

The Legal Beagle

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Special points of interest:

- Get to know the facts of drinking and driving
- One man was in jail for 27 years for nothing, now he is helping other innocent people get out of jail
- California was one of the first states to allow gay marriages and now that is on hold
- Now available on Facebook and Twitter

Immigrants Deported for Dangerous Drugs

The deportation rates have been increasing in the recent years due to the dangerous drug crimes being committed. Nearly a third of immigrants deported, are removed due to criminal activity having to do with dangerous drugs. These dangerous

drug crimes include manufacturing, distributing, selling and possessing illegal drugs. Last year, 37,993 people were deported last year for these crimes. That is 29.6% of the total number of people that were deported last year.



Immigration and Customs reported that

there were 390,000 total people were deported from the country last year. The Obama administration has made the deportation of immigrants who commit crimes a priority in its immigration enforcements. If you need a green card to stay in this country, you need to be a law-abiding citizen.

Domestic Violence Restraining Orders

Domestic Violence is a far too common occurrence in the United States. It is not just with married couples, it can be with people who are dating too. It is not always physical; the abuse can be emotional or verbal as well, which includes harassments and threats. It is a way to dominate or control another person. Anyone can be a victim of this violence; any class, race, or gender. Although, it is most commonly found that the victim is the woman. It occurs in 85% of all

domestic violence cases. One in every four women have been a victim of abuse in their life. Women between the ages of 20 and 24 have the greatest of being involved in an abusive relationship. There are many ways to help the victim. In many cases, it is hard for the victim to get away. There are free legal hotlines and shelters for victims to seek help and support. Another option would be to get a restraining order. The victim must file a petition with the court and a lawyer can help them to know their rights. There

will be a hearing within two weeks to decide if the restraining order will be in effect. Medical Records, witness testimony, photographs and police reports are good evidence to support the victim's case.



27 Years Served, Found Innocent



Michael Green of Texas was let out of jail two weeks ago after being incarcerated for 27 years for a rape he didn't commit. He received \$2.2 million in compensation from the State of Texas. He was set free because of DNA evidence on the victims clothing. Green is now 45 years old and has lost most of his life to prison and the mental abuse he took from being there. He was

convicted on identification via a photo lineup, proving that those are not always 100% reliable. When he was 18, he was sentenced to 25 years because of the accusing girl's word. He endured so much in jail because he was a black man that was accused of raping a white woman. There was an attempted stabbing and many fights. He appealed the case many times but always lost, but in 2001 there was a new Texas statute granting inmates the right to request

DNA tests on old evidence. He typed up his own mandate and sent it in to the judge. It took over three years to get through the system, but when it did, they found 32 semen stains on the victim's pants. The DNA was matched to someone else who was in the system and was on parole for another crime. Green has been offered a paralegal job with the Innocence Project of Texas and is dedicating his time to get more innocent people out of jail.

Arrests for DUI in Massachusetts

Driving under the influence (DUI) is one of the most dangerous things one could do. It puts your own life, anyone in the car and anyone on the road's life in danger. In 2008 in Massachusetts, there were over 11,000 arrests with charges of a DUI. There were 113 fatal accidents where at least one driver had a Blood Alcohol Content (BAC) of 0.8% or above and there were 124 people were killed in accidents where at least one driver had a BAC of 0.8% or above. 27 people were killed in accidents where at least one driver had a BAC between 0.01%

and 0.07%. 151 total deaths caused in Massachusetts where at least one driver had a BAC of 0.01% or above. All of these deaths could have been prevented, which is tragic. These accidents happen because alcohol significantly affects your body and brain. The first part of your body to be affected is the central nervous system, which controls many of the main functions, including the muscles that control your speech, eyes, ears and even your reaction times. It also affects the frontal cortex of the brain, which lowers

inhibitions. Alcohol affects the cerebellum as well, which will distort judgment of heights and distances, and coordination and balance. Although going out to relax and have fun after a long week of work is fun, be careful not to drink and drive. These symptoms happen after one drink and only magnify with more drinks. Drinking and Driving is a danger to everyone, so stay safe and have a designated driver for the night!



Oil Spill Ruins Lives



Kenneth R. Feinberg is the man in charge of giving out the \$20 billion oil spill compensation funds for BP. But, this is not his first time in this position. He was also the man to administer the victim compensation funds for the 9/11 tragedy. This man has endured

emotionally draining stories from victims for both events, but this one seems to be very difficult. This oil spill ruined the lives of many by putting their shrimping and fishing companies in jeopardy. He goes through thousands of claims and it is harder to sort through these claims than the 9/11 claims because deaths are easier to verify than how much a

business would be losing. The Obama Administration and White House Officials have said that BP may be liable for more than the \$20 billion. Feinberg is getting a lot of grief from gulf residents whom have lost so much with this spill. BP has promised to compensate for all of the damages and losses that have been caused by their spill.

Larceny – What is it?

Larceny is crime. Fortunately, it is becoming less and of a presence in the community compared to earlier years. Although, that does not mean it is still not a problem. Yes, there was a 5% decrease in larcenies from 2007 to 2008, and 2005 was an all time low for Massachusetts, but has been slowly increasing since then. Also, there were 106,254 larceny cases in



2008. This accounted for 69% of all of the property crimes committed in Mass. In the city of Worcester, there were 6,631 reported larceny cases, out of over a 175,000 population. Larceny can be considered to be the theft or any object, pick pocketing, purse snatching, stealing funds from a business (embezzlement) or check larceny / cashing a

check that didn't belong to you. Larceny is split up by two different charges. The first is larceny with a value of over \$250 and the second is under \$250. These could have some serious consequences. Over \$250 could come up with up to 5 years in prison and a \$25,000 fine. Under \$250 could be up to 1 year in prison and \$300 fine. This is a misdemeanor but will still stay on your record for 5 years.

No Texting Law in Effect

No one under 18 can be texting or checking emails on any electronic device, even at red lights without a fine. This is a very hard law to enforce because it is to the officers discretion if the driver is texting or dialing, which is legal, or the driver's age. Advocates are now pushing for a hands-free law, so it is much more objective; either the

driver is holding a cell phone or not. Officers have been working hard to enforce this law as it is and will continue to do so. They believe that when people are stopped for not obeying this law, they will talk and the word will



get around. It will not take long for the roads to be a safer place to drive with less cell phone distractions.

Gay Marriages on Hold in California



In California, there has been an indefinite hold on same sex marriages until the federal courts have reached a decision on the constitutionality of this law. The Chief US District Court Judge

Vaughn Walker decided last week to allow the gay marriages to continue happening after he ruled that the ban had violated the equal protection and due process for the rights of gays and lesbians guaranteed under the US Constitution. The ban, also known as Proposition 8, has a legal team that quickly appealed the ban by Walker. California believes that the

procreation rate though heterosexual marriages with be harmed if the homosexual marriages are allowed. Many other states have not allowed gay marriages for the reasoning that a man and a woman should be together to help raise the next generation. Many believe this case in California will end up in the Supreme Court.

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Law office of James P. Hentz

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