



Southern
Center *for*
Human
Rights

WE MUST DISSENT

2018 ANNUAL REPORT





ABOUT THE SOUTHERN CENTER FOR HUMAN RIGHTS

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.

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Sara J. Totonchi
Executive Director

FROM THE EXECUTIVE DIRECTOR

In his July 4, 1992 Liberty Medal Award acceptance speech, Justice Thurgood Marshall lamented the division, fear, hate, and paucity of leadership that plagued liberty and justice in America. He admonished the nation to work actively toward justice: “We must dissent from the fear, the hatred and the mistrust. . . and from the poverty of vision and the absence of moral leadership.”

We are heeding Justice Marshall’s call. We are standing steadfast against hatred, bigotry, and indifference to justice. We are refusing to stand idly by observing the degradation of our legal system and the division of our nation. We are demonstrating the power of honor, integrity, and visionary leadership in fighting for freedom. We are cultivating the seeds of justice.

We could not do any of these things without you. In 2018, you helped free 21 people serving extreme sentences, expose Alabama sheriffs enriching themselves at the expense of people incarcerated, file two lawsuits to end inhumane

conditions in solitary confinement, protect historic bail reform in the City of Atlanta, and so much more. Your financial support has fueled remarkable change. Unfortunately, there is so much more injustice to fight.

Thank you for dissenting from hate, indifference, and fear and joining SCHR in the fight for justice. We will work for as long as it takes to bring about equality, dignity, and justice in our criminal legal system, and we are proud to have you with us every step of the way.

Sara J. Totonchi

“

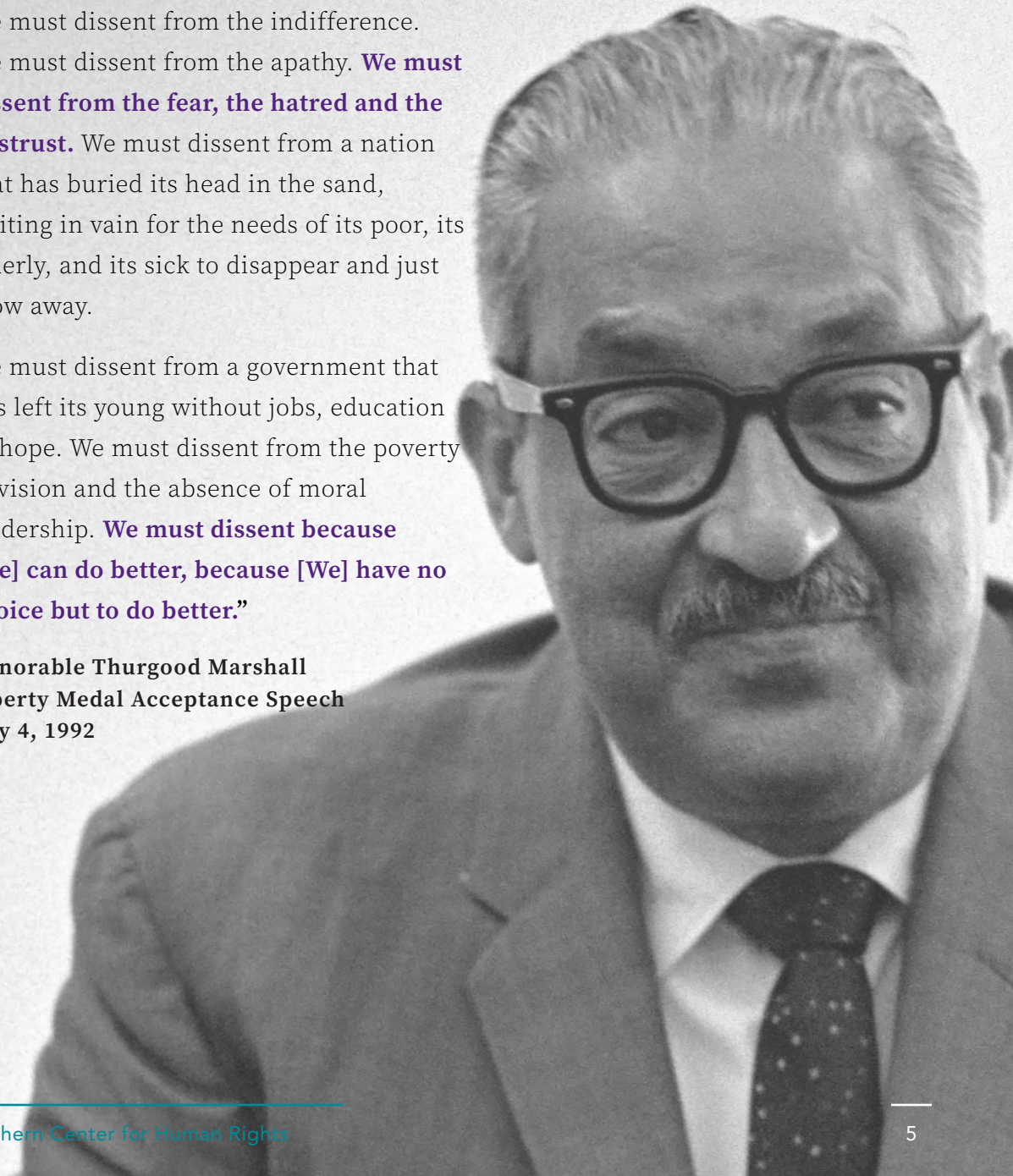
...Democracy just cannot flourish amid fear. Liberty cannot bloom amid hate.

