



SOUTHERN CENTER FOR HUMAN RIGHTS

# THE HUMAN RIGHTS REPORT

ANNUAL NEWSLETTER OF THE SOUTHERN CENTER FOR HUMAN RIGHTS | APRIL 2020



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CENTER FOR HUMAN RIGHTS

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The Southern Center for Human Rights is working for equality, dignity, and justice for people impacted by the criminal legal system in the Deep South. SCHR fights for a world free from mass incarceration, the death penalty, the criminalization of poverty, and racial injustice.

### Cover Image

Pictured is the new headquarters of the Southern Center for Human Rights, located at 60 Walton Street NW.

Built in 1889, it was the flagship building for our historic Fairlie-Poplar neighborhood. It has previously been occupied by a wagon company, a pants manufacturer, a sheet metal business, a paint store, various restaurants, offices, and retail shops.

American Friends Service Committee bought it in 2008 and sold it to the a tech company called Phase 3 in 2014. A Jamaican restaurant, Calypso Café, was on the first floor, and a favorite for SCHR celebrations for decades.

In the early 1980s, SCHR's first home in Atlanta was on the same block on Walton, so we have come full circle.

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# DIRECTOR'S COLUMN

## SARA J. TONCHI



The significance of this moment in the life of the Southern Center for Human Rights cannot be overstated.

The last six months have gone by in the blink of an eye, with more highlights and significant moments than can be concisely conveyed. Our team is on fire and the impact on the lives of so many people in the criminal legal system is deeper and wider than ever before. I'm so excited to share some of these stories within our *2020 Human Rights Report*.

I am also thrilled to announce that SCHR has moved into a new home. Pictured on the front of this report, our new headquarters at 60 Walton Street provides us with the space we need for collaboration, for innovation, and for our growing community. While we loved our old space on Poplar Street, it became clear to us that it was no longer responsible to limit our impact based on the physical limitations of our space. Those of you who visited us there know that we had people working in just about every nook and cranny!

In the three short months since we moved, it has been so clear to us on countless occasions how game-changing this new space is. For the first time, we have been able to host the Justice Reform Partnership, our statewide grassroots coalition, in our own space. We have already had the privilege of welcoming national partners, including hosting a strategy session for some of the top prison litigators as well as a gathering of leaders of color from the death penalty movement. And of course, this expanded space (we went from 7,000 square feet to 19,000) provides endless possibilities for our own team to collaborate, to meet with clients and their families, and to build the strategies we will use to work towards our vision of a world free from mass incarceration, the death penalty, the criminalization of poverty, and racial injustice.

Each year in Atlanta we host an event called *Justice Taking Root*. In this new space, in this new decade, within this special community, we feel that justice is taking root. As we spread our wings and work to help as many people as we can, equality takes root. And as we fight for the humanity and lives of the people we are privileged to represent, we help dignity take root.

Langston Hughes wrote in his poem "Democracy":

*Freedom  
Is a strong seed  
Planted  
In a great need.*

The seeds of the Southern Center were planted more than forty years ago by ministers and activists who had a vision of freedom. Since then, we have been so fortunate that those seeds have been nurtured by so many: our generations of lawyers and advocates, our generous donors, and the people who trust us to fight alongside them for freedom.

SCHR has boldly entered 2020. Thank you to all of you who have been a part of bringing us to this amazing moment in SCHR's history.

With hope,

A handwritten signature in purple ink that reads "Sara".

Sara J. Totonchi  
Executive Director



Photo: A young Jimmy Meders from his service in the National Guard.

## SCHR CLIENT JIMMY MEDERS IS GRANTED CLEMENCY HOURS BEFORE EXECUTION

**S**ix hours before his scheduled execution, SCHR client Jimmy Meders won a rare clemency grant from the Georgia Board of Pardons & Paroles. As a result of the Board's decision, Meders is now serving a sentence of life without parole—the precise sentence that his jury wanted to impose at his trial in 1989.

### *The Crime*

In 1987, Meders was twenty-six years old and a seven-year veteran of the National Guard in Brunswick, Georgia. He had earned several commendations during his years of service, with commanding officers praising him for his “devotion to duty” and for his “support and assistance which has greatly enhanced the accomplishment” of the unit’s missions.

Meders’s successful service occurred in spite of significant challenges. From a young age, he had exhibited significant

intellectual limitations that negatively affected his ability to communicate. He also had endured a childhood marked by poverty and abuse, which in turn led to a significant substance abuse addiction that he struggled to manage. Nevertheless, until mid-October 1987, Meders did not have a criminal history.

That changed in the early morning hours of October 14, 1987. Meders spent much of the preceding day ingesting a combination of Valium, marijuana, and various types of alcohol. At around 11:00 pm that night, as Meders was sleeping, two men—Bill Arnold and Greg Creel—suddenly came to his house, roused him out of bed, and told him to grab his gun. After initially resisting their efforts, Meders finally complied.

