

THE HUMAN RIGHTS REPORT



THE ANNUAL NEWSLETTER OF THE SOUTHERN CENTER FOR HUMAN RIGHTS | MAY 2018

6

SCHR and Allies Win Historic Bail Reform in Atlanta

8

Georgia Grandmother Acquitted After Assisting First-Time Voter

10

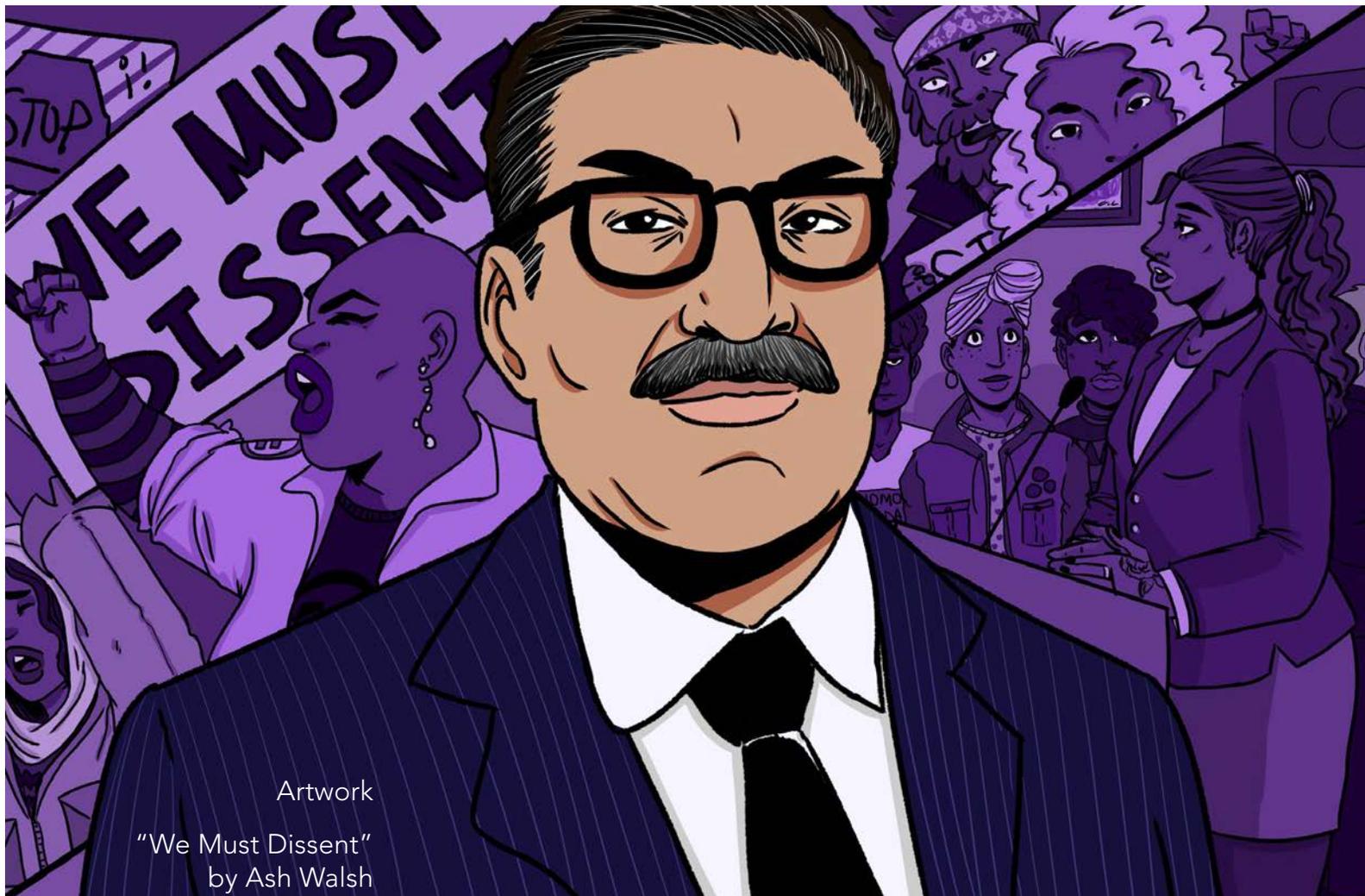
SCHR Holds Alabama Sheriffs Accountable For Pocketing Jail Food Funds

14

Newly Discovered Prosecutors' Notes Reveal Blatant Race Discrimination in Capital Jury Selection

IN THIS ISSUE

- 4 "My Freedom is More Important Than Anything" - An Interview with James Dennard
- 5 Convicted on the Basis of Unreliable Bitemark Testimony, SCHR Seeks New Trial for Sheila Denton
- 6 SCHR and Allies Win Historic Bail Reform in Atlanta
- 7 Disconnected: SCHR Challenges the Denial of Utility Services because of Court Debt
- 8 Georgia Grandmother Acquitted After Assisting First-Time Voter
- 10 SCHR Holds Alabama Sheriffs Accountable for Pocketing Jail Food Funds
- 12 SCHR Challenges Prolonged Solitary Confinement in Georgia's Prisons
- Excessive Force in Georgia's Prison System
- 14 Newly Discovered Prosecutors' Notes Reveal Blatant Race Discrimination in Capital Jury Selection
- 15 Criminal Justice Reform and SCHR's Public Policy Efforts
- 16 Donor Spotlight | Betsy Biben-Seligman



Artwork

"We Must Dissent"
by Ash Walsh

LETTER FROM SARA J. TONCHI

Executive Director

March 14, 2018 was the historic day on which students across the nation walked out of school to demand sensible gun law reform. As the day progressed, my news feed was vibrant with images of resistance, such as hundreds of signs declaring, “Not One More,” and 7,000 pairs of shoes on the White House lawn representing victims of gun violence.

I was particularly struck by the images that emerged from Booker T. Washington High School here in Atlanta. There, students opted to take a knee as they filled the hallways. I am so proud of these students who, here in the home of the civil rights movement, boldly took a stand and used their bodies to dissent from a political agenda that is in conflict with their survival. *As I take inspiration from their courage, I am reminded that dissent is one of the most patriotic acts we have as Americans.*

In his acceptance speech when receiving the Liberty Medal in 1992, Thurgood Marshall declared:

“Democracy just cannot flourish amid fear. Liberty cannot bloom amid hate. Justice cannot take root amid rage.

We must dissent from the indifference. We must dissent from the apathy. We must dissent from the fear, the hatred, and the mistrust. We must dissent from the poverty of vision and the absence of moral leadership.

