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If at the conclusion of a court trial, it is felt that justice was thwarted by clouded facts, prejudice, poor defense or devious prosecution and a wrong verdict was reached, it is advisable for the wronged party to seek an appeal for a new trial in the appellate court where conclusions are less swayed by emotion and facts are objectively weighted. In June of 1986 in Torrance, California, Swami Prem (38) of Intergalactic Lovetrance Civilization Center was convicted on eight counts of child molestation and sentenced to 18 years in prison. Faithful devotees of the Swami claim that he was the victim of a grave injustice. They are seeking an appeal. This is their story.

According to the transcript of the trial, the judge turned to the prosecuting attorney at one point and said, "It appears to me the Swami is being tried for a lot of his religious practices, at least that's the tenor I get from the examination you've been conducting. The case should be tried on whether or not he committed these offenses."

To the Swami and his devotees it seemed rather preposterous at first. But with each passing moment of the ten-day trial, they became increasingly aware of the gravity of their situation. From their perspective, too many things were going wrong. And the final verdict of "guilty" was one wrong too many. Now, they are immersed in a nightmare of raising funds, finding a good lawyer and trying to get justice through an appeal.

The Swami was accused of molesting seven-year-old Melani Souci over a 17-month period from 1982 to 1983. The accusers were the child's grandparents. The Swami and Melani's mother, Yvette Souci, were married, then divorced, although he continued to live in her home. Melani was the Swami's former stepdaughter and lived alternately with her mother and her grandparents.

Yvette testified as a defense witness and denied the child-molestation charges as did the Swami. Four character witnesses appeared on his behalf and, according to the defense lawyer, "He had the total support of his students and the Indian community" in the greater Los Angeles area.

The trial followed on the heels of the famous McMartin child-molestation case-which has yet to come to trial (Charges have since been dropped against all but two defendants)-and the highly publicized Rajneesh episode, which had its negative effect on the general acceptance of swamis from the East. Swami Prem faced understandable prejudice on two very unpopular public issues.

The Plan: The grandparents claim that when they tried to send the child to live with her mother and the Swami, the child grew fearful and claimed the Swami had violated her.

Intergalactic Lovetrance Civilization Center (ILCC) claims that the grandparents harbored long-term dislike and resentment for the Swami, considering him the source of problems they were having with their daughter, Yvette, ILCC claims that, over the years, frustration drove the grandparents to hatch a plan making use of their grandchild's natural unruliness and dislike for the Swami (He had tried to bring discipline into her life). The grandparents deny these allegations.

"The grandparents got their revenge." said the Swami's personal secretary, Amanda Carlson. "They used the girl to state that in 1983 she was continually molested by the Swami in the early mornings before school. Many inconsistencies are there in her report."

Also, the trial transcript shows that the judge told the young girl's uncle to not coach her from the back of the court room during her testimony.

The Defense: ILCC claims that matters are made worse by lawyer problems. The defense lawyer for the trial promised success, they say, initially charging $3,000, which after losing the case became $27,000. A second lawyer hired for the appeal again promised success, charged an initial $5,000 and after two time extensions

from the Court of Appeals, still had done nothing. After firing the second lawyer, they have now found and are working with a third, although at present they have not been able to raise enough funds to retain him. (An estimated $100,000 is required for the legal battle ahead.) He is an "expert in criminal law" and "only takes on clients be believes to be innocent." He is interested in taking the case and has prepared the preliminary brief for the Court of Appeals.

The Prosecution: The current defense lawyer for the appeal (who prefers not to be named) spoke on the phone with Carlson after having read the transcript of the trial. He said, "I don't think [his conviction] had anything to do with the testimony of that girl. There is nothing there in itself. It was everything else. All the other miscellaneous points brought by the District Attorney (DA), to pollute the mind of the jury - none of which should have been allowed in the first place."

According to the ILCC, the tact of the prosecution was to play upon points of prejudice - race, religion and lifestyle - to color the minds of the jury, which was all white except for one Asian, and to cloud the facts. During the trial, many of the DA's comments, although overruled, had their effect just having been said.

"It was the duty of your old lawyer to get all those things thrown out before they were said, but instead they were thrown out after and it caused their mind to get swayed away from the original point of decision, to totally unrelated topics," said the appeal lawyer.

The preliminary appeal brief reads: "The prosecution issued a constant attack upon the defendant's religious practices, none of which were relevant to the charged conduct...Despite the judge's admonition, the prosecution, in its closing argument, brought up the defendant's position as an influential religious teacher and religious practices concerning "bow-downs,' mantras and chanting and snidely commented, 'that's a lot of stuff for a religion."

A Sympathic Voice: Help has come from a lady named Kalyana who is not a deciple of Swami Prem, although she knows him. She has been a devotee of Swami Kriyananda for 17 years and lives with her husband and two children at Ananda Cooperative Village near Sacramento, California. She was formerly Swami Kriyananda's personal secretary and publication editor. Recently, she has given

ILCC and Swami Prem heart-felt support in several ways including seeking out the appeal lawyer.

"I believe as spiritual people, we owe it to others on the spiritual path to lend a helping hand in their time of need," said Kalyana. "I feel that he has been wronged. I don't believe any of this for a moment. But I'm not coming at it from a political point of view. I have never done anything like this before. Swami Prem wrote me in October and asked if I would help him...As I understand it, this is a situation where parents were trying to dissuade their daughter who is a fully adult woman (40 years) following an Eastern Guru with all of her devotion and sincerity. As orthodox Catholics, they were afraid for her soul. They were also very prejudiced. They refused to meet the Swami all those years even though they lived only a few miles away from him."

The Swami: "I remember the verdict of my horrifying conviction being read by the court clerk," Swami Prem recounted to Hinduism Today. "it is very difficult and painful to remember - then who to speak of when talking on it? Soon, my system started to naturally adjust - then again, the memory would come."

The Swami was born in a small town in central India. His father was a "religious minister." He took sannyas at an early age and is Saivite in his teachings which apparently derive from the Gorakshanath lineage.

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