



Judge: Defendant can keep representing himself in Benton County case

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BENTONVILLE — A firstdegree murder defendant can continue to represent himself in Benton County Circuit Court, although the arrangement is on shaky ground with the judge. Circuit Judge David Clinger on Thursday let Joel Zachery Bullard continue to act as his own attorney although the judge has come close to ending the setup in recent months.

Bullard, 28, of Gravette is accused of killing his brother, whose body turned up in March 2007 in a shallow grave in western Benton County. If convicted, he faces up to life in prison.

After his August 2007 arrest, Bullard stopped communicating with the Public Defenders' office, and Clinger in May reluctantly agreed to let him act as his own attorney.

Clinger warned Bullard he was about to impede justice after he ignored motions filed by prosecutors and complained in court about "being saddled with" an attorney Clinger assigned to assist him.

On Thursday, stand-by counsel Brad Karren persuaded Bullard to withdraw a motion to dismiss his case on the grounds that prosecutors haven't taken it to trial within the 365 days allotted by law.

Bullard initially wouldn't listen Thursday when prosecutors explained that 222 days have been excluded for matters like a mental evaluation — where Bullard was found fit to proceed — and for evidence testing at the state Crime Laboratory.

Bullard insisted he was arrested in March, but Clinger learned that was in a separate battery case.

"I think you're trying to mislead the court," Clinger told Bullard.

Following the hearing, Karren said that he's repeatedly told Bullard it's a mistake to represent himself.

"I've told him he has a winnable case, but that he needs my help," Karren said. "He

insists he knows his case better than anyone, and that he's in the best position to articulate it to a jury." Bullard maintained to police that his brother, Darrell Ray Bullard, 46, was last seen August 2006 leaving with a man in a pickup for a job and never returned. His remains were found March 14, 2007, approximately 200 yards behind his stepmother's property at 10526 Georgia Flats Road in western Benton County. Bullard wants to pursue that theory at trial, Karren said Thursday, but he hasn't filed the necessary motion. On Thursday, Clinger set a Dec. 8 trial date.

"As a stand-by counsel, I can suggest and react to suggestions, but I can't force him to do anything," Karren said.

Brian R. Gallini, an assistant professor at the University of Arkansas at Fayetteville School of Law, said a stand-by counsel is also in place to quickly take over if the judge decides to end self-representation.

That can happen if the defendant commits serious misconduct, said Gallini, who is not involved in Bullard's case.

"Defendants who represent themselves harm their own chances of receiving effective trial representation," Gallini said. "There's also an argument that they do institutional harm to the legal system [since] self-representation heightens the risk that a defendant may make a mockery of the courtroom."

Another drawback is that the jury may be inconvenienced and trial delayed by the defendant's lack of legal knowledge, Gallini said.

"I think, in general, the old phrase, 'A man who represents himself has a fool for a client' applies to self-representation," he said.

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