We must dissent because we can do better, because we have no choice but to do better.”

At the Southern Center for Human Rights (SCHR), we embrace our responsibility to dissent. There is much fuel for this fire.

We dissent from policies that attempt to marginalize people of color and immigrants. We dissent from the use of the criminal justice system as a tool to silence the voices of leaders of color. We dissent from the show-no-mercy rhetoric used by an attorney general who praises the “Anglo-American heritage of law enforcement.”

Indeed, this dissent is central to our forty-year-plus struggle for equality, justice, and dignity in the criminal justice system, a struggle that is more urgent now than ever.

As you read this newsletter, you will see examples of our resistance.

Our campaign to end money bail dissents from a system that allows those with the means to purchase their release after arrest while those who can’t afford to pay must languish in jail. We are condemning and exposing race discrimination in voting rights and death penalty cases.

We are shining a light on the cruelty of prison isolation and punitive solitary confinement. We are correcting the casualties of the War on Drugs through policy reform and challenging extremely long sentences.

With your support, SCHR will fight back against the biggest threats to human rights in this generation. Now, more than ever, we are relying on your continued support to provide zealous, effective capital representation and to launch and win bold, effective lawsuits and campaigns that balance the scales of justice.

With your support, we will cultivate the seeds of democracy, justice, and liberty. Please join us as we dissent.

With hope,



Sara J. Totonchi
Executive Director



We Must Dissent

"MY FREEDOM IS MORE IMPORTANT THAN ANYTHING"

An Interview with James Dennard

In 1994, James Milton Dennard became another victim to the so-called War on Drugs.

Convicted of possessing approximately six grams of cocaine – an amount equivalent to roughly half a tablespoon – and with three prior felony convictions for non-violent drug charges, Mr. Dennard was sentenced to life without parole (LWOP); an excessive punishment stemming from Georgia's "two strikes" sentencing guidelines. After 23 years in prison with an exemplary disciplinary record and the assistance of SCHR, Mr. Dennard walked free on August 18, 2017.

Now home, Mr. Dennard is doing exceptionally well. He currently lives with his brother in Dalton, GA and just received a promotion at work. Next, he plans to propose to his girlfriend, Glenda. SCHR Communications Manager Hannah Riley interviewed Mr. Dennard to discuss his case and life outside prison walls.

A total of 20 SCHR clients have been released after receiving unjustly harsh drug sentence in the last three years.



Q. Do you remember what was going through your mind when you were sentenced to life without the possibility of parole?

A. *I was only 32 years old when I went to prison. It was real hard for me to accept my life sentence, but as the years went by, I began to. But I never stopped hoping and praying that one day the parole board would come back and get me out.*

Q. Did you come up for parole before SCHR began representing you?

A. *I went before the board once – only once. I got locked up in 1994, and I went before the parole board in 2001. They sent me a letter saying that I wasn't eligible, and that I would never get out. But I kept praying, and I kept the faith, hoping that things would turn around for me.*

Q. What were you feeling when you found out that SCHR wanted to represent you?

A. *I was happy – I was really, really happy. That's all I can say. It felt so good that someone was interested in taking on my case. My family had paid for three or four lawyers, but they just took the money and didn't get anything done.*

Q. What was it like to finally leave prison?

A. *Walking out of prison for the first time since '94... it was like when a dog is locked up in a cage too long. I wanted to take off running; I wanted to kiss the ground. I was just so, so happy. I remember the first meal I had – it was some whitefish, some coleslaw, and some fries. My family had asked me what I wanted to eat when I got out, so they made me my favorites. They threw me a little party.*

Q. How was readjusting to the outside world? How was your job search?

A. *I got out on the 18th of August, a Friday. I found a job and went to work the next Friday. I was working for \$10 an hour for five months after I got out. After that, they told me that I was a good worker – I work hard and always show up on time. [Recently], I got a permanent job, and now I'm making \$15 an hour.*

I say to people who've been locked up a long time: if they get the chance to get out and they want to stay out, they can stay out. If you want to find work, you can find it. Take whatever opportunity you can get. You've just got to have your mind made up to do what's right. Drugs were not worth being locked up for the rest of my life. There's nothing like getting into your own car, in your own clothes, and going to see your family, whenever you want. My freedom is more important than anything.

 Mr. Dennard's legal team included attorneys Atteeyah Hollie and Patrick Mulvaney with investigator Sarah Forte.

Democracy just cannot flourish amid fear. Liberty cannot bloom amid hate. **Justice cannot take root amid rage.** We must dissent from the indifference. We must dissent from the apathy. **We must dissent from the fear, the hatred and the mistrust.**

Save the Date

We must dissent from the poverty of vision and the absence of moral leadership. **We must dissent because [We] can do better, because [We] have no choice but to do better.** Democracy just cannot flourish amid fear. Liberty cannot bloom amid hate. **Justice cannot take root amid rage.** We must dissent from the indifference. We must dissent from the apathy. **We must dissent from the fear, the hatred and the mistrust.** We must dissent from the poverty of vision and the absence of moral leadership. **We must dissent because [We] can do better, because [We] have no choice but to do better.**



2018

FREDERICK DOUGLASS

Awards

Democracy just cannot flourish amid fear. Liberty cannot bloom amid hate. **Justice cannot take root amid rage.** We must dissent from the indifference. We must dissent from the apathy. **We must dissent from the fear, the hatred and the mistrust.** We must dissent from the poverty of vision and the absence of moral leadership. **We must dissent because [We] can do better, because [We] have no choice but to do better.** Democracy just cannot flourish amid fear. Liberty cannot bloom amid hate. **Justice cannot take root amid rage.** We must dissent from the indifference. We must dissent from the apathy. **We must dissent from the fear, the hatred and the mistrust.** We must dissent from the poverty of vision and the absence of moral leadership. **We must dissent because [We] can do better, because [We] have no choice but to do better.**

TUESDAY
10.23.2018

RENAISSANCE
WASHINGTON DC DOWNTOWN

CONVICTED ON THE BASIS OF UNRELIABLE BITEMARK TESTIMONY

SCHR Seeks New Trial for Sheila Denton

Sheila Denton was convicted of felony murder in Waycross, Georgia, in 2006, and sentenced to life in prison. Her conviction was predominantly based on the testimony of a forensic dentist, who opined that injuries found on the decedent and on Ms. Denton were bitemarks caused by each other. Since that trial, however, the discipline of forensic dentistry has come under widespread attack, largely because it has been shown to be unreliable and the cause of many wrongful convictions. As the President's Council of Advisors on Science and Technology recently concluded, "available scientific evidence strongly suggests that examiners cannot consistently agree on whether an injury is a human bitemark and cannot identify the source of [a] bitemark with reasonable accuracy." Armed with this new evidence, SCHR has requested that Ms. Denton receive a new trial.

