



# Annual Report

2015 and 2016



**SOUTHERN  
CENTER FOR  
HUMAN  
RIGHTS**

# *Our Mission*

The Southern Center for Human Rights (SCHR) is working for equality, justice, and dignity in our criminal justice system. The mission of SCHR is to end capital punishment, mass incarceration, and other criminal justice practices that are used to control the lives of poor people, people of color, and other marginalized groups in the Southern United States. We do this through death penalty representation, impact litigation, policy advocacy, and public education.

**The Southern Center for Human Rights is reimagining equal justice.**

We do not simply endeavor to reform the criminal justice system; rather, we seek to create a seachange in the way we, as a society, understand equal justice. Equal justice cannot tolerate even a hint of racism; it cannot countenance the oppression of the poor; it cannot bend to the will of the powerful. Equal justice must be just that, equal and just.

Since SCHR was founded in 1976, we have defended individuals sentenced to death, represented people in prisons and jails subjected to inhumane conditions of confinement, and otherwise responded to requests for help from those who have been wronged, abused, tortured, injured, and denigrated by the criminal justice system in the South. While doing so, SCHR has vigorously challenged and spotlighted the variety and brutality of abuses inflicted by the criminal justice system. SCHR continues to bridge the gap between discrimination and equality and between unfairness and justice. We provide zealous advocacy for people whose lives and freedom depend on our passion for justice and our proven expertise.

Our commitment to protect marginalized communities in the South stems from our belief that the right to counsel is not just for the benefit of a few, but for all. We are working to create a criminal justice system that values all people equally, that treats all people with respect, and that is built upon fairness, integrity, compassion, and redemption.

SCHR continues our fight in the Deep South to resist the worst excesses of the criminal justice system and change it into a system that is transparent, humane, and a true instrument of justice. This report summarizes the ways in which we combined capital representation, high impact class-action and civil litigation, public policy, and media advocacy to achieve significant outcomes in the pursuit of equal justice during 2015 and 2016.

Thank you for your partnership and support. Together, we are reimagining equal justice.



Maureen Del Duca  
Chair, Board of Directors



Sara J. Totonchi  
Executive Director





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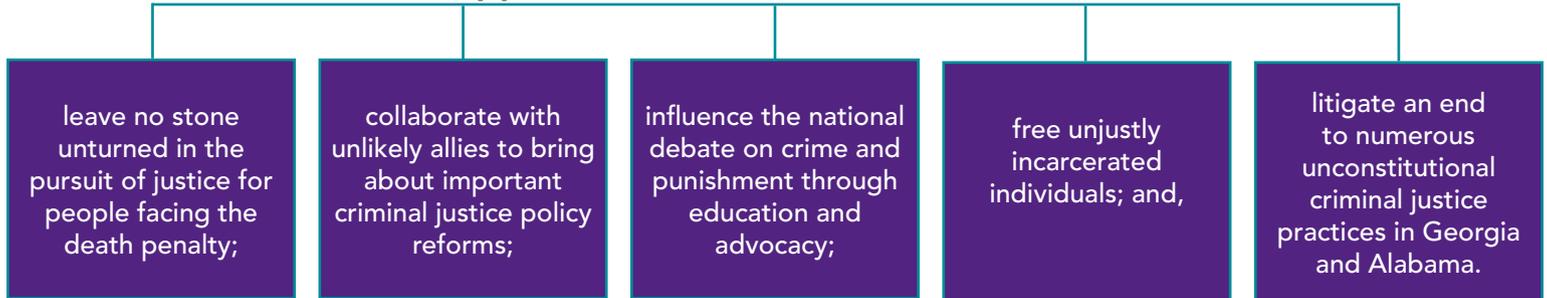


# Our Impact

## Your donations at work.

Justice is elusive for far too many people who encounter the criminal justice system. Thanks to you, SCHR is working to change this.

### Your support in 2015 and 2016 enabled SCHR to:



The impact of these efforts is felt not just across the South, but also throughout the nation as SCHR continues to lead the way on ending mass incarceration, the criminalization of poverty, and the death penalty.

Thank you for making justice possible.