At around 2:30 am on the morning of October 14, the three men stopped at a local Jiffy Mart in Brunswick. All three went inside the store. Their accounts

diverged as to what precisely occurred inside the store, but the end result was tragic: they killed the store clerk, Don Anderson, and took money from the cash register.

### *The Trial*

Although all three men were present when the murder occurred, Meders was the only one arrested and charged. The State also announced they would seek the death penalty. At the end of his trial in 1989, the jurors convicted Meders of murder, though not without asking several questions about Arnold and Creel’s involvement.

The jurors then had to decide the appropriate punishment. Just twenty minutes into their deliberations, the jurors sent a note to the judge, asking if they could recommend a sentence of life without parole. But life without parole was not yet available in 1989, so the judge told the jurors that they

could not impose that sentence. Instead, they had to decide between life with parole after seven years or the death penalty. Several hours later, the jurors returned a death sentence—even though that is not the sentence they wanted to impose.

### *Unsuccessful Appeals*

Alongside attorneys Jim Jenkins and Andru Volinsky, Meders fought to get a new trial for the next thirty years. Throughout that time, Meders received only one disciplinary infraction—for objecting when the prison’s fan was not directed toward his cell on a hot day in June 2002. In light of that record, prison staff described Meders as a “model inmate” who would help prison staff maintain order among guards and inmates.

Ultimately, Meders’s efforts to win a new trial were unsuccessful. While the last appeal was pending before the United States Supreme Court in the fall of 2019, Meders’s longtime attorneys reached out to SCHR to ask for help with additional litigation and a potential clemency hearing. SCHR jumped in.

### *Clemency Proceedings*

While preparing for a potential execution warrant, SCHR spoke with all six living jurors who remembered serving on Meders’s jury. Those six jurors confirmed that if life without parole had been available at Meders’s 1989 trial, that is the sentence Meders would have received. Those jurors went further, expressing support for reducing Meders’s sentence to life without parole today.

The jurors’ opinions proved critical after the State obtained an execution warrant on December 30, 2019. In his clemency application to the Board, Meders highlighted the jurors’ opinions as to the appropriate sentence—both at his trial in 1989, and when they provided statements in 2019. Meders



## Meders became the first individual to receive clemency in Georgia in over five years.

also emphasized that he did not have a criminal history before this crime, and that he had a nearly perfect disciplinary record in prison.

SCHR attorneys appeared before the parole board on January 15, 2020. The next day, just six hours before Meders’s scheduled execution, the Board ordered that Meders’s death sentence be commuted to life without parole.

Meders became the first individual to receive clemency in Georgia in over five years.

Meders was represented by SCHR attorneys Mike Admirand, Patrick Mulvaney, and Madeleine O’Neill. SCHR also contracted with Advancing Real Change, Inc. in Baltimore, which provided critical investigative support.



## RETURNING HOME: SCHR LAUNCHES REENTRY PROGRAM

Former SCHR client Chris Williams was released on December 20, 2018 after serving 19 years of a life without parole sentence for his participation as an unarmed lookout in a robbery. Upon release, Mr. Williams encountered difficulties securing a social security card and other identification documents.

**A**t SCHR, we often talk about litigation and advocacy that leads to systemic changes in the criminal legal system, but few moments resonate like when a client is released from prison. Over the past five years, we have expanded our legal advocacy to help people who have received extreme sentences for drug offenses and other felonies be resentenced and released from prison. To date, we have helped twenty-five people come home to their families, and each year, we are working to return more clients back to their communities. It is easy to see these moments as the end of a legal battle, but for our clients, we know that the next chapter of their lives is no less an important part of their journey.

Returning to the community is one of the most challenging transitions in a person's life. There are many barriers for system-impacted people to finding housing and employment, receiving supportive services from the government, and accessing other healthcare and legal services. These challenges are even more difficult for many of our clients who spent decades in prison and are returning to a society that is barely recognizable from the one they left.

SCHR is committed to providing our formerly incarcerated clients with a support system to help them rebuild their lives. Thanks to a generous grant from the United Methodist

Committee on Relief (UMCOR) and substantial support from our donors, we are launching a Reentry Program to address the holistic needs of our clients upon their return home. In March, SCHR hired Waleisah Wilson as a full-time Client Services Advocate to help our clients as they transition back into their communities. Waleisah has spent the past seven years serving as the Executive Director of New Life-Second Chance Outreach in Columbus, Georgia, where she has helped hundreds of system-impacted people find employment and begin to rebuild their lives.

Waleisah is excited to be working with our clients to address critical issues in their lives and to deepen relationships with community organizations throughout Georgia that offer an array of supportive services. Whether our clients need emergency supplies or long-term housing; help obtaining government identification or help finding a job; access to government benefits or additional legal advice, Waleisah will be there to support them and identify a path forward.

Freedom is a gift, but it is not the end of the journey. Thanks to your support, our Reentry Program will help people to renew family bonds, become rooted in their communities, and defy stigmas that define them by their incarceration rather than their humanity. We look forward to joining with our clients and turning the page to see what the next chapter holds.

