

Judges in the Lin Yi-shih Case Try a Smoke and Mirrors Dodge

Written by Jerome F. Keating Ph.D.
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The three Taipei District Court judges in the Lin Yi-shih are trying a smoke and mirrors dodge and escape the public wrath. They are asking for an evaluation of their sentencing by a committee of fellow judges, prosecutors, lawyers and law specialists. So why is this smoke and mirrors.

First, if a committee finds that they were wrong, the committee has no power to change their sentence. Lin Yi-shih still gets away with a light sentence. If the committee (and of course who will select the committee--that is important) finds that they were OK in their interpretation, then Lin Yi-shih has a chance for an even lighter sentence. In either case, Ma's right hand man, Lin Yi-shih has the likely chance to profit from it all instead of receiving the harsher sentence for corruption and bribe taking.

Second, the deliberations of the committee will no doubt be done in secret and the public will only get their non-binding judgment. If indeed they were indeed derelict in their duty, which is the obvious perception, why not have them be so charged in a court, and then have the arguments open to the public. In this case there will be transparency, and they will have to demonstrate the why and wherefore of their reasoning and suffer real consequences if they are found guilty.

As was said, the whole gambit appears to be a ploy to get the sentence of Lin reduced; for the word on the street is that Lin knows where many other bodies are buried and if given a harsh sentence he may be willing to either take others down with him, or do some plea-bargaining. Does anyone remember how J. Koo admitted through his lawyers that he falsely accused Chen Shui-bian of taking a bribe in return for leniency in other cases involving him.

Charging the judges of dereliction of duty is certainly a more open way to force transparency. Otherwise, the prosecutors should take their case to the next level of the courts and get that level to take the case more seriously.

This type of smoke and mirrors was played in the Chung Hsing Funds scandal involving James Soong. Even though the KMT brought it up because it looked like Soong was profiting immensely and they also wanted to teach him a lesson for running for the presidency at the same time as Lien Chan, the KMT had no interest in seeing the case through since if it went that far, James Soong also knew where many bodies had been buried. End result of the Chung

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Hsing scandal was that no one was brought to court; Soong probably did lose some percentage points that might have gone to Chen Shui-bian in the 2000 presidential race; but they might have also gone to Lien Chan.

Regardless, the KMT dropped the charges, and Soong went free or was not tried, and it appears now that he will keep the large sum of money involved.

But back to the Lin Yi-shih case, even if a committee (remember it is crucial who selects it) but even if that committee would find that they were derelict, it would not alter the light sentence that Lin got, and further, it will not allow the prosecutors to pursue others involved like family members and other politicians.

The smoke is pouring out for the KMT does not want this case to go beyond Lin.

Source: [Jerome F. Keating's writings](#)