

The liability of O.J. Simpson

BY EARL OFARI HUTCHINSON

The moment the jury found O.J. Simpson "not guilty" of the murders of Nicole Brown and Ron Goldman, the Goldman and Brown families announced that they would quickly move ahead with their wrongful death suits against him. Many Americans, especially African-Americans, were puzzled and confused then and they still are. They ask, "How can O.J. be tried again?" Does't this violate the due process and double jeopardy provisions of the Constitution. These are the compelling reasons why in Simpson's case the answer is no.

Criminal Trial Acquittal

When a defendant is acquitted in a criminal court, civil suits are rarely brought. The defendant has few assets for a victim or their family to recover and the time and the expense of a civil trial aren't worth it. But there are two glaring exceptions. The first is when the defendant is wealthy or a celebrity. In

1976, T. Cullen Davis, reputedly one of the world's richest men, was accused of shooting four people, two fatally, at his Fort Worth, Texas mansion. One of the victims was his estranged wife and one of the fatalities was his 12-year-old step-daughter.

The prosecutors tried to prove that Davis tried to kill his wife to avoid a messy and costly divorce settlement. They didn't succeed.

Davis was acquitted. A decade later his ex-wife sued him for the death of her daughter. The jury hung in her favor. Rather than risk another civil trial, a bankrupt Davis agreed to pay her a \$5 million settlement.

When social gadabout Claus Von Bulow was acquitted of the attempted murder of his wife, his two step children sued him. It never went to court. The suit was dropped when Von Bulow agreed to give up any claims to his wife's fortune.

The other exception in which a civil suit is filed against a defendant acquitted in criminal court is if it's a

highly publicized case, and the acquittal sparks legal outrage.

When Louisiana butcher Rodney Pears was acquitted in the mistaken shooting of a Japanese exchange student Yoshihiro Hattori, his family sued and won a \$653,000 judgment against Pears.

Double Jeopardy

An individual cannot be criminally prosecuted twice for the same offense. The Supreme Court has ruled that double jeopardy applies to a defendant in a civil case only if the lawsuit is being brought not for the purpose of compensating the victim or their family for their pain and suffering, but to punish the defendant.

The civil sanctification is so severe that in effect it becomes a criminal sanction against the defendant for the same offense. Simpson's attorneys may well argue this point if he's found liable and nailed with a massive punitive and compensatory judgment.

Observing

Balls of fun with winter sports classes

A host of sports classes that will keep youth active in this winter is offered by the City of Vancouver Community Parks and Recreation Department.

• **All-sport class for girls and boys ages seven to nine.** Class includes basketball, soccer, and t-ball. Meet at Bagley Center, 4100 Plomondon, on Thursdays between 4-5 p.m. February 6-27. \$16 (\$13 city resident).

• **A five-week basketball clinic for girls and boys ages eight to 14 is designed to improve basic skills and practice fundamentals.** Sundays, January 21 to February 18, 6:30 to 8 p.m. Location to be announced. \$30 (\$27 city resident).

• **Baseball skills improvement for ages six to ten, through games and scrimmages.** Meet at Marshall Center Gym, 1009 E. McLoughlin Blvd. Thursdays, 5-6 p.m., February 6-27.

\$16 (\$13 city resident).

• **Kids ages six to 18 can learn the fundamentals of bowling from veteran coach Ray Wright.** Meet at Vancouver Timber Lanes, 2306 NE Andresen Road.

All equipment provided. Choose Monday, Wednesday or Friday from 4 to 5:30 p.m. Indicate which day of week when registering. February 10-March 10. \$23 (\$21 city resident).

City searches for Officers Row guides

The city is looking for people interested in acting as tour guides for the stately homes along Officers Row. Tour guides (or docents) will be trained in the history of Officers Row, Vancouver's oldest neighborhood.

Free walking tours of Officers Row are available to the public

on Tuesday and Saturday mornings and Friday afternoons. "With the help of new docents, we hope to expand to daily tours by summer," says Jane Morrison, heritage services coordinator for the Vancouver Community Parks and Recreation Department.

The first training session this year

is Thursday, January 23 from 3:30 to 5 p.m. at Grant House, 1101 Officers Row. This session includes a tour of the O.O. Howard House which is undergoing rehabilitation. A different subject will be covered at each training session.

