

of a capital litigation in order to get that assistance from the state knowing that maybe that cannot be achieved, and, in other words, it will not reach the point where a death sentence is imposed. How...

SENATOR KRISTENSEN: Could I...could I have that dialogue with you, because I...

SENATOR CHAMBERS: Yes. Yes.

SENATOR KRISTENSEN: ...that's...I hope people are listening and I know that sometimes when we start to talk like this they leave, but I'll tell you that you start to tread on what's really the essence of government in those areas, that right now the prosecutors can go to the Attorney General and ask for help and get assistance for like sexual assault cases. There's a provision in the statutes for the Attorney General to send staff out to help them right now with no reimbursement. And I'll tell you what I think would be more likely is the political pressure would be on file that, we want the death penalty, file that, and the county attorney is sitting there saying, we can't afford this but I've got to choose between satisfying the throng that's out there that wants me to do the politically correct thing these days or wants me to do the popular thing and he knows full well, or she knows full well, they can't afford that. But what do you do? And you and I both know the reality of that. The public pressure, I think, generates that more than the desire to help the defense. My experience has been that prosecutors and defense lawyers aren't particularly cooperative and chummy through that process, and if the prosecutor thought he could give the defense a leg up, that he probably would go the opposite direction.

SENATOR CHAMBERS: I don't mean to help the defense, but to (interruption).

SENATOR KRISTENSEN: But to help the county...

SENATOR CHAMBERS: Right.

SENATOR KRISTENSEN: ...to do that and defraying the cost. And I think what would happen there is that he would be giving a leg up, giving...getting somebody who would, in effect, maybe be a tougher opponent and the fear of losing a first degree case isn't a whole lot of fun, Senator. I've been through that.