# SCHR SHIFTS STATEWIDE POLICY THROUGH THE GEORGIA JUSTICE REFORM PARTNERSHIP



**T**he Georgia Justice Reform Partnership (GJRP), convened by SCHR, is a collective of organizations and individuals interested in supporting criminal legal reform work in Georgia. The GJRP began as a grouping of just five organizations working on statewide advocacy during the legislative session. We now welcome over 50 statewide and local organizations who work year-round on critical reform efforts.

We believe every human being in Georgia should be treated with dignity and have the ability to thrive in safe and strong communities. We know that public safety can be achieved when systems are fair, transparent, and respectful. Our core values are: accountability, collaboration, compassion, dignity, equity, fairness, forgiveness, innovation, investment, justice, persistence, potential, and respect.

Over time, the GJRP has worked to advocate around statewide legislation and to build capacity among members to conduct regular collaborative programming for communities impacted by our work. In 2018, the GJRP launched our Talk Justice Tuesdays series, which provides communities with weekly opportunities to learn about and advocate around criminal legal reform issues at the Capitol during the legislative session. Some topics covered include understanding the impact of budgets on reform efforts, the benefits of decriminalizing minor offenses, and promoting mental wellness.

Since 2010, our partners have produced Justice Day at the Capitol, which is the only comprehensive criminal legal reform centered advocacy day under the gold dome. Over the course of one day, people from all over the state hear from

subject-matter experts, systems-impacted advocates, and policymakers on an array of topics expected to be heard in each legislative session. Interactive opportunities such as letter writing to children of incarcerated parents and phone banking are also offered to our over 450 guests.

While we continue to focus on urgent issues involving Georgia's criminal legal system, we understand that we have a responsibility to extend resources to the communities most impacted by it. To that end, we designed a criminal legal reform advocacy curriculum and have offered the course in Atlanta and Columbus. We hope to continue to engage community on these issues, especially in light of urgent needs arising from a shift in legislative priorities.



SCHR spoke at a March 2020 meeting convened by GJRP partner the Deep Center about gang legislation pending in Georgia.



## DONOR SPOTLIGHT

### KATHRYN HAMOUDAH

Kathryn Hamoudah is a member of SCHR's recurring giving program, the Pillars of Justice Society, and a 2020 J.D. Candidate at Georgia State University where she is pursuing a future as a public defender. Prior to law school, she worked as SCHR's Public Policy and Communications Manager for seven and a half years and served as the Chairperson for Georgians for Alternatives to the Death Penalty. She is a prison and death penalty abolitionist, a fast walker, and a self-described wannabe professional baker.

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

A I moved to Atlanta in 2008 and became involved with Georgians for Alternatives to the Death Penalty (GFADP), Georgia's statewide anti-death penalty coalition. I met Sara Totonchi and through our work together, I learned of SCHR's work. Eventually, I became a staff member in 2010, where I was the Public Policy and Communications Manager until 2017. It was through doing the work and witnessing the work of my colleagues that I decided to become a donor while still on staff. I saw firsthand the impact and reach of individual donations and I wanted to contribute.

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

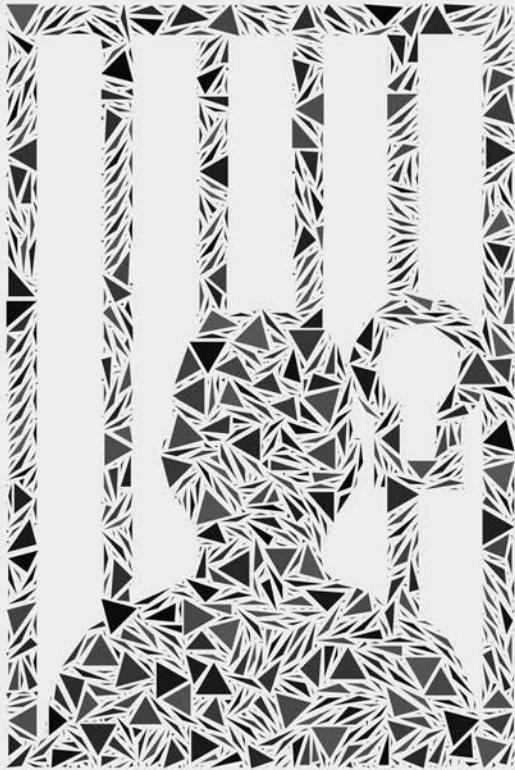
A I might be biased, but the policy work is very compelling because it intersects with all of SCHR's work. The Public Policy Unit does incredible work that touches the lives of so many Georgians and is able to do so much in a place that is generally influenced and motivated by those with financial power. The policy team has tremendous influence using incredible smarts, integrity, and drive to be on the right side of history. But for SCHR, there would be many overreaches of government that would criminalize people for being poor and/or people of color. Since SCHR is at the Capitol, they not only stop these overreaches, but also positively impact the lives of those living in Georgia.