Interested individuals can call Morrison at 699-5288.

Suspect arrested in Salvation Army theft

Portland Police detectives arrested and charged a man with theft of over \$5500 from the Salvation Army building, located at 1785 NE Sandy Blvd.

James A. Brown, white male, DOB November 26, 1968, was charged with one count of Theft I and lodged into the Justice Center Jail.

Brown is alleged to have stolen cash, coin, and checks totaling over \$5500 on the evening of December 23, or the morning of December 24, 1996. The money was removed from the safe of this building. Brown was employed as a maintenance man at the time of the theft.

Brown, who lives in SW Portland,

did not have a police record in the Portland area. He has a misdemeanor or record from crimes committed in the eastern U.S.

Investigative Sergeant P.J. Nelson and Salvation Army officials state that they were able to recover all checks and except for \$400 in cash, all monies.

Crime Stoppers Willie Banks murder suspect sought

On Friday, November 15, 1996, at approximately 8:30 in the evening, in front of 1460 NE Prescott Street, Willie Banks, Jr., a 19-year-old male black, was shot and killed.

The incident reportedly began when the victim and his girlfriend, who were in the victim's car, stopped at the market in the 1400 block of NE Prescott.

The suspect, who was outside the market, said something to the victim's girlfriend, who was waiting in the car, and words were then exchanged between the victim and suspect. The suspect then pulled out a gun and fired once, mortally wounding the victim.

Homicide investigation

Portland Police Bureau Homicide Investigators, in cooperation with Crime Stoppers, are asking for your help in solving a murder.

On Saturday, August 31, 1996, at approximately 10:50 in the evening, in front of 3950 NE Garfield Avenue, Alajjo Shaune Johnson, a 17-year-old male black, was shot and mortally wounded.

Alajjo Shaune Johnson, who went by "Shaune" or "Shawn", was pronounced dead on arrival at a local area hospital.

A black male subject on a bicycle was seen leaving the area shortly after Shawn Johnson was shot.

The suspect who was last seen running westbound on NE Prescott, is described as male black, 17 to 19 years, 5' 10 to 6'0, with a thin build, dark complexion, and clean shaven. He was wearing a dark stocking cap, a black down-type jacket, and was armed with a handgun.

If you have any information regarding this case, call the Crime Stoppers program.

Crime Stoppers is offering a cash reward of up to \$1,000 for information, reported to Crime Stoppers, that leads to an arrest in this case, or any unsolved felony crime, and you do not have to give your name.

Call Crime Stoppers at (503) 823-HELP.

If you have any information regarding this case, call the Crime Stoppers program. Crime Stoppers is offering a cash reward of up to \$1,000 for information, reported to Crime Stoppers, that leads to an arrest in this case, or any unsolved felony crime, and you do not have to give your name. Call Crime Stoppers at (503) 823-HELP.

Investigators: Investigative Sergeant Craig Yost and Investigative Sergeant Terry Wagner, Homicide Detail (503) 823-0479.

Crime Stoppers Coordinator: Officer Henry Groepper, Investigative Support Unit, (503) 823-4357 or (503) 823-0830.

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Police ask for assistance in homicide investigation

On Monday evening, January 6, 1997, Dean Owen Tahtinen, a white male, 30 years of age was found dead in his apartment.

He lived in the Satellite Apartments located at 10620 NE Wygant St.

The cause of death has been determined to have been strangulation.

Tahtinen was last seen at approximately 6:00 pm, Saturday, January 4, 1997 downtown at CC. Slaughters Restaurant and Lounge, 1014 SW Stark St.

The police are asking anyone with information about this actions that evening to please contact Detectives Mike Hefley or Tom Nelson at 823-0400.

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In Last Comes the Egg, Bruce Duffy manages the incredible. Here is an American novel that brings into uncanny focus the mysteries of life, death and lunar weirdness of adults—all as seen through the X-ray eyes of a kid. The kid's name is Frank Dougherty, and when he's twelve his extravagant mother fails him in the most profound way possible: she dies. In her wake, she leaves a new T-Bird his family can't afford and a host of troubling questions. Yet, perversely, Frank feels more alive than ever. And, in all innocence, he fights back.

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