In support of this request, SCHR obtained affidavits from five forensic dentists based around the United States and abroad, all of whom reviewed the available physical evidence from the case. Each concluded that, applying today's scientific standards and understanding of bitemark evidence, none of the injuries originally believed to be bitemarks were even bitemarks in the first place. This conclusion renders any subsequent comparison of the injuries with a known dentition impossible. These findings are in direct contradiction to the claim made at Ms. Denton's trial and relied upon by the prosecution to obtain her conviction. The case is set for an evidentiary hearing in Ware County Superior Court, where Ms. Denton will be represented by Mark Loudon-Brown and Katie Moss.





SCHR AND ALLIES WIN HISTORIC BAIL REFORM IN ATLANTA

On February 5, 2018, the Atlanta City Council unanimously passed a bail ordinance aimed at eliminating wealth-based detention at our city jail. The ordinance, which became effective on March 5, significantly limits the use of money bail in Atlanta and prohibits city court judges from detaining people only because they cannot pay for their pre-trial release in misdemeanor and ordinance violation cases. In enacting this ordinance, Atlanta follows cities like New Orleans, Nashville, and Chicago, all of which have moved away from wealth-based detention.

Atlanta needed to make a change to its pre-trial system. For years before the passage of this ordinance, our jail used a bail schedule that listed a pre-set sum for each offense and automatically required money as a condition of release, with no judicial review. In other words, people who could afford to pay cash bail were immediately released after booking, irrespective of ties to the community or criminal history. Those who could not pay were detained until they paid. As a result, city jail cells were filled nightly with people charged with offenses like littering or driving on a suspended license only because they did not have a few hundred dollars. **Many people pleaded guilty as soon as they came to court because they wanted to get home to their families but could not afford bail.**

Equally egregious, homeless people were often denied release only because they were homeless. One Atlanta man was arrested for standing on a street corner in downtown Atlanta, holding a sign that read "Homeless Please Help." The man was charged with the offense of "pedestrian soliciting." He was held in jail for 72 days on a \$500 bond without coming to court and without seeing a public defender. He remained in jail until SCHR filed a habeas corpus petition.

In the months preceding the adoption of the ordinance, SCHR and Civil Rights Corps sent first Mayor Reed and then Mayor Lance Bottoms a letter suggesting that the City avoid litigation by reforming its policies.¹ For months, we worked collaboratively with city officials and members of the city law department on draft ordinance language. Our staff members and allies went on television and radio to spread the word about the bail reform effort. We met with

city councilmembers and worked to address their questions and concerns. SCHR board member Mawuli Davis worked all sides of this effort – from organizing community meetings, meeting with the Mayor and staff, giving guidance on the substance of the ordinance, and keeping up momentum.

The adoption of this ordinance signals that we are at a pivotal moment nationally in our thinking about how we adjudicate petty cases. Even ten years ago, mass detention of indigent people contingent on money bail went unquestioned in most places, and the suggestion that money bail should be eliminated might have seemed radical. Now, the opposite is true. Hardly anyone, save bail industry apologists, are prepared to defend wholesale a criminal legal system that so explicitly conditions the length of one's detention on income. There is recognition across the political spectrum that it is unfair to imprison poor people for debts they cannot pay.

Many members of our community have long been deeply unhappy about the treatment they receive in the Atlanta Municipal Court. Thanks to groups like Southerners on New Ground (SONG), Women on the Rise, and other community organizations, hundreds of people packed the auditorium on the day of the City Council bail reform vote. The Council heard over four hours of public comment – both from SCHR and allies pressing for change and from bail industry representatives arguing for the status quo. **At the end of a protracted City Council debate, the vote was unanimous in favor of bail reform.**

ATLANTA CODE OF ORDINANCES, ENTTLED COURTS, IN ORDER TO ELIMINAT...			
Bond	YES	Westmoreland	YES (S)
Farokhi	YES	Young Jr.	YES
Ide	YES (M)	Shook	YES
Boone	YES	Overstreet	YES
		Dickens	ABSENT
		Winslow	ABSENT
		Matzigkeit	YES
		Sheperd	YES
		Smith	YES
		Archibong	YES
		Hillis	YES

The Atlanta City Council unanimously passes a historic bail reform ordinance.

Adopted

¹ Richard Fausset, *Atlanta Faces Call to Overhaul a Bail System That Jails the Poor*, NY Times, Jan. 11, 2018, <https://www.nytimes.com/2018/01/11/us/atlanta-bail-courts-reform.html>.

DISCONNECTED: SCHR CHALLENGES THE DENIAL OF UTILITY SERVICES BECAUSE OF COURT DEBT

People with criminal convictions are subject to a host of potential penalties beyond their sentence, including the loss of their homes, jobs, their right to vote, and the denial of certain public benefits. But people convicted of misdemeanors and traffic offenses in the Municipal Court of LaGrange, Georgia, face collateral consequence like no other—the denial of water, gas, and electricity because of court debt.

LaGrange is the sole provider of utility services for its residents. The city uses its monopoly to extract court debt from utility customers like Calvin Moreland, an African-American man, who was convicted of shoplifting \$12.18 of goods 13 years ago and has been repeatedly threatened with utility service disconnection because of court debt stemming from this conviction. The city's policy caused April Walton, a single African-American mother of three, to leave her home after LaGrange disconnected her utilities in part because of court debt. Mr. Moreland and Ms. Walton are among the many African-American residents disproportionately affected by this policy. From January 2015 through September 2016, approximately 90% of residents threatened with utilities disconnection due to court debt were African-American. LaGrange also denies utility services to people who lack certain government-issued identification, a policy that disproportionately affects Latinos.

