatever they’ll let me do.”

Jernigan’s attorney was Alan Simpson, who represented Ray Krone when he was released from Arizona’s death row in April 2002 after new DNA evidence proved he did not commit a Phoenix murder. Simpson told reporters about Jernigan, “This is a classic misidentification. Misidentifications do happen. (Witnesses) aren’t being mean or nasty, but psychologically, if you have a

bad lineup, that can taint what happens in the courtroom.”

Gallegos remained in federal prison until her release on November 27, 2009. She was not charged with the bank robberies she confessed to committing.

Jernigan filed a federal civil rights lawsuit in December 2008 that named as defendants the FBI agents involved in her case, the city of Gilbert, and several other people. In June 2010 the judge denied Jernigan’s motion to amend her complaint. As of November 2010 her lawsuit has not been resolved.

Sources:

*U.S. v. Jernigan*, No. 05-10086 (9th Cir., July 9, 2007).  
 “Mom freed; served 7 years for heist she didn’t commit,” *Arizona Republic*, February 7, 2008.  
*Jernigan v. Richard et al*, No CV-08-2332-PHX-GMS (filed December 23, 2008).

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