

PROSECUTORS IN GEORGIA STILL ABUSING THEIR OVER BROAD RICO LAW

You might remember me complaining that the way Fulton County Attorney's Office was ridiculous with their application of their state's RICO provisio. I said that it was absurd, abusive and would lead to further abuse of it.

Well further evidence of that abuse is now here, and it is very ugly. Via the Washington Post:

"A Georgia grand jury has indicted 61 people on racketeering charges connected to protests that seek to block the building of the planned police and firefighter training facility in Atlanta that has been referred by critics as "Cop City."

Georgia Attorney General Chris Carr (R) announced the sweeping indictment Tuesday after a long-running state investigation that mainly focused on members of Defend the Atlanta Forest, which prosecutors called an "anti-government, anti-police, and anti-corporate extremist organization" that has supported a violent movement against law enforcement since the 2020 racial justice protests. The 109-page indictment was filed in Fulton County on Aug. 29, just weeks after the same grand jury charged former president Donald Trump with racketeering charges under the state's Racketeer Influenced and Corrupt Organizations (RICO) law, in connection with efforts to overturn President Biden's 2020 win in Georgia."

Yes, you read that right, the same grand jury

that rendered the sprawling Trump and friends indictment. At least this time the State of Georgia acted through its proper Attorney General, and not through a local county attorney who took it upon herself.

“Designed to prosecute a criminal enterprise, the law has also been used against gang leaders and human traffickers. The Georgia RICO law is one of the broadest in the country. It allows prosecutors to weave together a wide variety of alleged crimes, including violations of state and federal laws, and even activities in other states. The charges brought against the activists is the latest example of Georgia prosecutors bringing racketeering counts in prominent cases.”

Yeah, no kidding. Yes, RICO was gratuitous as to Trump. In fact, I think it made the Fulton County indictment weaker if cases go to trial. It is complex and confusing. And a jury may well find it so. Or not. We'll see.

As to the protestors, keep in mind that the minimum sentence is 5 years prison. Same for Trump et. al. A judge can modify that, but what if a judge doesn't?

This is now going to spread outside of Georgia, and that is very much not a good thing. It was designed for mob bosses, and then drug cartels, and nobody cares about that use. But expansion like in GA to political speech and acts is really bad. It is more than bad, it is heinous. It is a stain and blight on the American criminal justice system.

I warned that what has, and was, being done in Georgia was dangerous. And this is just then tip of the iceberg coming because it will spread.

For anybody that has forgotten, here is Ken White, aka Popehat, on RICO. And, yeah, he pretty much maintains that as to the Trump et. al

indictment in Fulton County:

“I am not a Georgia law expert. Federal RICO against Trump would be extremely implausible. Georgia RICO? Won't speculate. I will say that Georgia RICO seems like a needlessly convoluted and performative approach, but DAs gonna DA.”

That was from Ken's Mastodon account. He has also said:

“In my view, the Georgia RICO indictment is gratuitous, self-indulgent, and careless of the appearance of legitimacy.”

That is being kind, and the indictment of the protestors for RICO is even more absurd. The moral of the story is be careful of what you cheer for, because what Georgia is doing is truly egregious.