In May 2017, SCHR attorney Atteeyah Hollie and investigator Maya Chaudhuri joined with the National Immigration Law Center and Relman, Dane & Colfax PLLC to challenge both policies in federal court. The suit alleged that LaGrange's policies violate both state law and the federal Fair Housing Act's ban on housing discrimination. In December 2017, the court dismissed the lawsuit because, in its view, the Fair Housing Act does not protect people once they've obtained housing. In February 2018, SCHR and its co-counsel appealed this ruling. Eighteen civil rights organizations, along with four former Secretaries of the U.S. Department of Housing and Urban Development, filed amicus briefs in support of the plaintiffs. **The case is currently pending in the Eleventh Circuit Court of Appeals.**



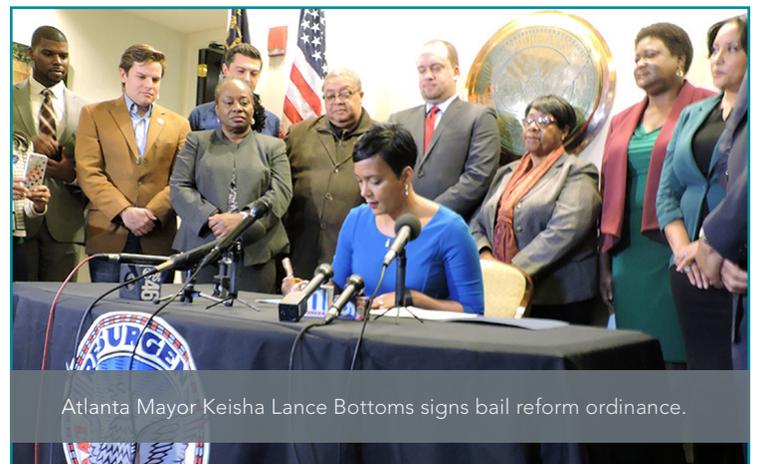
SCHR Client Calvin Moreland
Photo by Robin Henson Photographs

Continued from Page 6

Our new bail ordinance was the result of hard work by many community lawyers, organizers, and activists, including: Mawuli Davis, Jon Rapping, Alec Karakatsanis, Tiffany Williams Roberts, Reverend Derick Rice, Southerners on New Ground (SONG), Miguel Dominguez, and many others. SCHR commends Mayor Keisha Lance Bottoms, the City Council, and the City Law Department for their commitment to improving fairness and equality in our city court system.

But cultural change in the legal system does not happen overnight, and the effort is far from over. Over the next several months, SCHR and other community groups will be watching court and reviewing jail dockets with an eye to ensuring that the letter and spirit of the ordinance are being followed in practice.

You can find a copy of the ordinance and a summary of its provisions on our website at blog.schr.org/2018/02/09/atlanta-bail-reform. Look out, Macon, Columbus, Augusta, Savannah, Albany, and Valdosta. Bail reform is coming to a courtroom near you.



Atlanta Mayor Keisha Lance Bottoms signs bail reform ordinance.



SCHR's efforts to end wealth-based detention in the City of Atlanta and throughout Georgia are led by attorneys Sarah Geraghty, Atteeyah Hollie, and Akiva Freidlin with Public Policy Director Marissa McCall Dodson, investigators Maya Chaudhuri and Wynne Muscatine Graham, and Intake Specialist Alicia Rabideau.

GEORGIA GRANDMOTHER ACQUITTED

Olivia Pearson Faced Felony Charges for Showing a First-Time Voter How to Operate a Voting Machine

Olivia Pearson was the first African-American woman to be elected as a city commissioner in Douglas, Georgia. She has held that position for over 18 years. She is a mother and grandmother and remains politically active in Douglas, the seat of Coffee County. **In 2012, when President Barack Obama was seeking re-election, Ms. Pearson did her part to ensure that her fellow citizens, many of whom were African-American, could exercise their fundamental right to vote. She was charged with four felonies for doing so. After two trials, justice finally prevailed.**

In early 2017, Ms. Pearson's first trial was held in Coffee County, where she faced charges of improper assistance in casting a ballot and false swearing. The other two felony charges were dismissed prior to trial. The result was a hung jury, with 11 jurors voting to convict, and a retrial was scheduled. At that point, attorneys at SCHR learned of Ms. Pearson's case, met with her, and took on her case.

Led by a team that consisted of attorneys Sarah Geraghty and Mark Loudon-Brown, and investigator Maya Chaudhuri, SCHR filed a motion to dismiss. They convinced the prosecutor to dismiss one charge, leaving only a charge of false swearing remaining. SCHR also successfully obtained a change of venue, based largely on the negative publicity surrounding Ms. Pearson's first trial in Douglas. The judge selected Wayne County as the new venue, despite it being a much smaller and less diverse county than Coffee County.

Jury selection in the retrial began on the morning of February 22, 2018. Although the prosecutor struck the majority of eligible African-American jurors, SCHR's objection based on race discrimination was overruled. With the jury selected, evidence was presented that afternoon. The prosecution's first witness was Diewanna Robinson, a young African-American woman who was 21 years old in 2012 and voting for the first time that year. She testified that because it was her first time voting, she did not know how to use the electronic voting machine, and thus asked if there was someone who could show her how the machine

worked. Ms. Pearson was at the polling place helping to get the vote out in her community when Ms. Robinson arrived to vote, and Ms. Robinson asked Ms. Pearson if she would show her how to use the voting machine. Ms. Pearson did so. The evidence was undisputed that Ms. Pearson made no attempt to influence Ms. Robinson's vote in any way, at any time.

The crux of the prosecution's theory was that Ms. Pearson signed a form that contained an oath that she was entitled to assist Ms. Robinson in casting a ballot due to a disability or illiteracy that rendered Ms. Robinson unable to operate the voting machine. As Ms. Robinson was neither physically disabled nor illiterate, the prosecution argued, Ms. Pearson committed the felony of false swearing by signing that form.

Fortunately, the Wayne County jury saw this case for what it was—a criminal prosecution aimed to suppress the vote.

Ms. Pearson's testimony, which was read into the record from the previous trial, was that she simply showed Ms. Robinson how to operate the voting machine because she did not know how to use it. She signed the oath because one of the poll workers working that day told her she had to sign it in order to show Ms. Robinson how to use the machine.

During the defense case, two witnesses who knew Ms. Pearson—a veteran of World War II, Korea, and Vietnam, and a pastor from Douglas—testified to their opinions that she was a person of honest and trustworthy character. Distilled to its core, then, Ms. Pearson had been prosecuted for a felony based on evidence that she showed a first-time voter how

to use a voting machine—and nothing more. In closing, the defense argued, among other things, that Ms. Pearson never intended to deceive anyone by signing the form, and thus was not guilty.

At approximately 6:30 in the evening, after just over 20 minutes of deliberation, the jury returned a unanimous verdict of not guilty, bringing to end an unjust prosecution that Ms. Pearson had fought for years.

Had she been convicted, Ms. Pearson would have become a felon and faced prison time, all because of that innocent interaction at the polls.



SCHR HOLDS ALABAMA SHERIFFS ACCOUNTABLE FOR POCKETING JAIL FOOD FUNDS

In the first week of 2018, SCHR sued 49 Alabama sheriffs who have refused to produce public records showing whether, and if so by how much, they have personally profited from funds allocated for feeding people incarcerated in the jails they run. We brought the case in partnership with the Alabama Appleseed Center for Law and Justice, an organization based in Montgomery that advocates for reform of and transparency within the state's criminal justice system.

