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Will Sonia Sotomayor be Tougher on Crime than David Souter?

Damon W. Root | June 5, 2009, 3:58pm

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The Wall Street Journal's Jess Bravin and Nathan Koppel report that when it comes to questions of criminal justice, Supreme Court nominee Sonia Sotomayor tilts to the right of retiring Justice David Souter:

She "has contributed greatly to law enforcement in New York" as a judge, said Leroy Frazer Jr., first assistant district attorney in Manhattan and a former colleague of Judge Sotomayor.

After Yale Law School, Judge Sotomayor joined the Manhattan district attorney's office. She spent five years at the office, and handled high-profile murder and child-pornography cases.

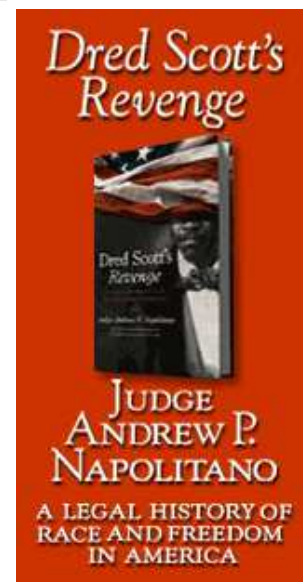
New York criminal-defense lawyers say she is surprisingly tough on crime for a Democratic-backed appointee—a byproduct, they believe, of her tenure as a prosecutor....

In the Fourth Amendment case in 1999, Judge Sotomayor ruled against Anthony Santa, who was sentenced to 30 months after officers in Spring Valley, N.Y., arrested him and found 2.95 grams of crack cocaine.

Mr. Santa's lawyer said the arrest and search were improper, because officers were acting on a warrant from a neighboring town that had been canceled two years earlier. The Supreme Court had earlier ruled that such mistakes didn't invalidate evidence if court officials were responsible. The issue of responsibility was in dispute in this case, but Judge Sotomayor's ruling assumed the police had acted appropriately and upheld the sentence.

Jeffrey Fisher, a Stanford Law School professor who was on the losing side of the January Supreme Court decision [upholding the admission of evidence seized by police who mistakenly believed they had an arrest warrant], says Judge Sotomayor's ruling demonstrates a "willingness to give police the benefit of the doubt."

Rest [here](#). Via the Cato Institute's Tim Lynch, who [comments](#), "Good grief—that would mean that for Sotomayer just about all the barriers on state power come tumbling down: structural safeguards like enumerated powers, non-delegation, separation of



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powers and the limits pertaining to police and prosecutorial powers."

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[the innominate one](#) | June 5, 2009, 4:05pm | <#>

so she's the most liberal judge EVAR?

[Warty](#) | June 5, 2009, 4:05pm | <#>

Jesus fuck.

[Warren](#) | June 5, 2009, 4:06pm | <#>

GeeZuss why is it that as the government lurches left and right we keep getting the worst of both?

[domoarrigato](#) | June 5, 2009, 4:11pm | <#>

Warren, sometimes I think the liberals and conservatives are conspiring to fuck us over.

[Episiarch](#) | June 5, 2009, 4:13pm | <#>

Because, Warren, they're two sides of the same statist coin. Heads they win, tails we lose.

[Jaybird](#) | June 5, 2009, 4:16pm | <#>

We asked for someone who wouldn't consistently vote with Ginsberg.

We're getting someone who won't.

[James Ard](#) | June 5, 2009, 4:21pm | <#>

A truly wise woman wouldn't let her rich experiences cloud her judgement. Which must be what happened in this case.

Pro 'Sammy' Libertate | June 5, 2009, 4:25pm | #

Don't go to bed,
 With no price on your head.
 (No, no, don't do it.)
 Don't do the crime,
 If you can't do the time.
 (Yeah, don't do it.)
 And keep your eye on the sparrow,
 When the going gets narrow.
 (Don't do it, don't do it.)

Where can I go,
 Where the cold winds don't blow.
 Now. Well, well, well!

Fuck the Poolice | June 5, 2009, 4:30pm | #

Another judge who blindly lets law enforcement and prosectutors do watever the fuck they want? Where's Brennan or Marshall when you need them?

B | June 5, 2009, 4:45pm | #

Sounds Joe Liebermanesque in a worst things about both political parties in one crapbag sort of way.

TrickyVic | June 5, 2009, 5:06pm | #

""Because, Warren, they're two sides of the same statist coin. Heads they win, tails we lose.""

Agreed. And they play the general public like fools by getting us to pick a side.

R C Dean | June 5, 2009, 5:11pm | #

Oh, well, I feel much better now. More "new professionalism" crap, now wearing jackboots on both the right and left feet.

Ben Kenobi | June 5, 2009, 5:19pm | #

She's just demonstrating her empathy for police power. Its exactly what Obama said he was looking for.

Joel | June 5, 2009, 5:26pm | #

Warren | June 5, 2009, 4:06pm | #

GeeZuss why is it that as the government lurches left and right we keep getting the worst of both?

I really wish more people would see past the left/right false

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dichotomy. Statist is statist, but as long as a majority of folks can be fooled into thinking that the left/right thing is really valid they'll never look up and see what the real enemy is.

alan | June 5, 2009, 9:00pm | <#>

Mr. Santa's lawyer said the arrest and search were improper, because officers were acting on a warrant from a neighboring town that had been canceled two years earlier.

Let me rub, my eyes. Is it still there?

Mr. Santa's lawyer said the arrest and search were improper, because officers were acting on a warrant from a neighboring town that had been canceled two years earlier.

Fuck. It is not possible to **responsibly** serve notice two years too late and in the wrong town. Fuck Sotomayor, fuck every lackey for creeping statism, and most of all, fuck Obama.

The only strategy left for an honest man is to not get noticed and not get caught.

Cornelius | June 6, 2009, 8:57pm | <#>

"The only strategy left for an honest man is to not get noticed and not get caught."

Damn it man, don't let them hear you can talk and never look them in the eye. When are you going to figure out that 1968 Heston movie wasn't as much dystopian fiction as an educational video. Did you learn nothing in the last eight years? The apes are in charge.

joe's ghost | June 8, 2009, 11:22am | <#>

The apes are in charge.

Not OK!

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