The Kings of the Courtroom: How Prosecutors Came to Dominate the Criminal-Justice System


Background Information
The following article is about the power of prosecutors. It quotes Judge’s as saying that even they don’t think the power that prosecutors have is just. Unfortunately, this is the world we live in, and its one of the reason why its so important to have a competent attorney who is familiar with the local prosecutor’s office to navigate these treacherous waters.

-Johanna Zapp, Esq.

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to convince a jury that the defendant knew a transaction was dodgy is to have a former colleague say so.

A common way to recruit co-operators is to name lots of a defendant’s colleagues as “unindicted co-conspirators”. An unindicted co-conspirator can be indicted at any moment; his lawyer will therefore usually advise him, at the very least, not to annoy the prosecutor by helping the defense.

Disquiet over prosecutorial power is growing. Several states now require third-party corroboration of a co-operator’s version of events or have barred testimony by co-operators with drug or mental-health problems. Judge Rakoff proposes two reforms: scrapping mandatory-minimum sentences and reducing the prosecutor’s role in plea-bargaining—for instance by bringing in a magistrate judge to act as a broker. He nevertheless sees the use of co-operators as “a necessary evil”, though many other countries frown upon it.

Prosecutors’ groups have urged Mr. Holder not to push for softer mandatory-minimum sentences, arguing that these “are a critical tool in persuading defendants to co-operate”. Some defend the status quo on grounds of pragmatism: without co-operation deals and plea bargains, they argue, the system would buckle under the weight of extra trials. This week Jerry Brown, California’s governor, vetoed a bill that would have allowed judges to inform juries if prosecutors knowingly bill that would have allowed judges to inform juries if prosecutors knowingly

By his own admission, this doesn’t always work out for the best. Hutson spent over four years in prison after getting busted for an opportunity he saw in drug trafficking, a huge market, and one that was as he saw it, ripe for disruption. Police busted him at his Vegas mail store, where he’d been reducing inefficiencies by rerouting marijuana through his Florida business via FedEx, UPS and DHL.

Hutson, who’d built several businesses before and after a stint in the Air Force, which he left with an honorable discharge, began meditating on new ideas soon after he started his 51-month sentence in 2007, aged 24. “I did my time that way,” he says. “While I was there I just saw how grossly inefficient the prison system was and there was just so many opportunities.”

A big gripe for the 2.5 million doing time in the US is keeping in touch with friends and family on the outside. There’s no internet in prison so all communication is through snail mail or the phone. Calls are often expensive and long distance. Relatives and friends, leading increasingly digitized lives, write less and don’t get around to sending photos for weeks on end.

“It was a pain point I experienced firsthand,” says Hutson. “I’m very close with my family and I knew they cared about me but even with knowing how much they cared about me they were still sometimes unable to send me photos.”

Transitioning from digital to analog is tough, says Hutson. It’s hard to sit down and write a letter now but simple to text or email. What if you created a website that printed out emails, texts or photos from your computer, Facebook or Instagram and mailed them for you in the plain white envelopes these institutions favored?

The idea for Pigeonly was born. Essentially, it’s a platform that centralizes the myriad state-level databases making it a quick search to find where an inmate is in the system – Hutson himself was moved eight times during his stay – as well as a way to communicate. “People get lost in the system all the time,” he explains. “We have attorneys contacting us trying to find their clients.”

When he started as part of the winter 2013 cohort, he and his cofounder Alfonzo Brooks had already launched a version of Pigeonly while Hutson was still in his halfway house. They’d quickly picked up 2,000 customers by directly mailing inmates touting their services.

“In the very beginning I was hesitant to even talk about my background but the question would always come up, well how do you know?” he says.

NewMe’s founder Angela Benton gave Hutson some advice. “She said, look some people are not going to vibe with you and they’re not going to be able to get on board with what you’re doing – there’s going to be a block because you’ve been in prison and you don’t look like the typical person they invest in,” he remembers.

When he focused instead on the people who were open and understood that his background was why he knew this problem exists he started gaining ground. “A lot of times a thing that can be perceived as a weakness actually turn into the greatest strength and for me it was that. It actually became the reason people invested – because I’d been there, and I know and understand this market better than anybody else,” he says.

Hutson thinks prisons are a natural pool of entrepreneurs. “When you take away that seven percent or so that did something violent that people are afraid of, people who we need to have locked up, most of the other guys were selling drugs or involved in some kind of scam or did some kind of wire fraud, or white collar crime that was motivated by finances,” he says. “So you just really got the business model wrong, you got the product wrong, the goal was wrong but if you can apply that same drive and bottom line principles to something positive then now you have a viable business.”

How This Man Built A $3M Business A Year After Four Years In Prison

By Hollie Slade, Forbes Magazine
Edited by Johanna S. Zapp, Esq.

Frederick Hutson is a man who sees business opportunities in everything.