

average citizen doesn't understand, when we get deep into convictions in this area, that something can be thrown out because, in this case, the letter "m" was in the wrong place. And if it was appropriate, Senator Kristensen, I'd like to have you answer that question as to why we have to be so extremely technical that we can't have convictions when obviously the intent was there, probably the guilt was there, but because this letter "m" was left out, why does this in our criminal law, and I'd also like to ask another question. If the "t" was left out of "the" in the same type of situation, would that have also thrown out a conviction? Why are we so technical?

SPEAKER BARRETT: Senator Kristensen.

SENATOR KRISTENSEN: Thank you. Senator Wehrbein, I think that's exactly right, that it is a question that needs to be answered and, no, it's not to keep lawyers employed. The purpose is that we pass a lot of laws in here and I think we all tend to get pretty lax at times. We know what we want to do, and when we increase a penalty to place someone in jail, that's pretty routine for us. I mean, we have a lot of crimes that we create and we get angry at people and really at the drop of a hat we can increase a penalty. But you know, quite frankly, when it goes to get carried out, that is a denial of somebody's liberty. That is a black mark that goes against them for the rest of their life. This is a felony. This can mean the difference between them staying at their job and them spending five years in the penitentiary, five years that will go on the rest of their life. They are probably guilty, but it is so important when we do criminal work, if we're going to deny someone their liberty, their life, that it is done exactly. The burden of proof is higher. It just...you just don't have to prove somebody guilty more than fifty-fifty, it's beyond a reasonable doubt. You are innocent until proven guilty. All those are protections of criminal law. That is a lot of the reason this country was founded, is that we treated people differently. We gave them the presumption they were innocent until proven guilty. I may not like this. I was angry that the case got dismissed. I'm frustrated by that. If the word "t" was not there, or the letter "t" wasn't there in the word "the", probably not because the isn't necessary for the conviction. What we did here is we spelled out a word that says it's illegal if you possess this chemical. That was specific. They didn't have the chemical that we had said was illegal to have. It was pretty close, but they didn't have the exact thing and that is