# Exposing race discrimination in capital trials

Tim Foster was a poor, black, intellectually limited, 18-year-old when he was charged with murder in the killing of a white woman in Rome, Georgia. After the prosecutor struck all four Black prospective jurors, Mr. Foster's trial counsel objected, arguing that strikes violated *Batson v. Kentucky*, 476 U.S. 79 (1986), which prohibits striking prospective jurors on the basis of race. Prosecutors claimed at trial that they excluded the four black jurors for "race-neutral" reasons. The Georgia courts went along with the reasons, finding that the strikes were non-discriminatory.



Mr. Foster became SCHR's client in 2006. Investigating the original trial, **SCHR obtained the prosecutors' notes** from jury selection.

SCHR filed a petition in January 2015 asking the U.S. Supreme Court to address whether the Georgia courts erred in failing to recognize discrimination in these extraordinary circumstances. The Court granted the petition in May 2015.

Prosecutors separated out the African American prospective jurors onto lists, including one titled "Definite NOs;"

Highlighted their names in green; coded them as B#1, B#2, and B#3; and

Ranked the black prospective jurors against each other "in case it comes down to having to select a black juror."

On May 23, 2016, in a 7-1 decision written by Chief Justice Roberts, **the U.S. Supreme Court invalidated Mr. Foster's conviction and death sentence.**

Although this was an important victory, it serves as a reminder that race continues to play an enormous role in capital cases.

# Affirming the right to counsel for adults and children

Going to court in Georgia's Cordele Circuit has for years been defined by the frequent absence of public defenders in juvenile court and the assembly-line processing of adults. SCHR filed a lawsuit on behalf of adults and children accused of crimes to put an end to the "meet 'em and plead 'em" system of representation, such as in the case of SCHR's 16-year-old client W.M., who was referred to juvenile court for taking Halloween fangs worth \$2.97 from a Wal-Mart. W.M. never saw a public defender during his time in juvenile court, and the teenager, like many others who appeared in juvenile court in Cordele, was forced to represent himself.



The facts in Cordele were so egregious that the U.S. Department of Justice filed a Statement of Interest in the case, detailing the due process rights to which children are entitled. The DOJ's statement was a catalyst for the 2015 settlement that resulted in significant improvements in the legal representation provided to poor children and adults, including doubling the size of the public defender staff and requiring that children be represented by a lawyer who specializes in juvenile law and childhood and adolescent development.

# Pushing back against the criminalization of poverty

Equal justice demands that income cannot be the determinant for who is detained in jail and who is released. Cities throughout Georgia, however, are turning this constitutional demand on its head.

In the city of Calhoun, Georgia, for example, many people arrested for minor traffic or misdemeanor offenses were released from custody almost immediately upon payment to the city. But people too poor to purchase their release remained in jail for a week or longer before a city court appearance.



In September 2015, SCHR joined with Civil Rights Corps in filing *Walker v. Calhoun*.

Walker is a lawsuit challenging the city's use of fixed bail amounts resulting in the detention of only the poorest people arrested for petty offenses.

It seeks to end Calhoun's policy of jailing people who cannot pay a pre-set bail amount, which creates a two-tiered system of justice, favoring those who can pay over those who cannot.

It sends the message that you can't release the rich and confine the poor, only because of their inability to pay. The case is pending in District Court.

We will continue to advance a multi-pronged strategy to end the criminalization of poverty, debtors' prison practices, and other criminal justice policies that prey upon and entrap people living in poverty.

# Halting predatory, for-profit probation

SCHR has been working to take down the private probation industry in Georgia. Private probation companies have one aim: to make a profit by charging people exorbitant supervision fees who cannot afford to pay their original court fines and threatening them with jail if they do not pay.

In April 2015, SCHR filed *Edwards v. Red Hills Community Probation, LLC, et al.*, in federal court on behalf of indigent people hurt by the probation company operating in two south Georgia municipal courts.

## THE CIVIL RIGHTS LAWSUIT CHALLENGED

Red Hills Community Probation, LLC's employees' demands of large amounts of money from people on probation;

Their detainment of people on probation until they or their family members make a payment on their fines and fees; and

The use of threats to coerce people to report and pay long after their probation terms were complete.