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 a nation that has buried its head in the sand, waiting in vain for the needs of its poor, its elderly, and its sick to disappear and just blow away.

We must dissent from a government that has left its young without jobs, education or hope. 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.”**

Honorable Thurgood Marshall
Liberty Medal Acceptance Speech
July 4, 1992





FIGHTING UPHILL BATTLES

2018 GEORGIA LEGISLATIVE SESSION

Fighting uphill battles is nothing new to us, and the 2018 Georgia Legislative Session certainly brought its share of challenges.

The efforts of SCHR and our partners persisted into the final minutes of the session on March 30th. Despite the continued influence of the damaging rhetoric and policies from the federal administration, SCHR fiercely advocated for legislative changes consistent with our commitment to those affected by Georgia's unduly harsh criminal legal system.

Notably, we are pleased to share that SB 407, Governor Deal (and his Criminal Justice Reform Council's) bill, achieved final passage in both chambers with unanimous votes. SB 407 includes a multitude of reforms, including

changes to misdemeanor bail, increased ability for courts to convert fines and fees to community service, expanded access to retroactive first offender treatment, and improvements to behavioral incentive dates that shorten sentences.

JUSTICE DAY 2018

SCHR is proud to be the convening organization for the Georgia Criminal Justice Reform Partnership (GCJRP), a statewide coalition made up of over 50 organizations and individuals from across the political and issue spectrum that unite in our pursuit to pass common sense, proactive criminal justice reform legislation at the state and local level. This year, more than thirty partners co-sponsored "Justice Day at the Capitol," bringing more than 600 Georgians from across the state to the Capitol to advocate for meaningful and effective criminal justice reform.

SCHR HOSTS PLAYERS COALITION

In September, we were excited to host the Players Coalition to discuss opportunities for former and current football players to engage in advocacy for state and local criminal justice reforms. Through this meeting, we were able to identify players willing to give their celebrity, time, and resources to achieving important reforms to end the criminalization of poverty and mass incarceration in Georgia.

ATLANTA BAIL REFORM: YEAR 2

At the urging of SCHR and a coalition of advocates, the City of Atlanta passed a historic bail reform ordinance in January 2018, eliminating cash bail for most minor offenses. The ordinance went into effect in March 2018, and it has had a profound impact on the number of people who are incarcerated for being unable to purchase their release.

In the six months after the ordinance became effective, 3,064 people who otherwise might have been jailed while awaiting a resolution to their cases were released from the Atlanta City Detention Center on signature bonds. During that same time period, \$3,110,850 remained in the pockets of the people arrested and their family members, rather than going to the bail

industry. The population of the Atlanta City Detention Center has plummeted, so much so that advocacy efforts to close the city jail are within reach.

SCHR and community allies are continuing to mobilize to defend this win and respond to criticisms of the ordinance, to collect reliable data on the effects of the ordinance, and to push for reforms that will address failures to appear while not returning to a system of wealth-based detention. We will not back down. We will not give up.

Photo Caption

- 1. Justice Day at the Capitol 2019
- 2. Players Coalition with Executive Director Sara Totonchi and Movement Building Counsel Tiffany Williams Roberts
- 3. End Money Bail Coalition
- 4. SCHR Managing Attorney Sarah Geraghty testifies before the Public Safety Committee in defense of bail ordinance. Courtesy of ATL26.

 **3,064 PEOPLE**
WERE RELEASED FROM THE ATLANTA CITY DETENTION CENTER ON SIGNATURE BONDS.

 **\$3,110,850**
REMAINED IN THE POCKETS OF THE PEOPLE AND THEIR FAMILY MEMBERS, RATHER THAN GOING TO THE BAIL INDUSTRY.



1 SCHR AND ALABAMA APPLESEED v. 49 ALABAMA SHERIFFS

CIRCUIT COURT OF HALE COUNTY (ALABAMA)

That a sheriff should not be allowed to profit from funds designated for the care of the people incarcerated in their jail should be a standard tenant of human decency.

