

Soon Ja Du sentencing

# Outcry over no jail term



Ruth Harlins wipes away tears as she and other family members leave the courtroom after Du's sentencing. (AP photo)

By Richard Reyes Fruto  
Korea Times

The reaction was swift. Even before Superior Court Judge Joyce A. Karlin finished reading her decision on Soon Ja Du's sentence, Latasha Harlins's family and other blacks began walking out of the courtroom muttering epithets.

In the hallway, a big black, turbaned woman spat at a middle-aged Korean woman. "Bitch," the angry woman spewed out.

"We're not buying anything else in a Korean store. We're going to boycott every store," someone shouted amid the chaotic scene as photographers and TV crews scrambled after spectators leaving in the elevators.

Karlin, a former U.S. attorney who prosecuted drug runners, had said it was a time for healing, but Du's lenient

sentence on Nov. 15 angered many blacks and worried many Korean Americans.

"This is not a time for rhetoric," Karlin said. "This is not a time for revenge."

Harlins's grandmother and cousin wept as they left the courtroom, and her uncle scuffled with the media horde in anger.

"That bitch is gonna get killed. I can tell you that much," yelled Richard Harlins. "She killed my niece. She's going to pay."

"She got away with murder," said Ruth Harlins, the slain girl's grandmother.

Some KAs were angered when District Attorney Ira Reiner ordered Karlin's removal from all criminal cases. The Koreatown Crime Task Force wants to form a group to back her in the 1992 election, while black leaders have vowed to unseat her.



Soon Ja Du, with interpreter, bows her head after receiving sentence.

Du, who was convicted of voluntary manslaughter in Harlins's death, was placed on five years probation and ordered to perform 400 hours of community service and pay a \$500 fine and restitution for the girl's funeral.

The judge gave Du, 51, a suspended

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10-year sentence—six years for the killing and four for use of a firearm.

"I find this to be an unusual case," Karlin said. "I find the defendant committed the crime under great provocation and duress."

"No matter what sentence this court imposes, Mrs. Du will be punished every day of her life," the judge said.

Harlins, 15, was shot March 16 in a fight over a bottle of orange juice after Du wrongly accused the black teen-ager of shoplifting. The shooting inflamed relations between blacks and KAs, but tensions had eased in recent weeks.

Despite the anger and bitterness at the courthouse, the African American community appears to have directed its collective outrage mostly at Karlins and the justice system.

Many blacks said that Du's sentence once again demonstrates that the American justice system is weighted against African Americans. KA criminal lawyer Angela Oh echoed their sentiments.

"There are many blacks who have done less than this and are spending time in the penitentiary right now," said Harlins' family friend Bilal Muhammad after the hearing.

According to a *Los Angeles Times* survey of 1,831 sentencings in the summer of 1990, a grant of straight probation is rare.

In the random survey, the *Times* found that only two of 247 defendants convicted of violent crimes received no prison time. In both instances, the convictions came in assault cases.

"(Du's sentence) was extremely compassionate on one hand," Oh said. "But a sentence like this communicates a disheartening message to the African American community about the legal system."

"I don't believe an African American defendant found guilty of voluntary manslaughter would have got straight probation," she said.

The general reaction in the Korean community has been mixed. Some praised Karlin, while others felt Du should have received a minimum prison term.

"It was a just sentence, and the judge showed a lot of courage in handing down the sentence that she did," said T.S. Chung, a Koreatown attorney and former state Assembly candidate.

"I think we as a community look silly saying this is a just decision."

Angela Oh

Responding to criticism that the American justice system treats blacks differently, Chung said, "That really is a wrong way to look at it. I don't think the result would be different if the person had been a different (race)."

Merchants are relieved, said Yumi Jhang Park, executive director of the Korean American Grocers Association. According to Park, many merchants sympathized with her plight and always believed she was innocent.

Park also pointed out that the KA and Asian American communities did not make an issue of the absence of any Asians on the jury in the Du trial. Five of the 12 jurors were black.

The district attorney, whose office had asked for the maximum 15-year sentence, said Karlin's decision fell "far short of what the public has a right to expect when a life has been taken."

Some KAs shared his sentiments. "I feel for the African American community too," said Marcia Choo, program director of the Asian Pacific American Dispute Resolution Center. "I don't want to be true, but I feel sick to my stomach."

