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Occupy Boston defendants thrilled charges dropped, but frustrated



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Posted by Matt Rocheleau February 11, 2013 12:51 PM

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By Matt Rocheleau, Town Correspondent

Five people who were arrested at the Occupy Boston in a courthouse Monday morning to celebrate a decision by prosecutors to drop all of the charges against.

one year after their cases

outside a courtroom on
at the time and place they
d they had been looking

that their arrests were an
ent rights. The outcome of

for free speech," said

were calling attention to the nation's economic inequities.

arrested were given free legal representation by attorneys from the
Massachusetts chapter of the National Lawyers Guild. For most defendants,
prosecutors agreed to drop charges or convert them into civil infractions, which
could be resolved by paying a fine.

defendants declined those offers, pleading not guilty to the charges and
in court ever since. Their court proceedings were split into five smaller

they Brewer, Brianne Milder, Tammi Arford and Kerry McDonald,
would have been the first group to go before a judge.

the charges were dropped Friday, that essentially ended the court cases
in 14 months ago.

defendants said they were disappointed because they had wanted to stand
up for free speech rights and felt they would ultimately win the court battle.

up a whole trial – a political trial no less. So it was quite a slap in the
face for them to drop the charges at the last minute after they put us through
all this," said McDonald. "It's pretty sneaky."

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The move by prosecutors on Friday came more than
began.

On Monday, the group stood alongside their lawyers
on the fifth floor of Boston Municipal Court, gathering a
group that had been scheduled to go to trial, something they said
they had been looking forward to.

They had planned to argue before a judge and jury that
the government's search for evidence was an unconstitutional infringement of their First Amendment
rights. The cases could have set important precedent.

"We thought it would be a chance for

stand up



Protesters

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ber, a trial start date in December was set, according to the
ts. That trial was later pushed back to a start date of Feb. 11.

o much hard work and we didn't take a deal because we didn't believe
ything wrong," added Milder. "To have us dragged through the court
r this long is really terrible."

p and their lawyers took particular exception with statements made
by the prosecution.

y, Jake Wark, a spokesman for the Suffolk County District Attorney's
ld the [Globe](#) that prosecutors had decided to drop the charges because,
st 14 months, the defendants had abided by certain court-imposed
ns, which were similar to conditions that other Occupy protesters had
in resolving their cases.

ow parity with prior cases arising from the protests," Wark said on
They've served essentially the same sentences."

e words were described by Hill as being "pretty disturbing."

s that they can sentence use without going to court," she said. "It's a
speech

s that we were guilty," added Arford.

ay, Wark responded saying: "We achieved sensible dispositions for all
test-related arrests."

associated with Occupy Boston received a criminal conviction," he
that was never our goal. There is parity however with about half of the
endants Receiving pretrial probation and the other half agreeing to
eedings rather than criminal cases."

o contested the notion that prosecutors had dragged out the court
gs: "We offered similar dispositions at the day of arraignment and the
ts insisted on criminal proceedings. This was an appropriate use of
[by prosecutors]."

l court proceedings took place Monday, but the five defendants met

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court proceedings took place Monday, but the five defendants met
other and their lawyers to share congratulations and to plan ahead.

happy about the charges being dropped and we see it as a victory,”
id.

hold to a press conference Tuesday morning at the National Lawyers
ces at 14 Beacon St. to discuss the charges being dropped and the
cess that preceded.

talked about possibly taking more legal action related to their arrests
quent court cases.

ver yet,” said Susan Church, one of the attorneys. “We’re considering
fferent legal options available to us.”

att Rocheleau at mjrochele@gmail.com.

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