SCHR settled this case with the two cities involved in the litigation. The probation company, Red Hills Community Probation, permanently closed its operations in Georgia in June 2015.



AP PHOTO

Adel Edwards pled guilty to burning leaves in his yard without a permit. Mr. Edwards is intellectually disabled and has income consisting of food stamps. He could not pay his \$500 fine on the day of court and was placed on probation for 12 months. With probation "supervision" costs, his court bill rose to \$1,028, and he was taken to jail and held for several days until a friend paid \$250 for his release.

# Reforming Police Practices

SCHR advocates for people subject to illegal police practices that result in unnecessary incarceration in Atlanta.

SCHR filed *Anderson v. City of Atlanta* (N.D. Ga.) on behalf of Felicia Anderson, whose constitutional rights were violated when she was arrested as she peaceably monitored and photographed police repeatedly strike and drag a man in her neighborhood. SCHR settled the case for \$50,000 in damages and attorneys' fees. More importantly, new policies exposing officers to dismissal for violating citizens' First Amendment rights were enacted. Despite the clear requirements of the settlement, the defendants failed to fulfill the settlement requirements. Their failure to adhere to the requirements was discovered during Ferguson protests in Atlanta.

During these protests, Atlanta police arrested journalists and citizens for filming police activity. These unlawful arrests prompted SCHR to file a motion seeking contempt sanctions. The Court held a contempt hearing on April 30, 2015, and the attorneys for the defendants admitted they had failed to fulfill the settlement requirements. The Court held the City of Atlanta in contempt and ordered sanctions.



# Challenging extremely long sentences for drug crimes

One devastating result of the war on drugs is the over incarceration of African American men who are serving sentences that far exceed the severity of their crime. SCHR launched a campaign to secure the release of people serving extremely long sentences for drug charges by taking the cases of thirteen men with extremely long sentences for drug crimes.

To date, we have obtained the client's release in seven cases, including five in which the client was serving a sentence of life without parole.

*Not Pictured*  
**Jeremiah Johnson**  
Released March 23, 2016



**Charles Pritchett**  
Released March 16, 2016



**Andre Mims**  
Released March 23, 2016



**Darrin Smith**  
Released June 3, 2016



**Charlie Scandrett, Jr.**  
Released July 7, 2015



**Aron Tuff**  
Released Sept. 20, 2016



**Wilmart Martin**  
Released Feb.18, 2015

# Criminal justice reform in Georgia

SCHR's Public Policy Unit plays a central role in criminal justice reform in Georgia. In 2011, Governor Deal created a Criminal Justice Reform Council (CJRC) tasked to make recommendations for reforms that address the state's unnecessary and counterproductive addiction to incarceration. Since then, SCHR has worked closely with the CJRC to secure substantial reforms. A partial list of the enacted reforms includes:



- Sentencing reforms that include raising the felony threshold for certain crimes and moving to weight-based drug sentencing;
- Expanding and allowing parole eligibility for certain crimes;
- Tackling the for-profit, predatory motives of private probation companies, enhancing transparency, and limiting their power;
- Converting existing detention centers to residential substance abuse treatment beds;
- Creating and funding (at \$20 million+) new accountability (drug, veterans, and child support) courts;
- Securing substantial juvenile justice reforms that mandate treatment in the community, not in detention; and,
- Reducing barriers to reentry via "ban the box" initiatives and substantial appropriations toward education in facilities and reentry services upon release.

Due to these and other reforms, the number of annual commitments to the Georgia Department of Corrections has fallen substantially. In 2015, Georgia committed 18,139 people, the lowest number since 2002 (peak was in 2009 with 21,655).



# Our Team

PASSION  
commitment  
and heart

are the core traits embodied by

SOUTHERN CENTER FOR HUMAN RIGHTS  
staff and board of directors.

These are the people who do the work that is changing and saving lives across the South.