In 2018, however, SCHR attorneys were compelled to sue 49 Alabama sheriffs in state court after they refused to produce public records showing whether, and if so by how much, they have personally profited from funds allocated for feeding people in their jails.

Many sheriffs in Alabama contend that an archaic 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.

The practice creates a perverse incentive to

spend as little as possible on feeding people who are in jail. To learn which sheriffs across the state have taken taxpayers’ money from jail food funds, SCHR and its co-plaintiff, the Alabama Appleseed Center for Law and Justice, sent letters requesting copies of financial records showing how much each sheriff has kept for personal use.

Since filing a lawsuit against these sheriffs, SCHR learned of both the misappropriation of jail food funds and inadequacies of food being served to people incarcerated in these jails. For example, a sheriff had paid a teenager to mow his lawn using checks drawn from the jail



2 food account and a cook was required to prepare meals using meat wrapped in plastic labeled “not fit for human consumption.” Perhaps the most notorious offender is Sheriff Todd Entrekin of Etowah County – who has taken over \$250,000 from jail food funds each of the past three years and purchased a \$750,000 vacation home during his time in office.

SCHR and Alabama Appleseed are meeting with legislators and stakeholders in Montgomery to urge the introduction and passage of corrective legislation during the next legislative session. As a result of SCHR’s advocacy, the Governor of Alabama issued a legal memo indicating that jail food money is public and cannot be taken by sheriffs for personal profit and she is requiring sheriffs to sign affidavits attesting that funds they receive will be used only to feed prisoners.

SCHR is shining a light on corrupt practices that harm people ensnared by the criminal legal system. We will continue to expose and uproot these practices with the help of our partners, like you.

Co-counsel: Jake Watson, Jake Watson, P.C. and Rebekah K. McKinney, Watson McKinney, LLP

SCHR IS SHINING A LIGHT ON CORRUPT PRACTICES THAT HARM PEOPLE ENSNARED BY THE CRIMINAL LEGAL SYSTEM.

Photo Caption

1. Beach House Purchased by The Etowah County Sheriff Using Funds from the Inmate Food Account. Courtesy of AL.com.
2. “It’s Good to be King” Political Cartoon. Courtesy of [JD Crowe](#), Alabama Media Group and AL.com.



CRIMINALIZATION OF POVERTY & MENTAL ILLNESS

SOUTH FULTON REGIONAL JAIL (ATLANTA)

As part of our Atlanta bail reform work, SCHR has been visiting people awaiting trial for alleged misdemeanor offenses in Fulton County. What we have found shocks the conscience.

Many women at the South Fulton Jail have mental illnesses and are kept locked down in chaotic and unsanitary “mental health pods.” Jail legal visits are often conducted at the cell door, allowing us to see firsthand that many detainees are incoherent, delusional, and filthy from weeks without bathing. The pods often smell of feces; cells are strewn with garbage. Some women are confined to their cells for 24 hours per day, seven days per week.

Many of those who are most in need of psychiatric care are in jail for petty offenses.

Many of those who are most in need of psychiatric care are in jail for petty offenses. Some languish in isolation for months, awaiting evaluations and transfer to a state hospital. Some are kept in detention only because they cannot pay bond amounts as low as \$200. During our visits to the South Fulton Jail, we met:

- a woman, unable to pay her \$500 bond, who had been jailed for three months awaiting trial for being partially unclothed at a bus stop. When approached by police officers she reported that she had been raped. She was held in her isolation cell around the clock and not permitted to bathe.
- a woman who shows signs of profound mental illness was arrested for making loud comments at a mall and had been in solitary confinement for over 225 days.
- a woman awaiting trial for allegedly refusing to leave a McDonald’s restaurant, who had been held in isolation for a month, without any opportunities to bathe.

The South Fulton Jail’s failure to care for women with mental illness has caused serious, even fatal, harm in recent years, and we are endeavoring to end these unconstitutional detention practices.

In an August 2018 open letter to local officials, SCHR reported on the conditions we observed and called on the Sheriff and court to address the unconstitutional conditions and lengthy pretrial detentions. The Atlanta Journal-Constitution published a front-page article about the jail and SCHR’s allegations. In response, county officials issued public statements vowing to remedy the problems. SCHR will continue to investigate this jail and prepare to file a lawsuit if local officials fail to provide an adequate remedy that upholds the dignity and humanity of the women in their charge.

Photo Caption

A cell at the South Fulton Jail. Courtesy of the Georgia Advocacy Office.