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

A I support SCHR because they are explicit in saying that the criminal legal system isn't broken, it is working just as intended; that is to exert control over Black and brown bodies. The work of SCHR acknowledges that painful truth and works against those that seek to continue that legacy. I chose to go to law school to become a public defender because of the work that my colleagues and I did at SCHR. That's one of the many great things about SCHR – they incubate and foster future generations of public defenders and movement lawyers. SCHR roots people in the moral importance of the work.

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

A To be blunt, SCHR does the work. We're in a moment where issues relating to the criminal legal system are at the forefront. People are talking about them in a way they weren't 10 years ago or even 5 years ago. But, SCHR has been doing the work before the brutality of the system was getting the attention it deserves. The staff is always on the side of dignity and humanity and asking themselves "what can I do to bring dignity to my client today?" The work is about the clients and the kind of world we want to live in. It's not because it's the latest thing.



## SCHR FIGHTS TO PROTECT PEOPLE SENTENCED AS YOUTH FROM DEATH IN PRISON

**T**he Supreme Court of Georgia's 2016 decision in *Veal v. State*, which applied the United States Supreme Court's opinions in *Miller v. Alabama* and *Montgomery v. Louisiana*, required a "specific determination" that an adolescent who commits a homicide is "irreparably corrupt" before they are constitutionally eligible for a sentence of life without parole (LWOP). In 2018, SCHR began representing young people who were eligible for resentencing pursuant to those cases. At that time, there were approximately 25-30 people in Georgia serving LWOP for a homicide committed as an adolescent.

To date, SCHR has secured new sentences for three people originally sentenced to juvenile LWOP. Each of those clients is now eligible for parole after serving 30 years in prison. SCHR has also partnered with the law firms Kilpatrick Townsend and King & Spalding in a number of other juvenile LWOP resentencing cases. In addition, SCHR filed amicus briefs before the

Supreme Court of Georgia arguing that the standard of representation for young people facing LWOP should be akin to the standard imposed in adult death penalty cases (*State v. Elkins*) and that the prosecution should bear the burden to prove a youth is "irreparably corrupt" beyond a reasonable doubt before they may be sentenced to LWOP (*State v. White*). The latter brief was co-authored with Emory University's Barton Child Law and Policy Center and the Juvenile Law Center.

SCHR currently represents two clients who have been granted new sentencing hearings; pre-sentence litigation is ongoing in each of those cases. On January 15, 2020, Mark Loudon-Brown, Atteeyah Hollie, and Caitlin Childs argued on behalf of Dantazias Raines before the Supreme Court of Georgia. The justices granted interlocutory review to determine whether an adolescent is constitutionally entitled to a jury to make the determination

whether they are "irreparably corrupt," which is a necessary prerequisite to impose LWOP. A decision is expected by July.

In the meantime, despite the constitutional requirement that only the extraordinarily rare youth may be sentenced to LWOP, Georgia judges have continued to impose the sentence. Thus, SCHR will continue to litigate on behalf of young people facing LWOP in hopes that one day no child in Georgia will be condemned to die in prison.



Mark Loudon-Brown argues on behalf of Dantazias Raines before the Supreme Court of Georgia.

Photo: Supreme Court of Georgia

A cell at the South Fulton Jail.

Photo: Georgia Advocacy Office.



# SCHR CHALLENGES INHUMANE CONDITIONS AT SOUTH FULTON JAIL

**In April 2019, the Georgia Advocacy Office (GAO) and the Southern Center for Human Rights (SCHR) filed a class-action lawsuit on behalf of women experiencing psychiatric disabilities in the South Fulton Municipal Regional Jail.** Named as Defendants in the lawsuit are Sheriff Theodore Jackson and four officials appointed by Sheriff Jackson to oversee jail operations. The lawsuit challenges Defendants' practice of subjecting women experiencing psychiatric disabilities to long-term isolation in solitary-confinement in the jail's "mental health pods," as well as gender discrimination by denying women found incompetent to stand trial access to the same programming and services that men found incompetent to stand trial are offered.

Named Plaintiff M.J., a 20-year-old homeless woman, was arrested in November 2018 on a single charge of criminal trespass for allegedly refusing to leave a shopping mall when asked. She was held on a \$500 bond she could not pay and spent 11 months in the South Fulton Jail before her release. Because of her psychiatric disability, M.J. was held in isolation 23-hours a day, and she attempted suicide twice during her time in jail.

During three days of testimony at an evidentiary hearing in July, Plaintiffs presented evidence of the

Fulton County Sheriff's practice of keeping women with psychiatric disabilities in solitary confinement 23 to 24-hours per day, for weeks or months, with no books, television, therapeutic programming, or other opportunities to occupy their time. Plaintiffs presented additional evidence highlighting deplorable jail conditions with photographs showing filthy cells, standing water from toilets puddled on cell floors, clothing and underwear stained with blood and feces, cell doors covered with rust, and walls smeared with feces and blood.