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**100%**

of SCHR board members made  
personal contributions to support  
SCHR's work in 2015 and 2016

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**Julia Robinson-Hicks**

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**Patricia A. Hale**

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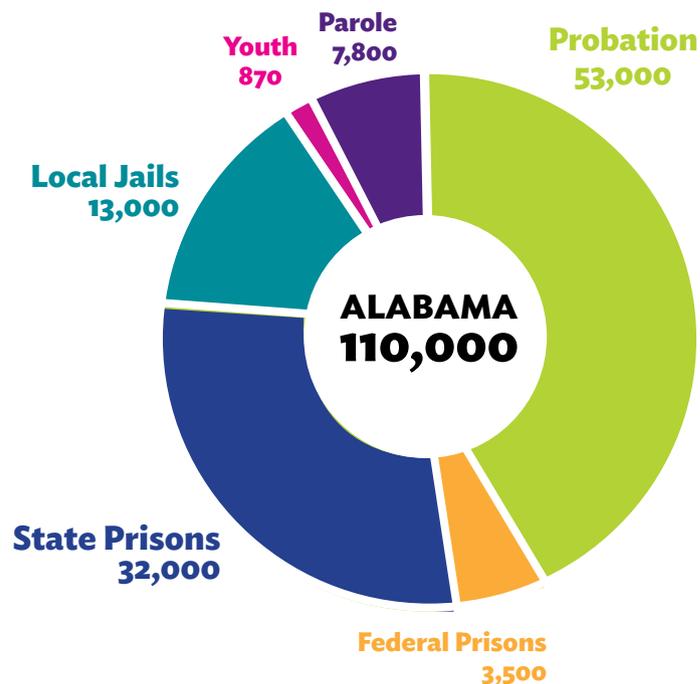
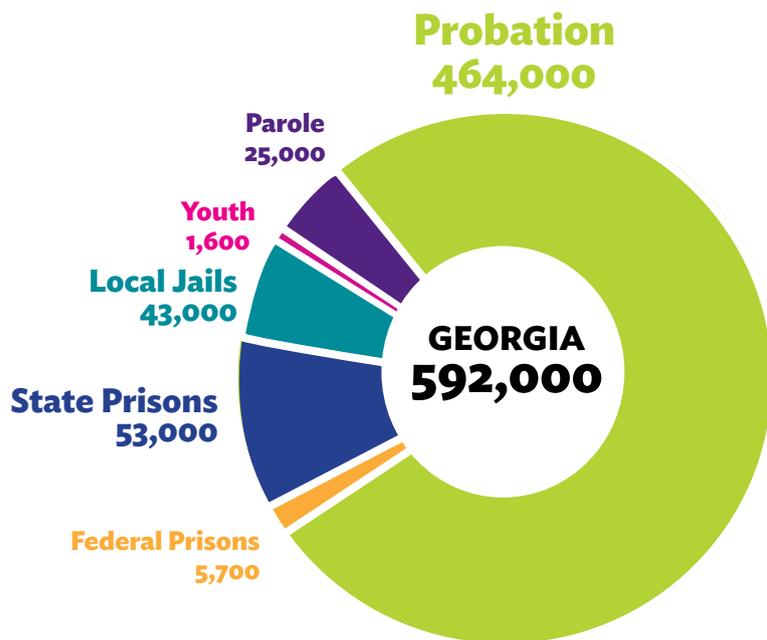
Criminal Justice Reform Intake Specialists



**9.8 YEARS**

Average longevity of staff in 2016.

How many  
people in Georgia and Alabama  
are behind bars or under  
criminal justice supervision?



# 2015

SCHR introduced its new tagline, reimagining equal justice.

## Reimagining Equal Justice<sup>®</sup> means

Working to achieve **TRUE FAIRNESS**  
in the criminal justice system;

### Achievements

Secured a grant of certiorari from the US Supreme Court on race discrimination in *Foster v. Chatman*;

Shut down a private probation company that was holding poor people for ransom;

Doubled the staff of the Cordele public defender's office;

Freed people serving long prison sentences for minor drug possession charges;

Held police accountable for mandated reforms; and,

Successfully advocated for the release of long-time client and former death row inmate Tony Amadeo.

Ensuring that **JUSTICE** does not depend on the amount of money you have, your race, or where you live;

Demanding that all people who are accused of crimes have **ACCESS TO ZEALOUS LAWYERS** who will leave no stone unturned on their behalf, who respect them, and who will honor their dignity;

Shining a **SPOTLIGHT** on the areas of our society that are too often in the dark, are unpleasant to think about, make us uncomfortable, and fill us with despair and anger.

