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PERSPECTIVE

Change is coming

By Nina Marino

Twenty-eight years ago, I was not a white-collar criminal defense attorney. I was a new attorney practicing criminal defense law. I took court appointed cases. In the wake of the acquittal of four LAPD officers who beat up Rodney King, Los Angeles erupted in a firestorm of flame and smoke. I recall watching from my rooftop in West Hollywood as Pico and La Cienega burned. But that was the outskirts of the real destruction, which took place in black and brown neighborhoods. A man, a hard-working honest man, a good husband, and father of four, was on his way home from work when the eruption started. He stopped into a 7-Eleven for a soda and, in that instant, he was swept up by LAPD and declared a looter. This man, Moises Mota, was my client.

Moises had never had contact with the police, he had no criminal record, he had always lived an upstanding life. Yet that did not matter to the criminal justice system. The city attorney offered him probation, but he would have to plead guilty. This man would not do that. This man would not say he did something he did not do. And so, we went to trial. The judge, also a Hispanic man, was deeply troubled by the rioting and looting that tore a hole through our city. Moises' wife and children came to the courthouse on the first day of trial to support him. One of Moises' children was autistic. Over my emotional objection, the judge ruled that the autistic child could not be in the courtroom during the trial because the jury would be too sympathetic for Moises if they saw he had an autistic child. The family waited in the hall throughout the entire trial. It was one of the most contentious and volatile trials I have ever done.

The jury was out a couple of hours before they acquitted Moises of all charges. The judge was visibly unhappy with the verdict, apparently believing Moises Mota should have been found guilty for the looting and destruction of the city. And so, it did not end there. During the resulting civil lawsuit against the city for wrongful arrest, the city attorney requested a trial exhibit. The court clerk could not locate the exhibit, and the judge, in what I believe was retaliation against me for representing Moises, accused me of stealing it. The fear I felt of being wrongly accused, like my client, Moises, was terrifying. Would the false charge stick? Would I lose my law license after just a few years of practice? I had to hire a lawyer to represent me. Soon after I did that, the missing exhibit was found; apparently the clerk had misplaced it.

My experience of watching the riots of 1992, defending the wrongfully accused, and ultimately having to defend myself, have stayed with me throughout my career. Seeing the city ignite again for the very same reasons it ignited 28 years ago is profoundly gut wrenching. The gaping hole in which the pain of injustice resides in our city and in our country has never been healed. The hole continues to exist as an abyss of police brutality and excessive force fueled by racism, inequality, and fear rooted in 400 years of oppression. So profound is this hole, that even COVID-19 could not cover it up. As Kareem Abdul-Jabbar said recently in the LA Times, "the needle hardly budes."

Yet, I see cause for hope. In 1992, we had what history has recorded as six days of "riots." Today we have peaceful and organized protests made possible by level heads and social media connectivity. The protestors also look different today than



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Florence and Normandie Avenues in Los Angeles in 1992 after the riots.

they did in 1992. In 1992, the protestors were largely black people, today they are mostly young people of all races, including a lot of white people.

The looters of today, like the protestors, are also more organized due to social media. However today, because there are cameras everywhere, LAPD is not sweeping like they did in 1992 when more than 12,000 people were arrested over the six-day period. Today, on day six, 2,700 people have been arrested; I think we can expect more arrests will come later, but hopefully they will be supported by better evidence. Today, perhaps Moises Mota would not be arrested.

Education and the ongoing discussion of all that exists in the hole has been the bedrock of change. In 1992 the term "white privilege" was not commonly known. Today we understand what it means to be black and what it means to be white and how that shapes our experiences. We understand that being black is to exist with barriers and stigma, whereas being white is to exist with privilege. We also see clearly that the pain the black community feels is not a brief moment in time, but in fact a lifetime, and because of that

the protests we see today continue day after day.

And so, it would seem to me, that even though my generation did not understand all this 28 years ago, the young people of today do. It is no surprise that they are showing themselves now, in this time of crisis and pain, as leaders demanding social change. I pray we all get that. ■

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