Former detainee, S.P., gave emotional testimony about the four months she spent in the jail after being charged with criminal trespass for allegedly refusing to leave a local homeless shelter when she could not afford the \$10 fee to stay. While in jail, she was kept in near-constant isolation for months, deprived of clean clothes and underwear, and denied the opportunity to bathe and wash her hair. Her mental health declined so drastically that she required hospitalization followed by intensive outpatient treatment to be stabilized.

Defendants presented no evidence disputing the Plaintiffs' allegations that Defendants kept women experiencing psychiatric disabilities on 23- to 24-hour a day lockdown. Instead, Chief Jailer Mark Adger testified that the

jail was working on a plan to improve conditions in the mental health pods.

On July 23, 2019, Judge William M. Ray, II issued a preliminary injunction ordering Sheriff Jackson to take immediate steps to remedy the unconstitutional conditions and end the practice of holding women with psychiatric disabilities in solitary confinement. When issuing his order, Judge Ray called the jail conditions "repulsive," and stated that those familiar with the conditions "really ought to have a hard time sleeping at night."

Judge Ray ordered that within 30 days of the order, Defendants must: (1) offer at least four hours a day of out of cell time to each woman assigned to the mental health pods, (2) establish and file with the Court a written plan to provide sanitary conditions, and (3) offer out-of-cell therapeutic activities to women with psychiatric disabilities.

While conditions have improved for some women, SCHR and GAO continue to gather evidence that some women with serious psychiatric disabilities are still being held in solitary confinement. In February 2020, Judge Ray modified the preliminary injunction at the Plaintiff's request to clarify that the injunction applies to all women with psychiatric disabilities housed in

the jail, regardless of their housing assignment.

GAO and SCHR continue to closely monitor jail conditions as the lawsuit moves forward.

Plaintiffs are represented by SCHR attorneys Sarah Geraghty, Atteeyah Hollie, and Ryan Primerano with investigators Caitlin Childs and Nick Barber. Devon Orland and Anne Kuhns of the GAO and Michael Caplan and Jarred Klorfein of Caplan Cobb serve as co-counsel.

In December, SCHR organized a book drive to collect books, art supplies, and card games for women in the jail. Over 200 books were delivered to the jail in January 2020.

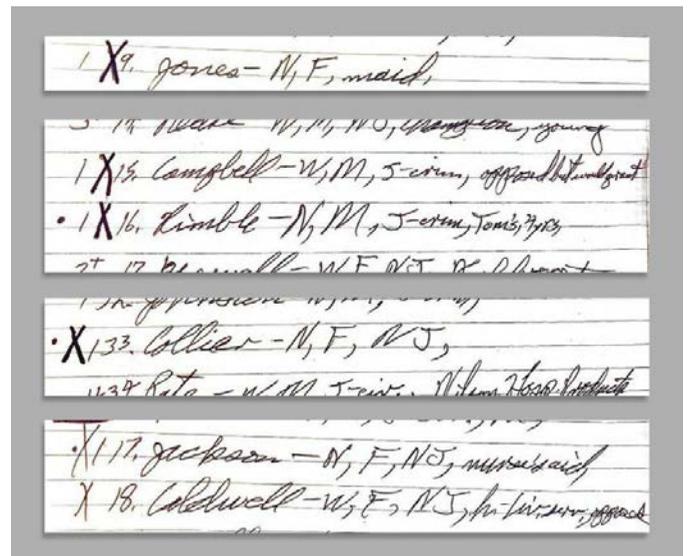
Thank you so much for your generous contributions!



## GEORGIA SUPREME COURT RULES UNANIMOUSLY FOR NEW TRIAL FOR JOHNNY GATES

**T**he Georgia Supreme Court ruled unanimously in March 2020 that Johnny Gates, who has spent the past 43 years in prison, is entitled to a new trial based on exculpatory DNA evidence. The court also recognized that the prosecutors at Gates's trial engaged in purposeful race discrimination when they struck all of the black prospective jurors to secure an all-white jury. Gates is represented by SCHR and the Georgia Innocence Project.

In 2015, interns from the Georgia Innocence Project discovered that the District Attorney's Office in Columbus still possessed critical physical evidence from Gates's case—specifically, the ties that were used by the perpetrator to bind the victim during the 1977 murder. Because of the way in which the crime occurred, the perpetrator would have left his DNA on the evidence. However, testing revealed that Gates's DNA was not on the items. The trial court in Columbus granted relief in January 2019, but the State appealed. Following oral argument, the Georgia Supreme Court affirmed the trial court's ruling, holding that "the newly discovered DNA evidence now available to Gates casts significant doubt on the State's theory that Gates was the perpetrator."



