

CNN TRANSCRIPT

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NGUYEN: All right, Paris Hilton waking up in jail again this morning, certainly not where she wanted to be. Hilton left a Los Angeles courthouse crying and screaming for her mom yesterday. A judge ordered the celebrity socialite back to jail to finish her sentence for violating probation.

And here to talk about all of this courtroom drama is courtroom lawyer and former U.S. attorney, Kendall Coffey. Kendall, nice to see you.

KENDALL COFFEY, ATTORNEY: Hey, good morning, Betty.

NGUYEN: All right, let's get down to the bottom of this. And it may be a turf war, but we heard from the L.A. County sheriff yesterday who said under the 10 percent early release program, Paris Hilton shouldn't have spend any time in jail. How just was this punishment?

COFFEY: Well, it is a turf war. But you know, remember judges. We saw that as Judge Larry, the Florida judge in the Anna Nicole Smith case said, he's got the body.

You've got a little bit of that here, too. This judge made very specific directives that said no home confinement. Once that's in an order, you can't ignore it. You have either got to appeal it, you've got to go back to the judge. And in many ways, what happened here really was a complete disconnect between the judge and the sheriff. NGUYEN: OK, so if there was no home confinement on the table at all, which we understood from that original ruling, did the sheriff have any authority to let her go home on this mental -- not mental, but medical condition and send her to home confinement?

COFFEY: In general, I would never ignore a judge's orders. What was so unusual, almost very bizarre about this case, is that once she's in and it's supposed to be prison time, the medical reason used was completely off the wall.

Let's face it, prisoners are always depressed and stressed when they're in there. But to get out on a medical excuse, it's usually something gravely ill threatening your very survival. It isn't trying to cry your way out of jail. And I think that's what sat so badly with so many people.

NGUYEN: Well and in yesterday's hearing, it appears that the judge was trying to set things right once again saying that she must serve the term that he had ordered, that 45 days. Does this mean that 23 days on good behavior is no longer an option?

COFFEY: Well, that may be what the judge is trying to say. Obviously, this could be appealed. We're hearing about possible appeal Monday. But one way or another, I don't think the appeals court, even if they cut the days down, is going to put her back inside the mansion. I think she's going to stay in jail until the time is served, 23 days or 45 days.

NGUYEN: Really? A lot of people are saying that this appeals process is hands down going to happen and she's going to be out, some even say, by Monday, claiming that this is just excessive, this sentence was excessive.

COFFEY: I don't think she'll be getting out quite that soon.

One thing about this whole thing was really a nothing case, about a spoiled rich girl getting, in effect, some jail time for probation. But once it got this incredible specter of unequal treatment, it has really touched a raw nerve in this country and instead of an unimportant case, it's become the face of unequal justice.

That's got to be one of the unspoken things this judge was considering and certainly it's not going to be irrelevant to the appeals court.

NGUYEN: But can you blame Paris for going home when the sheriff said, hey, you can go home, we're going to monitor you, you're under home confinement?

COFFEY: Absolutely not. But what you can criticize Paris Hilton and her team for is the whole approach they've taken on this thing. Normally, when you're standing in hot water and the judge is about to throw the book at you, your strategy should be, OK, I was wrong, I'll take my medicine and try to be strong.

Instead it's been blame, blame, blame the system, it's not fair, trying to cry her way out of jail. And we all know that hasn't been playing too well so far.

NGUYEN: But there is still that argument though Kendall, when we talk about celebrity justice, has her celebrity hurt her or helped her? Some will say it's hurt her because of this -- what they are call excessive sentence, but others are saying, you know, no publicity is bad publicity for a celebrity.

COFFEY: Well, she's probably getting the same treatment that anybody else would get who's been surrounded by helicopters, dozens of paparazzi and dozens and dozens of TV cameras everywhere she goes.

The reality is that celebrities get the best of times and worst of times in our system. They have got the best resources, the best lawyers and doctors money can buy.

On the other hand, the system looks under every rock and behind every blade of grass to make sure that everything is being done right and that the celebrity is not going to be seen as getting special treatment.

And sometimes that can make it worse for the celebrity because the last thing a judge or anybody else wants to be accused of is giving a break to the rich and famous that they wouldn't give to the rest of us.

NGUYEN: Kendall Coffey, that's why we talk to you. We appreciate your time, thank you.

COFFEY: Hey, thanks, Betty.