

## Witless witness

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**By Marty Trillhaase of the Tribune**

JEERS ... to Idaho State Police Cpl. Fred Rice. You can no longer rely on a cop to tell the truth when his testimony condemns someone to 25 years in prison.

Rice walked into a 2006 trial of Jonathan Wade Ellington of Hayden.

Then he lied.

Ellington was charged with second-degree murder and two counts of aggravated battery for running over a woman in what was allegedly a road rage incident.

Ellington's expert witness, Dr. William Skelton, said the defendant didn't have time to respond. Reaction time averages 1.5 seconds, he said. He also said wreckage from the accident indicated Ellington had been in the proper lane.

Rice disputed the idea of an average reaction time and the reliability of the debris field.

Like most people, the jury believed the police officer.

But it turns out Rice contradicted himself. In an Elmore County trial, the state police officer drew conclusions from the accident's debris. And when Rice taught accident reconstruction techniques to other investigators, he stated it takes the average person about 1.6 seconds to react.

All of which got Ellington a new trial and Rice a rebuke from a unanimous Idaho Supreme Court.

"It is impossible to believe there was any truth to the testimony of Cpl. Rice," wrote Justice Warren Jones. "It is abhorrent to this court, as it would be to any other court, that a man can be sentenced to 25 years for second-degree murder based primarily on the false testimony of a trooper of this state."

Jones also chastised the Kootenai County prosecutor's office for improperly inflaming the jury with emotional rhetoric. But how could that prosecutor put Rice on the stand? If prosecutors didn't know about Rice's elasticity with facts ahead of time, then they didn't prepare properly. If prosecutors did know, then their error is even more egregious.

As of Tuesday, Rice is on administrative leave with pay pending a review.

CHEERS ... to Bill Goesling of Moscow. Gov. C. L. (Butch) Otter's newest appointee on the State Board of Education makes it clear. When it came to pushing his massive transformation of Idaho's public school system, state Superintendent Tom Luna screwed up.

Goesling supports the broad outline of Luna's plan to inject more computers and online instruction into Idaho's public schools. Goesling has a broad spectrum of experience with online education - including a seven-year stint on the state charter school commission - on which to base his confidence.

But in speaking to the Lewiston Tribune's editorial board Wednesday, Goesling criticized the way Luna rammed his program through a GOP-dominated Legislature and down the throats of teachers, parents, administrators and school board members.

"The process in which it was introduced was flawed," he said.

Rather than imposing the mandate from the top down, Luna should have generated support at the grass roots, Goesling said.

Talking to people at the ground level and seeking their advice is how Goesling and fellow state board member Don Soltman of Twin Lakes intend to proceed as they craft a rule implementing the online instruction program. It's up to the state board to define how many online courses Idaho high school students will need to graduate.

JEERS ... to Luna. If the elected leader of Idaho's school system won't concede the obvious - that public education in this state is chronically underfunded - then who will?

A new census report shows Idaho lagging behind all but Utah in the amount of money it spends on each student. No big deal, says Luna's spokeswoman, Melissa McGrath.

"We do not believe that per-pupil spending or the amount of money you put into education is the most important factor in determining a great public education system," she said.

Of course, when your boss is covering the backs of fellow Republicans in the Legislature who have been slashing education budgets, that's what you have to say.

Here's what you say when you're looking out for school children:

"We don't believe the state is providing enough money for students. ... The state isn't meeting its obligation to adequately and amply fund education."

That comes from Washington Superintendent Randy Dorn's spokesman, Nathan Olson.

And his state is ranked 32nd.

CHEERS ... to Sens. Maria Cantwell and Patty Murray, both D-Wash., and U.S. Rep. Raul Labrador, R-Idaho.

Last week, they stood up for individual liberties against the tide of official post-9/11 hysteria that has had this country's government snooping through your business records and tapping into your phone conversations in the name of national security.

At issue was extension of the Patriot Act.

After the terrorist attacks, Washington got the idea it needed to tap not an individual telephone line, but the individual using the phone. If the government is after you, it can tap your phone, your cellphone, the phone at your office and that's just for starters. Stopping by to visit your mom? If you use her phone, the government can listen in.

Same goes for your sister, your best friend and your local church.

The government's supposed to stop listening if its fishing expedition goes too far afield. But how would you know?

The act also allows the government to seize your records and compels the custodian of those documents to clam up. When the government comes after your lawyer, accountant, librarian or doctor, you won't know and they can't tell you.

With all this secrecy, you can't even be certain the government's actions are protecting you.

In the House, the Patriot Act extension passed 250 to 153. The Senate vote was just as lopsided. - M.T.