For nearly two decades, SCHR attorneys have represented detainees at the Morgan County Jail in Decatur, Alabama. The federal judge presiding over that case has twice held the sheriff in contempt after they pocketed large sums from the jail food account. In 2009, the sheriff was jailed after he purchased half of an 18-wheeler load of corn dogs for \$500 and fed them to detainees at every meal. During the preceding year, he had skimmed almost \$100,000 in money provided for feeding detainees. In 2017, his successor was fined for removing \$160,000 from the jail food account and investing it in a used car dealership.

These abuses of detainees' rights, and of public trust, are unfortunately not isolated incidents. **Many sheriffs in Alabama contend that a state law authorizing them to "keep and retain" taxpayer dollars provided for feeding people in their jails permits them to take any amounts they do not spend on food as personal income.** A sheriff who believes they can keep "leftover" funds has a perverse incentive to spend as little as possible on food. Two attorneys general have issued formal opinions stating that while sheriffs may manage this money, the law does not permit them to line their own pockets. Yet the practice persists, obscured from view.

Over the latter half of 2017, SCHR attorney Aaron Littman and investigator Wynne Muscatine Graham sent multiple open records requests to each sheriff in the state. Some responded, including one who acknowledged that in 2016, he had "declared excess and paid to" himself over \$44,000. This represents slightly less than a third of the total funds his

office received for feeding detainees that year from state, municipal, and federal sources. **49 of Alabama's 67 sheriffs, however, refused to comply with their obligation under Alabama's Public Records Law to produce the documents, claiming that they were "personal."**



Since filing suit, SCHR has received calls from numerous people across Alabama with information about the sheriffs and jails in their home counties. One produced documents showing that a sheriff had used food funds to pay his personal credit card bills and make purchases at Best Buy. Another told us that when he was in high school, he had been paid to mow the lawn at a sheriff's home with checks drawn on a jail food account; he was so concerned that he took a photograph.

A third informed us that when he worked as a jail cook, he was made to serve meat from packages labeled "Not Fit for Human Consumption." This caller also contracted an intestinal parasite during his incarceration. Others have reported being fed uncooked or rotten items, or small meals that consistently left them hungry.

SCHR is challenging this unlawful and unethical system on multiple fronts. The open records litigation is proceeding; briefing is ongoing, and discovery will begin soon. In addition, we are working with reporters to make the public in the state of Alabama and across the nation aware of the problem. Finally, Aaron and Frank Knaack, executive director of Alabama Appleseed, have met multiple times with legislators and stakeholders in Montgomery to advocate for legislation clarifying that money provided for feeding incarcerated people may only be used for that purpose.



This case is led by SCHR attorneys Aaron Littman, Sarah Geraghty, and Gerry Weber, with SCHR investigator Wynne Muscatine Graham. SCHR and its co-plaintiff, Alabama Appleseed, are also represented by Jake Watson and Rebekah Keith McKinney of Huntsville, Alabama.



Ways to Give

Planned Giving

What will be **YOUR** legacy?

Many of us want our lives to have meaning. We want the lives of others to have been made better because of the ways we show we care. That's why we consistently stand up for the people and causes that mean so much to us. Contributing to building a better, more just world, however, does not have to end when our lives expire.

Through planned giving, your heart for justice can continue to beat. When you name the Southern Center for Human Rights as a beneficiary in your will, retirement plan, savings account, or insurance policy, you make a commitment to securing equal justice for generations to come. Plan now to impact the future.



Matching Gifts

Did you know that you could double or even triple your impact on transforming the criminal justice system by requesting a matching gift from your employer?

Many companies match donations made by their employees to the Southern Center for Human Rights. In some cases, even gifts made by retirees or employees' spouses will qualify for a matching gift.

Don't miss out on an opportunity to double or even triple your impact! Ask your Human Resources Department if your company has a matching program or would be willing to consider one.



Every contribution we receive is impactful in our work to reimagine equal justice; doubling or tripling your impact by requesting a matching gift will provide a significant boost to our efforts to make real the promise of equal justice under law.

For more information on how you can create a legacy of justice or have your employer match your gift, contact Terrica Ganzy at (404) 688-1202 or tganzy@schr.org.

SCHR CHALLENGES PROLONGED SOLITARY CONFINEMENT IN GEORGIA'S PRISONS

In *Gumm v. Sellers*, No. 5:15-CV-41 (M.D. Ga.), plaintiff Timothy Gumm and a putative class of incarcerated people challenge their prolonged solitary confinement in the 192-cell Special Management Unit (SMU) at Georgia Diagnostic & Classification Prison. People assigned to the SMU are held in small, sound-resistant, single-person cells that they cannot see out of and rarely leave. According to official policies, the SMU is reserved for the most dangerous individuals and intended as a temporary measure, with periodic reviews to determine whether they are fit to return to the general population. **In practice, people are often assigned to the SMU for dubious reasons and held there for years on end despite maintaining good behavior.**

After the U.S. District Court for the Middle District of Georgia appointed SCHR attorneys to represent Mr. Gumm, Dr. Craig Haney—a renowned expert on the psychological harms caused by prolonged solitary confinement—agreed to serve as Mr. Gumm’s expert, and attorneys with Kilpatrick, Townsend & Stockton, LLP, joined the case as pro bono co-counsel. Discovery has confirmed many of Mr. Gumm’s allegations and revealed additional troubling facts. More than a third of the people in the SMU are currently being treated for mental illness, and many more have histories of mental illness. Individuals are held for extremely long terms and are rarely approved for release. Though prison officials recently began reforming their solitary confinement practices and a relatively large number of people have been transferred out of the SMU, in 2017 a third of those currently assigned to the SMU had been held there five years or longer.

The conditions in the SMU remain intolerable. In October 2017, Dr. Haney toured the SMU and found the conditions in certain areas “especially severe and chaotic,” with people incarcerated there manifesting “signs of what appeared to be prison-related trauma (screaming, banging on doors, begging for help, making emotional pleas, showing evidence of recent self-harm).” Dr. Haney further noted that a “surprising number” of people “recounted mental health histories that raised significant questions about the propriety (as well as the consequences) of housing them under such severely isolating conditions and subjecting them to such extreme deprivation.” The case is currently in discovery with summary judgment motions due in early July. We are also in settlement discussions with the defendants.

