

It's Better to Not Know

Burglars break Montclair doors, gas goes missing in Berkeley, and defense attorneys are just doing their job.

By *Anneli Rufus*

September 24, 2008

We've all wanted to ask a criminal defense attorney, "How can you represent that pig?" They do it because somebody's got to, says Kimberly Cazinha, who handles East Bay cases for Summit Defense. "No matter what you've done," she tells Apprehension (I haven't done anything), "you deserve to be represented according to the law. Sometimes, yes: People are guilty. But we're there to make sure that the prosecution doesn't cross any boundaries and that the accused isn't being overcharged. We really believe in the Constitution." People accused of everything from money laundering to murder seek her help. "Usually they're pretty nice people. It's human nature to want to help them and do a good job for them." Do they tell the truth? "Most are more honest than you'd expect." And sometimes "it's easier if you never know whether or not they actually did what they're accused of doing. You don't want your emotions to cloud your judgment or your ability to do your job. Depending on the crime, sometimes it's better to not know."

Then again, some clients truly seem innocent. Cazinha is currently representing a teenager accused of rape by a high-school girl. "At a party, everyone got pretty intoxicated, and she claims she found him on top of her when she awoke," she says. "She went home very intoxicated. The next day, she and her mother went to the hospital. She hadn't showered. They tested her, got a rape kit. ... She insisted that she had never had sex with anyone before this incident. The tests came back with someone else's DNA, who wasn't my client. Then she admitted, 'Well, I also had sex with my boyfriend.' ... She had known my client for several years, and her friends testified that she had been persistently trying to hook up with him." Her client says he demurred. "These cases are hard because when people hear the word 'rape,' they don't want to believe that someone would falsely say such things. But it happens all the time." During the preliminary hearing, the girl's family "absolutely hated me," Cazinha says. "They sat there giving me disgusted looks. But I'm just doing my job, so I'm not really bothered by people's reactions to me. You can hate me, and that's okay."