"Frankly, I was shocked," Choo said. "I never thought she would get no jail time. (But) I never expected her to get the maximum."

Oh also said she expected the judge to deliver a minimum prison sentence. "It was a very courageous thing on the part of the judge to do this, but it is very unusual."

"I think we as a community look silly saying this is a just decision. Everyday I hear that, I cringe," Oh said. "It was very compassionate, and it was extremely lenient, but I don't agree it was just."

The Korean American Coalition had mounted a letter campaign asking for leniency on Du's behalf, but considering a life was taken, Jerry Yu, the organization's executive director, said he wonders whether justice was done.

"Maybe it is appropriate that Mrs. Du should have got a prison term," Yu said.

Some KAs are worried about the possible impact on

interethnic relations, which had started improving last month with the settlement of the John's Liquor Store boycott, a new jobs program and a ministers' alliance.

"It's going to make things more volatile," Choo said. "The breadth of the rage seems much broader. It's scary," Yu said.

Security outside the courtroom was heavy at Du's sentencing hearing. Eight to a dozen sheriff's deputies stood guard in the hallway at any one time.

They required spectators to pass through a metal detector and checked them with a portable metal detector before waving them in. Inside, a bulletproof glass shielded the judge, lawyers and the defendant from spectators.

Before the judge imposed the sentence, Deputy District Attorney Roxane Carvajal and Ruth Harlins sought the maximum sentence. So did Du's probation report.

"My family and I have grieved deeply," Harlins said. "Soon Ja Du has her daughter in court with her today. But my granddaughter has been murdered and buried."

"If Mrs. Du is not incarcerated in this case, the message we are sending is, 'Yes, you can kill people and we do not put you in jail for that,'" Carvajal said.

The comment drew a reprimand from the judge. Karlin called it inflammatory.

Karlin said she had considered whether society needed protection from Du and whether the defendant would commit the same kind of crime again.

"It is my opinion Mrs. Du is not a danger to the community," Karlin concluded. "Mrs. Du led a crime-free life until the day Latasha Harlins walked into her store. This is not the beginning of a life of crime."

Karlin also said the victim, though unarmed, "used her fists as weapons." If Harlins had lived, Harlins might have been charged with assault, the judge said.

The shooting was captured on videotape from a security camera. The tape showed Du grabbing Harlins by the arm when the girl swung her fist and backpack, hitting the shopkeeper five times. Harlins was walking out when she was shot.

During the three-day trial, Carvajal argued that Du used excessive force because the danger to her ceased when Harlins scurried away after the scuffle and turned to walk out.

Defense attorney Charles Lloyd argued that the shooting was a case of self-defense and an accident because the gun was defective and Du never intended to shoot.

At the sentencing hearing, Karlin noted that Du appeared unaware that the gun she picked up had been altered to fire with the slightest pressure.

"I have serious questions in my mind whether this crime would have been committed but for the altered gun," Karlin said.

Lloyd called Karlin's decision "courageous and just." He said Du's trial was the most difficult case he ever handled, describing it as a "most unfortunate situation."

"Justice was done, and I just hope the press doesn't fan the flames," Lloyd said.

Reiner lashed out at Karlin last Monday, three days after the judge passed sentence. The county's chief prosecutor vowed to ensure that she never presides over another criminal case.

"This was such a stunning miscarriage of justice that Judge Karlin cannot continue to hear criminal cases with any public credibility," Reiner said.

Superior Court Presiding Judge Ricardo Torres has criticized Reiner for playing politics as the district attorney gears up for reelection next year. Some KAs agree.

"He's out of line," said Oh, the criminal lawyer. "That was a statement that was extremely political on his part. My own opinion is that it is consistent with what he has done in the past."

Oh described Karlin as a bright and courageous judge. Oh said she heard about Karlin from lawyers who knew her at the U.S. attorney's office before she became a judge four months ago.

Oh and Charles Park, chairman of Koreatown Crime Task Force, said Reiner showed a lack of respect for judicial discretion and is trying to usurp judicial power.

"It's a very political gesture," Park said. "He obviously has the reelection and the black vote next year in mind."

Park said he is considering forming Friends of Joyce Karlin. "We should give whatever support we can to Joyce Karlin during election time."