EXCESSIVE FORCE IN GEORGIA'S PRISON SYSTEM

In *Griggs v. Shepard*, No. 1:17-CV-89 (S.D. Ga.), three incarcerated people with serious mental illness seek damages and injunctive relief to remedy a longstanding pattern of using excessive force to punish people assigned to Augusta State Medical Prison (ASMP). **Plaintiffs Eugene Griggs, Christopher Varner, and Cameron Maddox allege that they were assaulted by ASMP correctional officers and that Georgia’s prison system fails to adequately track and investigate excessive-force complaints.** In 2016 and 2017, for example, internal-affairs investigators reviewed 1,986 use-of-force incidents but determined that only 9 warranted further investigation. In the rare cases where excessive-force complaints are investigated, prison officials overwhelmingly find the complaints unfounded, emboldening officers to continue assaulting incarcerated people unlawfully.

In Christopher Varner’s case, several of the officers who assaulted him in a prison elevator—three of whom later pleaded guilty to the assault—were under investigation at the time for assaulting other incarcerated people at ASMP in the same elevator. The case is currently stayed pending a motion by the defendants to sever the case into three separate actions and to dismiss Mr. Varner’s claims for failure to exhaust administrative remedies. SCHR filed briefs in opposition to those motions, explaining that the three plaintiffs’ claims are appropriately joined in a single action, and that Mr. Varner has in fact exhausted his available remedies.



SCHR’s efforts to challenge prolonged solitary confinement and excessive force practices are led by attorneys Sarah Geraghty, Ryan Primerano, and Aaron Littman with investigators Maya Chaudhuri, Wynne Muscatine Graham, and contributions from former investigator Mary Sidney Kelly Harbert.

Reimagining EQUAL JUSTICE

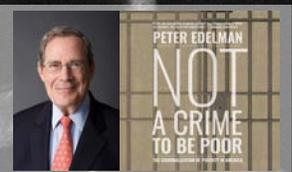
2018 JUSTICE SERIES

Presented by the
SOUTHERN CENTER FOR HUMAN RIGHTS

06 JUSTICE SALON | ATLANTA | JUNE 6
Truth and Justice:
06 The Central Park Five



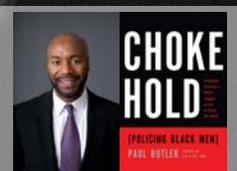
07 SPEAKER SERIES | ATLANTA | JULY 19
Peter Edelman
19 Author of *Not a Crime to Be Poor*



09 SYMPOSIUM | ATLANTA | SEPTEMBER 11
Decriminalizing Race & Poverty:
11 What's Working & What You Can Do



10 SPEAKER SERIES | ATLANTA | OCTOBER 3
Paul Butler
03 Author of *Chokehold*



11 SPEAKER SERIES | ATLANTA | NOVEMBER 1
Angela Jordan Davis
01 Author of *Policing the Black Man*



For more information and to register, visit www.schr.org.
For sponsorship opportunities, contact Terrica Ganzy at
(404) 688-1202 or tganzy@schr.org.

NEWLY DISCOVERED PROSECUTORS' NOTES REVEAL BLATANT RACE DISCRIMINATION IN CAPITAL JURY SELECTION

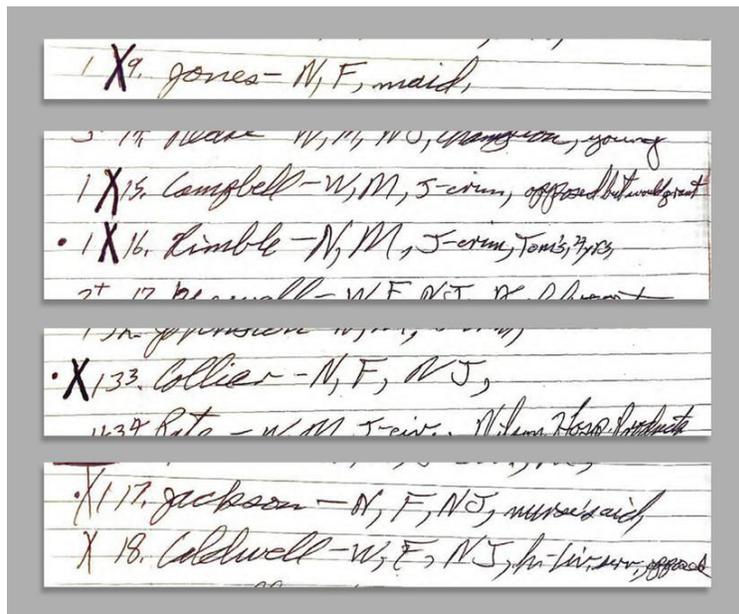
In March, SCHR and the Georgia Innocence Project filed a motion for new trial based on newly discovered evidence in the case of Johnny Lee Gates. In 1977, Gates – a Black man – was convicted and sentenced to death by an all-white jury in Columbus, Georgia, after prosecutors struck all four Black prospective jurors from serving on the jury.

The motion was based on newly discovered prosecutors' jury selection notes from Gates's trial as well as from other capital trials involving Black defendants in Columbus in the late 1970s. The State refused to disclose the notes pursuant to an Open Records Act request but ultimately was ordered to produce them. The notes clearly establish that the jury strikes in Gates's case were the product of systematic race discrimination.

The notes reveal a deliberate and systematic effort to keep Black citizens off capital juries in cases involving Black defendants. The notes indicate that:

- Prosecutors labeled white prospective jurors with a "W" and Black prospective jurors with an "N."
- Prosecutors used derogatory terms to describe Black prospective jurors, including "slow," "old + ignorant," "fat," "hostile," and "con artist."
- Prosecutors further singled out Black prospective jurors for strikes by marking a dot next to Black prospective jurors' names.
- In a case involving a 16-year-old Black defendant, prosecutors labeled one white prospective juror a "top juror" because he "has to deal with 150 to 200 of these people that work for his construction co."

The notes do not stand alone. There were two prosecutors in Gates's case: Douglas Pullen and William Smith. In the five capital cases involving Black defendants that Pullen tried between 1975 and 1979, the prosecution struck all 27 of the 27 Black prospective jurors. Smith had a similar strike record. Dr. Michael Lacey, a professor of mathematics at Georgia Tech, reviewed the jury strikes made by prosecutors in these seven capital cases. **The probability that Black jurors were removed for race-neutral reasons was calculated to be .00000000000000000000000000000004 percent.**



In addition, Pullen is one of the same prosecutors from *Foster v. Chatman*, the case in which the United States Supreme Court held in a 2016 decision that the prosecution struck Black prospective jurors based on race at the 1987 trial of SCHR client Timothy Foster. The Supreme Court based its decision in *Foster* in part on the prosecution's jury notes, which like the Gates notes focused heavily on the race of the Black prospective jurors.

