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IT'S GOOD TO BE RICH

By Julius Wachtel, (c) 2010

“Jury acquits Wesley Snipes of tax fraud.” That was the headline splashed across U.S. dailies after a Federal jury [acquitted](#) the action-movie star of felony tax evasion, instead finding him guilty on three misdemeanor counts of failing to file tax returns. Since 1997 the star of “White Men Can’t Jump” has avoided paying millions of dollars in taxes by claiming that the IRS was not a legitimate government agency and lacked the authority to tax domestic earnings. An accountant and a well-known tax protestor who had been counseling Snipes and were tried alongside him were less lucky; both were convicted of felonies and face substantial prison terms.

On the same date that Wesley dodged the big bullet a Boston appeals court [affirmed](#) the conviction of Richard Hatch for felony tax evasion. Best remembered as the relentless “Survivor” contestant whom everyone loved to hate, Hatch will have to serve out the four-year, three-month prison term imposed after jurors rejected his claim that the TV production company had agreed to pay the taxes on his million-dollar prize.

There the comparison ends. Although they were charged with the same crime, Snipes’ alleged conduct was infinitely more serious, involving far greater losses of revenue and requiring much more investigation and court time. True, Hatch might have angered the judge by allegedly lying on the stand (Snipes didn’t testify), but he didn’t challenge the tax system with loony arguments. And when signing his return, he didn’t change “under penalties of perjury” to “under *no* penalties of perjury,” like Snipes did in 2001.

Still, Hatch got hammered, while Snipes essentially walked. Why? Although in criminal trials the burden of proof is on the State, considering the imbalance between the resources available to the Government and those available to most defendants, raising reasonable doubt is no cinch even for the truly innocent. Hatch, who got involved in other mischief and squandered his winnings, was in no position to hire a big-bucks defense team with multiple lawyers, experts and investigators. Snipes was, and did.

Tax fraud is one thing; murder, another. Consider the case of [Darryl Hunt](#). Arrested in a 1984 rape/murder, the youth had little money to mount a challenge against lying witnesses and a faulty identification. Once he was convicted the tables turned, and it

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was now up to him to find the real killer or rot in prison. Although activists and lawyers worked tirelessly on Hunt's behalf, it took nearly twenty years before DNA identified the right man, a parolee who had been jailed for attacking another woman not long before Hunt's arrest. That information could have been discovered before trial had there been funds to hire investigators. Hunt didn't have to do nineteen years for a crime he didn't commit, but he did.

Now consider some famous acquittals. Football legend O.J. Simpson, accused of slicing up his ex-wife and her friend outside her Westside apartment. Pop star Michael Jackson, tried for molesting a child at his Santa Barbara ranch. Actor Richard Blake, arrested for shooting his wife to death outside an Italian eatery. Consider also the case of music producer Phil Spector, whose 2007 trial for murdering a restaurant hostess ended in a hung jury. Other than fame, what do these defendants have in common? Money, and lots of it. Spending millions of dollars on teams of top-notch lawyers, experts and investigators, each managed to plant enough "reasonable doubt" in juror minds to overcome what many observers thought was overwhelming evidence of their guilt.

What's the moral to the story? If you're not rich, think twice before going to trial. And if you do go to trial, are unjustly convicted, manage after five years to get a new trial, and the D.A. offers you time served for pleading guilty -- take the deal! Don't stand on your high horse and go to trial again, just so you -- like Darryl Hunt -- can be wrongfully convicted *twice!*

A system that works to the advantage of the wealthy and promises for everyone else only as much justice as they can afford is nothing to admire. How to restore its balance is one of our democracy's most important to-do's for the twenty-first century.