Both courts also addressed the District Attorney's systematic race discrimination in Gates's jury selection, as well as the jury selection of other black men tried in Muscogee County in the late 1970s. Gates, a black man, was convicted and sentenced to death by an all-white jury in 1977 after the prosecutors struck all of the black qualified prospective jurors from serving on the jury. At Gates's trial, the prosecutors wrote racially discriminatory jury selection notes. In these notes (pictured above), the prosecutors labeled white prospective jurors as "W" and black prospective jurors as "N" and singled out black prospective jurors for strikes by marking a dot next to the black prospective jurors' names. In its opinion, the Georgia Supreme Court stated the evidence of race discrimination was "very troubling."

SCHR and the Georgia Innocence Project will continue to fight for justice for Mr. Gates.

# SCHR SECURES JUSTICE FOR PUERTO RICANS UNLAWFULLY DENIED DRIVER'S LICENSES

## DDS PUERTO RICAN INTERVIEW GUIDE

This interview guide is prepared to assist Special Agents and Fraud Prevention Coordinators investigate the validity of claims to U.S. Citizenship by birth in Puerto Rico. While this guide can in no way positively determine if a person was born in or lived in Puerto Rico, it will help determine if the individual has a normal base of knowledge of their claimed birthplace. The majority of Puerto Ricans should be able to answer a large portion of these questions and identify words, the flag, home-town photos, and locations without hesitation.

### QUESTION LIST

#### PR FLAG/NATIONALITY QUESTIONS

1. What are the colors of the PR flag? Red, white, and blue.
2. How many stars are in the flag? One, a large white star in a blue triangle.
3. What is the National Anthem of PR? La Borinqueña.
4. What is Borinquen? Borinquen is what the original inhabitants called PR and is also the nationalistic name used by some Puerto Ricans.
5. What date is PR Constitution Day? July 25.
6. How do you celebrate San Juan Day? Walk backwards from the beach into the ocean at midnight.
7. How do citizens of Puerto Rico vote for President of the U.S.? They cannot vote for the U.S. President.

#### GEOGRAPHY RELATED QUESTIONS

##### SAN JUAN/GENERAL

1. What is the capital of PR? San Juan.
2. What is the name of the PR Governor's home and where is it? La Fortaleza, in Old San Juan.
3. What is El Morro? A Spanish fort built in the 1600's in Old San Juan.
4. Where is the University of Puerto Rico located? UPR has campuses in Arecibo, Sayamon, Cayey, Humacao, Mayaguez, Pance, and Rio Piedras.

#### Puerto Rican Questionnaire

1. What is your date of birth? \_\_\_\_\_
2. What is your father's name? \_\_\_\_\_
3. What is your mother's name? \_\_\_\_\_
4. What city where you born in? \_\_\_\_\_
5. Look at the sheet containing the map of Puerto Rico and identify the location of the city you were born in. \_\_\_\_\_
6. Name one of the main Puerto Rican newspapers? *Primeros Hornos, El Nuevo Sur, El* \_\_\_\_\_  
*Voces, and The San Juan Star* English.
7. What is the capitol of Puerto Rico? *San Juan* \_\_\_\_\_
8. What is the name of the frog native only to Puerto Rico? *Cosqui* \_\_\_\_\_
9. What color uniform do the municipal police wear? *Green* \_\_\_\_\_
10. Look at the sheet containing the eight flags and identify the Puerto Rican flag by noting the correct corresponding number here: @ \_\_\_\_\_

A page from the now defunct Puerto Rican Interview Guide.

**M**ost Georgians apply for driver's licenses without any fear of being arrested and criminally prosecuted. But until recently, the same could not be said for Puerto Rico-born U.S. citizens. Take Kenneth Caban Gonzalez for instance. Caban Gonzalez left Puerto Rico in August 2017 to seek a better life in southeast Georgia. He then applied to exchange his Puerto Rico driver's license for a Georgia one. But Georgia's Department of Driver's Services (DDS) suspected Caban Gonzalez of fraud because his documents were issued in Puerto Rico. DDS confiscated his license, birth certificate, and social security card. A week later, DDS arrested Caban Gonzalez for allegedly presenting false documents and charged him with two felonies. Caban Gonzalez spent three days in jail.

Two weeks after his arrest, DDS learned that its fraud-detection procedures were outdated. Several months later, the Department of Homeland Security concluded Caban Gonzalez's documents were valid. Despite these realizations, DDS didn't drop the felony charges or return Caban Gonzalez's valid identity documents. Without a driver's license, Caban Gonzalez could not hold a reliable job, take his fiancé and newborn to doctors' appointments, or perform any of the other duties of a working father. The felony charges were finally dropped in March 2019.

Caban Gonzalez knew his experience was emblematic of DDS' discriminatory treatment of other Puerto Ricans in his community. Some were similarly investigated for fraud and deprived of their identity documents for weeks or months on end. Others were subjected to Jim Crow-like quizzes that purportedly tested their knowledge of Puerto Rico. The threat of criminal prosecution was so real that some Puerto Ricans sought licenses in other states.