Gates has been incarcerated for 41 years based on his 1977 trial. Though he initially received the death penalty, he was later resentenced to life in prison without parole.



Johnny Lee Gates is represented by SCHR attorneys Patrick Mulvaney and Katherine Moss, along with Clare Gilbert of the Georgia Innocence Project.

CRIMINAL JUSTICE REFORM AND SCHR'S PUBLIC POLICY EFFORTS

For decades, Georgia's system of punishment has been extremely harsh and defined by its longtime embrace of classic tough-on-crime strategies like mandatory minimums, recidivist penalties, and excessive probation sentences. Today, there are more than half a million people under correctional control in Georgia. **However, in the last six years, a window has opened for substantive sentencing and policy reforms that will turn the tide of Georgia's over-reliance on incarceration.**

When Georgia Governor Nathan Deal came into office in 2010, he quickly made clear that justice reinvestment would be the cornerstone of his administration. He spoke about the crushing financial expense the state would bear if it continued its current sentencing trajectory and made a plea for humanity, stating, "While we foresee this effort uncovering strategies that will save taxpayer dollars, we are first and foremost attacking the human costs of a society with too much crime, too many behind bars, too many children growing up without a much-needed parent and too many wasted lives."

Governor Deal went on to create a Council on Criminal Justice Reform that was tasked with making recommendations about reforms that address the state's unnecessary and counterproductive addiction to incarceration. For the last eight years, SCHR has worked side by side with the Council, sharing information gleaned from on-the-ground investigations, providing technical support, and advocating for broad-based reforms so desperately needed in our state.

For the past eight years, the Council has enjoyed bipartisan support, and most of its recommendations were adopted by the General Assembly. Because of these reforms, the number of annual commitments to the Georgia Department of Corrections has fallen substantially. **At the end of 2017, the state prison population stood at 52,962, which is nearly 12% less than the 60,000 projected to be incarcerated by 2018. In what seems to an unintended but positive consequence of criminal justice reform, the state has experienced a decline in the racial disparity in prison admissions. In 2009, 61% of people sent to prison were Black, compared to 52% of such prison admissions in 2017.**



While much has been accomplished over the last eight years, there is still much work to be done. The executive leadership of Governor Deal has been paramount to the criminal justice reform efforts thus far, and his term as governor ends this year. SCHR is working to build political power at both the grassroots and grass-tops levels to demand that proactive, comprehensive criminal justice reform continues beyond 2018 and into the next governor's administration.

SCHR has convened a coalition of groups and individuals that will demand that Georgia's next governor support the continued interest in and examination of justice reinvestment in the legislature. **SCHR is proud to be the convening organization for the Georgia Criminal Justice Reform Partnership (GCJRP), a statewide coalition of organizations seeking to transform our system.**

Since SCHR started the coalition in 2016, it has grown from five members to over fifty. GCJRP is divided into the following subgroups: adult justice, juvenile justice, reentry and "crimmigration" (the intersection of immigration and criminal justice laws). In the coming months and years, GCJRP has prioritized the following initiatives for statewide advancement:

- **End mandatory minimum/non-parole eligible recidivist sentencing;**
- **Overhaul Georgia's adult felony and misdemeanor probation systems;**
- **Decriminalize a significant number of traffic and municipal offenses;**
- **Reform statewide cash bail to reduce wealth-based detention;**
- **Raise the age for juvenile court and/or end juvenile transfer to adult court;**
- **Promote candidate engagement and education on justice reform; and**
- **Improve reentry by means such as criminal record restriction and removing housing and job barriers for people with a criminal history.**

Now more than ever, it is essential that SCHR leads advocacy efforts for continued and meaningful criminal justice reform. For our communities to thrive, Georgia must continue to curb its addiction to incarceration.



SCHR's policy efforts are led by Public Policy Director Marissa McCall Dodson and Community Engagement & Movement Building Counsel Tiffany Williams Roberts.



DONOR SPOTLIGHT

Betsy Biben-Seligman

Betsy Biben-Seligman is a Forensic and Clinical Social Worker and the Chief of the Office of Rehabilitation and Development of the Public Defender Service for the District of Columbia, where she has been employed since 1982 and head of the office since 2002.

She is a former board member of the Southern Center for Human Rights, where she served as co-chair of the Frederick Douglass Awards Dinner and as a member of the Development Committee of the Board.

Q. How did you first become interested in supporting the work of the Southern Center for Human Rights?

A. In 1982, Steve [Bright] and George Kendall asked me to consult with the team trying to save John Elden Smith from execution. The fantastic Pastor of Death Row until recently, Murphy Davis, and I consulted Scharlette [Holdman], but the Georgia Parole Board wrongfully executed Smithy. From the moment I started volunteering, I was drawn to appreciate the extraordinary work of SCHR. I've been a supporter ever since.

Q. What part(s) of SCHR's work is most compelling to you?

A. That's a hard question. Initially it was the capital work, yet now there isn't a case in the office that doesn't WOW me into being very proud to support everything from lawsuits challenging prison conditions to the new bail reform work to the work to free people from long-term drug sentences. SCHR continues to surpass my expectations.

Q. Why have you chosen to support SCHR so consistently?

A. My husband and I believe in SCHR, and we've never been disappointed in your professional, compassionate, and stellar work. There's a reason why SCHR is the premier law office providing capital litigation, equality, and dignity to every person you represent.

Q. Would you encourage others to support SCHR? If so, what would you tell them?

A. Supporters' money is used wisely for SCHR's essential work. The website is kept updated and you can follow their accomplishments. I appreciate that the Executive Director will respond when I reach out. Though there are so many organizations to choose to support, SCHR's expansive cases and diverse clients cover so many areas of concern, supporters will unlikely find another group that impacts as many glaring inequities under one small roof.