# 2016

SCHR celebrated its 40<sup>th</sup> anniversary with a number of events commemorating the occasion and the publishing of *Justice Taking Root – The 40 Year History of the Southern Center for Human Rights*. The following are highlights of SCHR's history.

1976



Barbara (center) and David Lipman (right).

Barbara and David Lipman, and Michael Raff met with civil rights workers and religious leaders at Will Campbell's farm in Tennessee in 1976 to promote the creation of the Southern Prisoners Defense Committee (SPDC).



Michael Raff



Tony Dunbar



Joe Ingle hired David Lambert, a Memphis area legal services attorney, as the first director of the Southern Prisoners' Defense Committee. Richard Shapiro was subsequently hired as director until he left in 1982.

1982



Steve Bright began his tenure in 1982, serving as director from 1982 to 2011 and as president since 2011. When Bright started, SPDC was litigating 20 capital cases as well as cases involving conditions in prisons and jails with only two staff attorneys.

1988



AJC PHOTO

Public outcry of the 1986 execution of Jerome Bowden, IQ 65, prompted a coalition, of which SCHR was a part, to persuade the Georgia General Assembly to ban the execution of people with intellectual disability in 1988, 14 years before the U.S. Supreme Court agreed in the landmark case *Atkins v. Virginia*.

1991

The Southern Coalition on Jails and Prisons dissolved in 1991. That same year, SPDC changed its name to the Southern Center for Human Rights (SCHR).

1996

# 20<sup>th</sup>

SCHR celebrates its 20th anniversary in Washington, DC. The event included remarks by board member and former middleweight boxing contender Rubin "Hurricane" Carter, who was imprisoned for 20 years before being exonerated.

# 40

2001



SCHR challenged the use of the electric chair as Georgia's method of execution, leading to the GA Supreme Court declaring the electric chair violated the prohibition against cruel and unusual punishment and ruling the electric chair unconstitutional.

2003

SCHR engaged in a multi-year effort to improve legal representation in Georgia, filing six lawsuits seeking systemic reforms, issuing two reports documenting deficiencies, and raising claims of inadequate representation of scores of capital cases. In response, the Georgia legislature overwhelmingly voted to create public defender offices in each of the states 49 judicial circuits.



2007



SCHR argued its 2nd race discrimination in jury selection case before the U.S. Supreme Court on behalf of Allen Snyder, an African American man who was convicted and sentenced to death by an all-white jury in Louisiana in 1996. The Court ruled 7-2 for Mr. Snyder, who was later resentenced to life in prison.

2015



In 2015, SCHR launched a campaign to secure the release of people serving extremely long sentences for drug charges, who were in most cases African American men. In 1991, Wilmart Martin, was sentenced to life without parole for possessing 3.4 grams of cocaine—less than the weight of a nickel—in Evans County, GA. At that time, 98% of the people serving life sentences for a second or subsequent drug conviction in Georgia were Black. When SCHR secured Mr. Martin's release in 2014, he had served 25 years in prison with zero disciplinary infractions. He is now home with his family and rebuilding his life.