Motivated by his experience and those of other Puerto Ricans, Caban Gonzalez, along with his counsel, LatinoJustice PRLDEF and SCHR, filed *Caban Gonzalez v. Moore*, No. 1:19-cv-3035 (N.D. Ga.), a civil rights suit seeking an end to DDS' discriminatory treatment of Puerto Ricans.

The state responded to the suit almost immediately. Within days of the suit's filing, DDS returned Caban Gonzalez's identity documents. Further, Governor Brian Kemp heeded calls from Puerto Rico's then-governor to investigate the complaint's allegations. That investigation led to the termination of a senior DDS official and the demotions of several subordinates. And on February 4, 2020, Caban Gonzalez and his counsel achieved a historic settlement that removes arbitrary hurdles for Puerto Ricans applying for licenses in Georgia. Under the settlement, applicants can exchange

their valid Puerto Rican driver's licenses for Georgia licenses without being subjected to additional tests, inquiries, or other ethnicity-based policies. And there will be substantial limits on the state's ability to retain documents for lengthy periods of time.

This suit has already helped Caban Gonzalez achieve the life he sought when he arrived in Georgia. On February 10, 2020, he finally received his Georgia driver's license and is now better able to support his family.

Caban Gonzalez was represented by LatinoJustice attorneys Francisca Fajana, Kira Romero, and Jorge Vasquez, Jr., and SCHR attorneys Gerry Weber and Atteeyah Hollie.



Caban Gonzalez poses with his new Georgia Driver's License.

Photo: AP Photo/Kate Brumbach

## SHEILA DENTON GRANTED NEW TRIAL

**In March of 2006, Sheila Denton was convicted of felony murder based on now discredited bitemark testimony, and she was sentenced to life in prison.** In 2017, SCHR discovered her case after conducting a WestLaw search for Georgia convictions based on bitemark evidence. At Ms. Denton's trial, the State presented "expert scientific" testimony that an injury on her arm was inflicted by the decedent's teeth. SCHR began representing Ms. Denton and filed an Extraordinary Motion for New Trial on her behalf, arguing that, due to advances in the scientific understanding regarding the limitations of bitemark evidence, Ms. Denton's conviction was unreliable and should be vacated. On May 29, 2018, with the support of the Innocence Project, SCHR litigated an evidentiary hearing on the Motion. Five accredited forensic odontologists provided affidavits in support of Ms. Denton's Motion, two of whom, Dr. Adam Freeman and Dr. Cynthia Brzozowski, testified at the hearing on Ms. Denton's behalf.

On February 7, 2020, a judge of the Superior Court of Ware County granted Ms. Denton a new trial, writing that "[p]roven unreliable scientific evidence should never serve as a basis of a conviction." The court found that the "undisputed evidence at present is that the advancements, scientific understanding and [governing forensic odontology] Guidelines would compel a different expert opinion if the case were tried today." The court characterized bitemark evidence as "inherently unreliable" and, finding that the outcome of the trial today would probably be different, granted Ms. Denton a new trial. The prosecution did not appeal the decision. SCHR then filed a Motion for Bond, arguing that Ms. Denton should be released pending trial because she has been imprisoned for over 15 years for a crime she did not commit and is particularly susceptible to contracting COVID-19. On April 8, 2020, Ms. Denton was released from prison.



On April 8th, Sheila Denton was released from prison. Ms. Denton (center) is pictured with SCHR attorneys Mark Loudon-Brown and Katherine Moss.



## RESPECT, DIGNITY, AND RIGHTS

### A PROFILE OF JAMES KWAK SCHR BOARD CHAIR

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James Kwak is a professor at the UConn School of Law, where he teaches business law and corporate finance. He became Chairperson of the Board of Directors of the Southern Center for Human Rights in November 2019.

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**By the time he started law school at Yale, in 2008, SCHR Board Chair James Kwak had a few careers under his belt already.** Kwak, a native of New York, was a prolific cellist throughout his high school and college years, and after receiving an undergraduate degree in Social Studies and a PhD in French Intellectual History, he spent a decade in the business world, first working as a consultant and then in technology. After co-founding Guidewire, a software company, Kwak made another pivot: he decided to attend law school.

There were two precipitating factors: the beginning of an avalanche of DNA-based exonerations, and the Bush administration's use of torture – plus the twisted legal arguments that accompanied it. "I thought these were two of the signature issues of our time," Kwak says, "and both were essentially legal issues. By going to law school, I thought I could learn the skills to make a difference on the right side of that fight." As a lawyer, he thought, you can help people in a very concrete way, one person at a time, when they need it the most.

Once at Yale Law, the decision to take Steve Bright's class was an obvious one. "I got the sense in that class, and in his capital punishment clinic, that some people who opposed the death penalty tend to think that their arguments are self-evidently correct," Kwak says. "But the playing field is tilted heavily against poor minority defendants facing the death penalty – it's important to understand that it isn't enough to know why your client shouldn't be executed; you have to know the specific legal and procedural arguments that will enable you to get a court to consider the merits of your case."