SOUTHERN CENTER EVENTS



2017 Frederick Douglass Awards Dinner



2017 San Francisco Benefit Reception



SCHR Ambassadors Inaugural Event: No Laughing Matter



Speaker Series: *Injustice on the Verge? Atlanta and the Fight for Equality*



2018 STAFF

Sara J. Totonchi

H. Lee Sarokin Executive Director

Terrica Redfield Ganzy

Development Director

Cortez Wright

Development & Marketing Manager

Marissa McCall Dodson

Public Policy Director

Tiffany Roberts

Community Engagement
& Movement Building Counsel

Hannah Riley

Communications Manager

Julia Robinson-Hicks

Finance Director

Mary Sidney Kelly Harbert

Operations Manager

Patricia A. Hale

Administrative Assistant

Sarah Geraghty

Managing Attorney, Impact Litigation

Patrick Mulvaney

Managing Attorney, Capital Litigation

Atteeyah Hollie

Mark Loudon-Brown

Gerry Weber

Senior Attorney

Katherine Moss

Ryan Primerano

Staff Attorney

Aaron Littman

Noah Parden & Styles Hutchins Fellow

Akiva Freidlin

Skadden Fellow

Kate Morris

Herbert and Neil Singer
Social Justice Fellow

Maya Chaudhuri

Sarah Forte

Senior Investigator / Paralegal

Kristen Samuels

Investigator / Paralegal

Wynne Muscatine Graham

Richardson Postgraduate
Public Service Fellow

Kacey Kramer

Alicia Rabideau

Criminal Justice Reform
Intake Specialists

2018 BOARD OF DIRECTORS

Maureen Del Duca, Chair

Northrop Grumman Corp.
Washington, DC

James Kwak, Vice Chair

University of Connecticut
School of Law
Hartford, CT

L. Joseph Loveland, Jr., Secretary

King & Spalding LLP
Atlanta, GA

Gregory T. Camp, Treasurer

Newfield Capital Inc.
New York, NY

William Abrams

Foster Pepper PLLC
Seattle, WA

Janet Dewart Bell, Ph.D.

New York, NY

Michael A. Caplan

Caplan Cobb LLP
Atlanta, GA

Hon. U.W. Clemon

Birmingham, AL

Mawuli Davis

The Davis Bozeman Law Firm
Decatur, GA

Rajesh De

Mayer Brown
Washington, DC

David DeBruin

Jenner & Block
Washington, DC

Ronan Doherty

Bondurant Mixson & Elmore, LLP
Atlanta, GA

Ann Fort

Eversheds Sutherland
Atlanta, GA

James M. Garland

Covington & Burling LLP
Washington, DC

C. Allen Garrett

Kilpatrick Townsend & Stockton LLP
Atlanta, GA

Vivianne Guevara

Federal Defenders of New York
Eastern District
Brooklyn, NY

Katharine Huffman

The Raben Group
Washington, DC

Lauren Sudeall Lucas

Georgia State University
College of Law
Atlanta, GA

Alexander Rundlet

Montoya Law, P.A.
Miami, FL

L. Chris Stewart

Stewart, Seay & Felton
Atlanta, GA

Donald B. Verrilli, Jr.

Munger, Tolles & Olson LLP
Washington, DC

Henry Weinstein

University of California Irvine
School of Law
Irvine, CA

Elizabeth Zitrin

World Coalition Against the Death Penalty
San Francisco, CA

We are pleased to welcome **Kate Morris, Hannah Riley, and Tiffany Williams Roberts** to our team!



Kate Morris

Kate Morris joined SCHR's Capital Litigation Unit as a Herbert and Nell Singer Social Justice Fellow in September 2017, after clerking for Judge Wendy Beetlestone in the Eastern District of Pennsylvania. She graduated in 2016 from Columbia Law School, where she was a James Kent Scholar. During law school, Kate represented incarcerated people through the Mass Incarceration Clinic, served as Editor-in-Chief of *A Jailhouse Lawyer's Manual*, authored a Note on criminal records screening published in the *Columbia Human Rights Law Review*, and interned at the NAACP Legal Defense Fund. Prior to law school, she undertook a fellowship with Reprive, based at the Capital Appeals Project in New Orleans. Kate holds a J.D. and LL.M. from Columbia Law School, and a B.A. in Modern History from Oxford University, which she received with First Class Honors. Kate is admitted to practice in Georgia.



Hannah Riley

Hannah Riley joined the Southern Center for Human Rights in 2017 as the Communications Manager. She came to SCHR from the Innocence Project, where she worked to educate the public, advance litigation goals, and draw increased attention to the phenomenon of wrongful convictions in the United States. She has a Master's Degree in Criminology from the University of Cambridge, where she concentrated her research on prosecutorial misconduct, and a Bachelor's Degree in Psychology. She is also a freelance writer, focusing on criminal justice policy, the death penalty, and wrongful convictions.



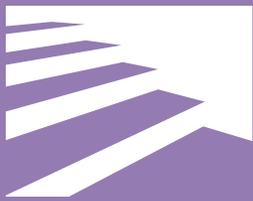
Tiffany Williams Roberts

Tiffany Williams Roberts joined SCHR in April 2018 as the Community Engagement & Movement Building Counsel. Tiffany is a civil rights and criminal defense attorney in Atlanta. She has practiced criminal defense since 2008, first as a public defender with the Atlanta Judicial Circuit Public Defender, and later as a solo practitioner beginning in 2011. As a public defender, Tiffany represented hundreds of indigent clients facing felony prosecution and graduated from the Gideon's Promise trial advocacy training program. She expanded her private practice to include civil rights litigation for victims of police abuse.

A significant portion of Tiffany's practice is dedicated to pro bono representation of activists and organizers. She has been recognized by the Atlanta NAACP, DeKalb Lawyers Association, and the Southern Center for Human Rights for movement lawyering and social justice activism.

Tiffany has volunteered with organizations promoting justice, fairness, and equity in the criminal justice system for her entire legal career. A community organizer, she cofounded police accountability organization Building Locally to Organize for Community Safety (BLOCS) in 2008 to promote a holistic approach to public safety. BLOCS successfully advocated for legislative improvements to the Atlanta Citizen Review Board along with other critical local policy changes. In 2015, Tiffany cofounded Lawyers United for a New Atlanta (LUNA) in response to calls for criminal justice reforms in Atlanta courtrooms. She is also a founding member of the Atlanta chapter of the global Black Lives Matter network, which first convened in 2015. Tiffany was featured as a critic's choice for one of four Best Citizen Activists by Creative Loafing Atlanta that same year.

To read Tiffany's full bio, visit www.schr.org.



**SOUTHERN
CENTER FOR
HUMAN
RIGHTS**

REIMAGINING EQUAL JUSTICE®

NONPROFIT ORG
U.S. POSTAGE PAID
ATLANTA, GA
PERMIT NO. 4419

For more information, please visit:

www.schr.org

Southern Center for Human Rights

83 Poplar Street NW
Atlanta, GA 30303-2122

 (404) 688-1202

 (404) 688-9440

 facebook.com/southerncenterforhumanrights

 twitter.com/southerncenter

 instagram.com/thesoutherncenter

 linkedin.com/southerncenter