2011

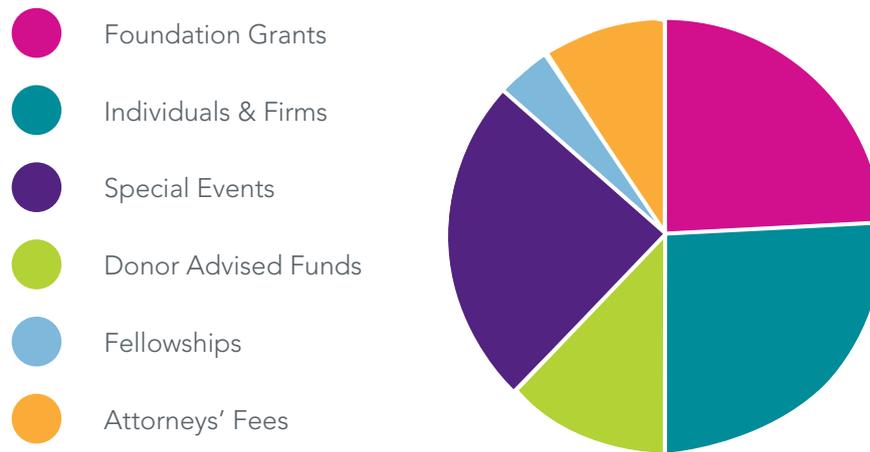


As a result of SCHR lawsuits challenging Georgia's lethal injection procedures, the Georgia Dept. of Corrections secured its supply of sodium thiopental from a pharmaceutical company operating in London. In March 2011, the Drug Enforcement Authority seized Georgia's supply of sodium thiopental after SCHR inquired whether the drug was lawfully imported into the U.S.

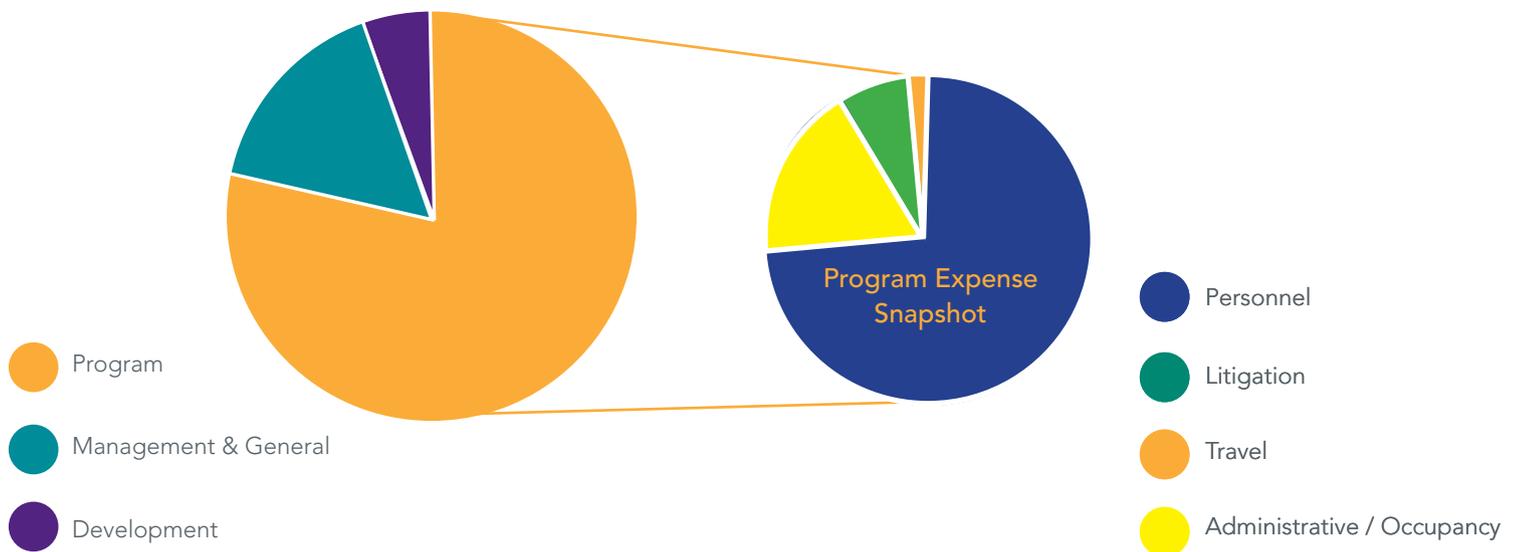
# Financials

To carry on our work, the Southern Center depends on the generous support of foundations, individuals and businesses, and receives no government funding.

