

Top judge: crimes cases down, but solutions up

Missing lawyers, police cause postponements

BY JUAN A. HERNÁNDEZ
Special to the Daily Sun

Among the main reasons for postponing criminal cases are the absence of police officers at preliminary hearings and trials, the prosecutors non-compliance in the evidence-discovery process and the tardiness and absence of defense lawyers, who schedule too many cases on the same day, Puerto Rico Supreme Court Chief Justice Federico Hernández Denton said Friday.

He also said the number of criminal cases submitted last year was 20 percent lower than in the previous four-year period, and misdemeanors were down even more.

The initial evaluation came from a report that the number of criminal cases resolved by the Puerto Rico Judiciary Branch in fiscal 2009-2010 surpassed the 100 percent mark (sic).

He explained that the apparent mathematical disparity was caused by adding the resolution of cases held over from the year before to the year's total.

"The case resolution index for the criminal affairs courts for that year was 102.2 percent [sic] for felony cases, and 102.8 [sic] percent for less serious offenses," Hernández Denton told a group of judges at a symposium.

"These are not mere appreciations, but specific and hard facts that demonstrate your commitment and dedication to your

work," he told the assemblage.

According to the Chief Justice, 347,749 cases were submitted in fiscal 2009-2010. Of these, 55,099 (16 percent) were new criminal cases.

Hernández Denton noted the sharp reduction in criminal cases for the same period. While 37,036 felony cases were submitted in 2006-2007, only 29,463 were submitted in fiscal 2009-2010. A total of 7,573 fewer cases were submitted by Justice Department prosecutors in this period.

Likewise, the number of misdemeanor cases submitted in this four-year period also went down significantly. Misdemeanor cases went from 31,284 to 24,413; a 21.6 reduction in the number of cases submitted.

"This substantial decrease in the number of cases submitted by the Office of the District Attorney and the Puerto Rico Police deserves further evaluation," said Hernández Denton.

For him, such evaluation must include any possible relation between the incidence of crime and the public's perception of crime.

Hernández Denton reported he had met with the heads of the Puerto Rico Justice Department, the Puerto Rico Police, the Federal Court for the Puerto Rico District and the president of the Puerto Rico Bar Association, among others, to hear their recommendations regarding how criminal investigations and the performance of the prosecutors can be improved.

At the same time, the Chief Justice met with judges from the different judiciary regions to receive their impressions about the performance of the Police, the prosecutors, the forensic sciences technicians and defense lawyers.

"It is a great interest of mine to evaluate our processes to improve them. As I said



Daily Sun/Humberto Trias

Puerto Rico Supreme Court Chief Justice Federico Hernández Denton addresses a group of judges Friday at the First Judges Encounter on Criminal Affairs. He noted many reasons for delays in criminal cases, but said that more cases were solved this year than last.

before, criticism is inherent in our duties and we should assume it as if it were our own," said Hernández Denton to the criminal judges participating of the First Judges' Encounter on Criminal Affairs.

"We should be self-critical and allow others to express their opinion about the Judiciary," said the Chief Justice. "Let's be candid about this; sometimes this could be uncomfortable. But it is a necessary process to which we all must submit ourselves in our public duties. No one should be excluded from this, not even I."

Despite the fluctuations in the number of cases submitted, Hernández Denton said the

Judiciary Branch has developed a series of measures to modernize and expedite the processing of criminal cases. Among these measures he mentioned the Unified System for Case Handling and Administration (SUMAC for its Spanish acronym), which will allow judges to electronically access the files of cases assigned to their courtrooms.

Other projects aimed at improving case resolutions already underway are the Teleconferencing System -under consideration for use in arraignment and bail-setting hearings, and meetings with lawyers, among others - and the recording system "For the Record."



Rep. Liza Fernandez

Mita probe called witch hunt by lobbyists

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Barely a week since the House Judicial and Ethics Committee signaled its intentions to probe allegations of illegalities by the Mita congregation, a heavy lobbying effort is underway to stop it.

The Daily Sun has received information that during the past few days, several members of the Hato Rey-based religious church visited the offices of San Juan Mayor Jorge Santini and House Speaker Jennifer González in an effort to halt any investigation.

Both Santini and González are vice-presidents of the New Progressive Party.

According to a well placed source, the persons who visited the political leaders carried a message that the Mita church "had a lot of 'Penepes' [members of the NPP] in their ranks," and suggested that there could be a political cost associated with the probe.

On Monday, Rep. Liza Fernandez filed a House Resolution which offici-

ally launched a probe into the 70-plus year-old religious congregation.

"Nobody will stop this investigation," said Fernández. "The reason for the probe is not religion but several allegations of illegal acts in that church."

NPP Rep. José Torres, also a Committee member, backs his fellow party member.

"We received confidential evidence that there were some illegal acts committed at the [Mita] church and it is our duty to investigate the matter," Torres said.

The freshman lawmaker argued that the investigation will not be a "witch hunt," as some have called it, but an unbiased probe into certain allegations that could damage the image of the church.

"Most of the people who attend the church are law-abiding but there appear to be [bad] elements, which we will investigate," Torres said.

For Popular Democratic Party Rep. Brenda López de Arrarás, the probe is illegal.

"The courts have found a clear separation between church and state," she

said. "There's also freedom of religious belief and we will maintain that. This probe is not proper."

The federal government is currently investigating the practices of the Scientology Church because of allegations of abuse and fraud.

In the late 1970s, the U. S. Congress launched an investigation into the Unification Church.

Since the mid 1970s there have been several requests to the executive branch, as well as to the Congress and to state and local authorities, for investigations on the activities of different churches.

Numerous investigations have been launched by the Department of Justice.

A House of Representatives subcommittee investigation led it to conclude that these investigations were justified and should continue.

However, the subcommittee argued that these investigations will be inconclusive and redundant unless they are coordinated with each other and treated as an investigation of essentially one organization.