The class – and clinic – were seminal for Kwak, and just two years after his graduation, he made an incredibly generous donation of \$1 million to the Southern Center, a gift which established the Parden and Hutchins fellowship, named in honor of two Black lawyers, Noah Parden and Styles Hutchins, who went to the United States Supreme Court to stop the execution of their client, Ed Johnson, only to see him lynched by a mob.

Kwak joined the Southern Center's board in 2013 and was appointed Chair in 2019. He teaches business law at the University of Connecticut School of Law and is the author of four books and countless articles.

"For me, the Southern Center is founded on the principle that every person is a human being and deserves respect, dignity, and rights - no matter what they did on the worst day of their life," Kwak says. "That ability to empathize with any human being and take their side – against a system and a society that have turned their back – is what I think is most special about the Southern Center."

Kwak is the third Chairperson of SCHR's Board of Directors, following Charles Ogletree and Maureen Del Duca.

# WAYS TO GIVE

The Southern Center for Human Rights relies on individual donations and a limited number of foundation grants to carry out our work. SCHR neither solicits nor receives government funding.



## PILLARS OF JUSTICE SOCIETY

The Pillars of Justice Society provides a consistent source of funding that the Southern Center for Human Rights can rely on to plan for current and future advocacy. This sustained support enables us to spend less time fundraising and more time doing the work so desperately needed.



## EMPLOYER MATCHING

Did you know that you could double or 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.



## PLANNED GIVING

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.



## STOCK/SECURITIES GIFTS

When you make a gift of appreciated stock, bonds, or mutual funds to the Southern Center for Human Rights you receive great tax benefits, such as zero capital gains tax and a charitable deduction while funding our work to achieve equality, justice, and dignity in the criminal legal system.

To make a gift by stock, provide the following information to your broker:

### Name of Account

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### Brokerage

Vanguard Inst. Advisory Services

**DTC #** 0062     **Account #** 55642897

To ensure that your gift is properly credited and acknowledged, please contact Terrica Ganzy at [tganzy@schr.org](mailto:tganzy@schr.org) or (404) 688-1202 to alert us of the name of the stock, number of shares, and date of transfer.



## SPONSORSHIP OPPORTUNITY

The Southern Center for Human Rights hosts four major fundraising events throughout the year as well as several lectures, film screenings, and discussions focused on educating our communities about the perils of the criminal legal system. We are always seeking community partnerships in the form of sponsorships and in-kind contributions to support these events.

For additional information, please contact Terrica Ganzy at [tganzy@schr.org](mailto:tganzy@schr.org) or (404) 688-1202.

# SAVE THE DATE

## UPCOMING SCHR EVENTS

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At SCHR, we will always prioritize the health and safety of the people we serve, our supporters, and our staff. In response to COVID-19, we are making adjustments to our fundraising and community engagement events. We have postponed our Justice Taking Root Benefit until September 15th. We have also made the difficult decision to cancel our annual Decriminalizing Race & Poverty Symposium.

**We will continue to update you as we adapt to the rapidly changing environment created by this pandemic.**

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09/15

**JUSTICE TAKING ROOT 2020**  
**ATLANTA | SEPT. 15, 2020 @ 6:00 PM**  
The Foundry at Puritan Mill



Justice Taking Root is SCHR's annual benefit reception in Atlanta providing unrestricted support for our work, an opportunity to thank friends and allies, and to introduce new friends to SCHR.

It is with tremendous enthusiasm that we announce this year's honorees, who all demonstrate an extraordinary commitment to justice and fairness:

- *Luminary* - **Kilpatrick Townsend & Stockton LLP**
- *Vanguard* - **Office of the Georgia Capital Defender**
- *Justice Ally of the Year* - **James K. Jenkins**

Purchase tickets or view sponsorship opportunities at [www.schr.org/justicetakingroot](http://www.schr.org/justicetakingroot)

11/11

**2020 FREDERICK DOUGLASS AWARDS DINNER**  
**WASHINGTON, DC | NOV. 11, 2020 @ 6:00 PM**  
Renaissance Washington DC Hotel



The Frederick Douglass Awards Dinner is SCHR's flagship gala to recognize and celebrate those who demonstrate exceptional courage and tenacity in the defense of human rights and equal justice.

To RSVP to upcoming events, please visit [www.schr.org](http://www.schr.org)!

# RELIVE THE MEMORIES

## PAST SCHR EVENTS



2019 Summer Interns



Attendee's of SCHR's  
2019 Decriminalizing Race & Poverty Symposium  
September 11, 2019



2019 Frederick Douglass Awards Dinner  
November 7, 2019



SCHR Ambassadors host a percentage night at Ben & Jerry's Edgewood.  
August 9, 2019



The legal team for Johnny Gates and supporters from SCHR and the Georgia Innocence Project after oral arguments before the Supreme Court of Georgia.  
August 20, 2019



2020 New York Benefit Reception  
March 4, 2020

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

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