## 2015 REVENUE



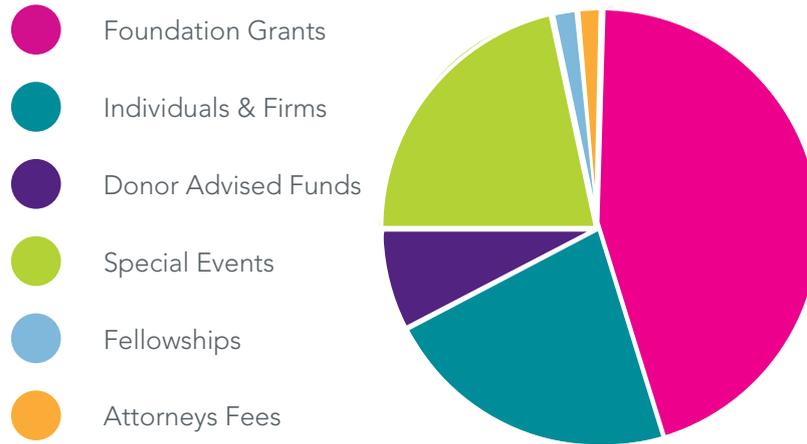
## 2015 EXPENSES



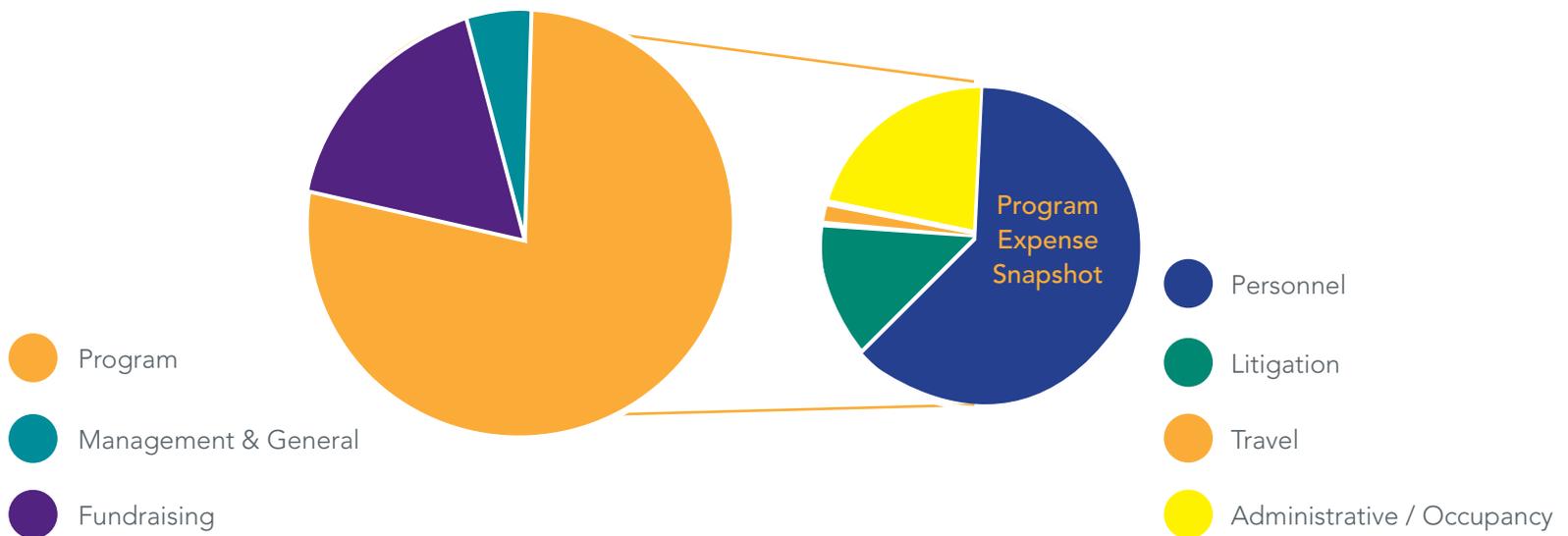
“It’s been one of my greatest honors to volunteer on the SCHR board. The depth of human rights work—death penalty and expansive civil legal services—the staff’s talent, passion, and commitment, and the Center’s utilization of finances gives me hope for our country’s future.”

Betsy A. Biben, ACSW, LICSW  
 Chief, Office of Rehabilitation and Development  
 Public Defender Service for the District of Columbia

## 2016 REVENUE



## 2016 EXPENSES





*Thank you*

For additional information about the work of the  
Southern Center for Human Rights or to donate, visit

[www.schr.org](http://www.schr.org)



join us in the struggle for justice



**SOUTHERN  
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