**SCHR IS
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AND HOLDING
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HUMANITY OF THE
PEOPLE IN THEIR
CHARGE.**



GUMM V. SELLERS (GEORGIA)

SCHR and co-counsel Kilpatrick Townsend secured a significant victory for people housed in some of the “most draconian” confinement conditions in the country.

Our class-wide settlement with the Georgia Department of Corrections in *Gumm v. Sellers* could effectively abolish solitary confinement in the notorious Special Management Unit (SMU) at the Georgia Diagnostic & Classification Prison in Jackson, Georgia.

The *Gumm* case began in 2015 when Timothy Gumm, who had been held in the SMU for seven and a half years, and a dozen other people held in the 192-cell SMU mailed a series of *pro se* complaints to the U.S. District Court for the Middle District of Georgia. The District Court appointed SCHR to serve as counsel for Mr. Gumm, and Kilpatrick Townsend entered the case as co-counsel for Mr. Gumm and the putative class.

Dr. Craig Haney submitted an expert report describing the SMU as among “the harshest and most draconian” in the nation.

Plaintiffs alleged that they were being held in a severe form of solitary confinement—sealed for an average of more than 23 hours per day inside specially designed isolation cells. Dr. Craig Haney submitted an expert report describing the SMU as among “the harshest and most draconian” in the nation. He warned that the conditions there presented a “risk of very serious psychological harm” to prisoners, two of whom had committed suicide in the preceding year.



The settlement agreement provides for four hours of daily out-of-cell time five days per week, computer tablets, periodic mental health evaluations, and improved programming opportunities for all class members. The agreement further establishes a 24-month cap on how long prisoners generally can be held in the unit. This settlement is a result of extensive research, investigation, and negotiation, and it results in a culture shift in this institution that we plan to replicate throughout Georgia.

Photo Caption

1. A clean cell in Georgia Diagnostic & Classification Prison’s SMU. Courtesy of Dr. Haney.
2. The outdoor ‘exercise’ area, which some SMU prisoners are permitted to be in 5 hours per week. Courtesy of Dr. Haney.

**SCHR
IS SHIFTING
INSTITUTIONAL
CULTURE
THROUGHOUT
GEORGIA.**

GATES HEARING EXPOSES RACE DISCRIMINATION IN COLUMBUS

Johnny Gates, a black man, was convicted of murder and sentenced to death by an all-white jury in Columbus in 1977. The prosecutors in his case had systematically struck all the black prospective jurors who were qualified to serve on the jury.

SCHR joined with the Georgia Innocence Project to represent Mr. Gates. In March 2018, SCHR obtained the prosecutors' jury selection notes from Mr. Gates's case and several other cases, which exposed a systematic practice of discrimination. Specifically, the notes revealed that the prosecutors labeled the white prospective jurors as "W" and the black prospective jurors as "N", ranked all of the black prospective jurors as "1" on a scale of 1 to 5 without any further explanation, and described black prospective jurors as "slow," "old + ignorant," "cocky," "con artist," "hostile," and "fat." SCHR presented the notes at the May 2018 hearing, along with strike data showing that the prosecutors had used their strikes to secure all-white juries in case after case.

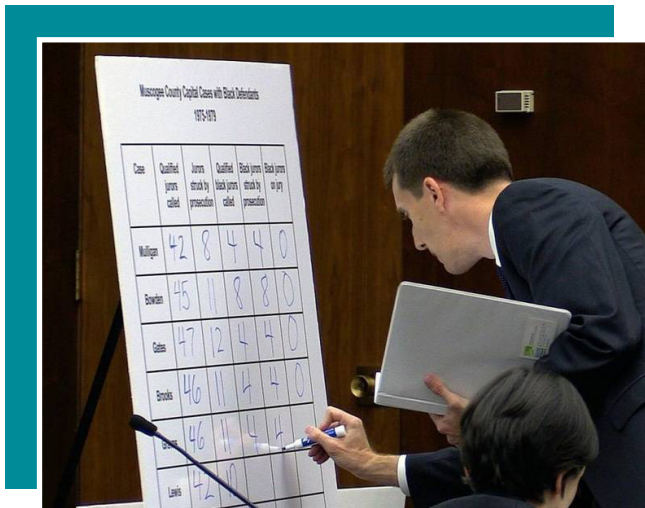
In addition to the race discrimination claim, Mr. Gates has a credible claim of actual innocence. During the May 2018 hearing, the team presented newly discovered DNA evidence

showing that Mr. Gates did not commit the crime.

Mr. Gates has spent the past 41 years in prison. He served 26 of those years on death row, but he was resentenced to life in prison without the possibility of parole in 2003 due to his intellectual disability. SCHR will continue to fight for Mr. Gates and other defendants like him whose convictions and sentences are mired by prosecutorial misconduct, racial bias, and unfairness.

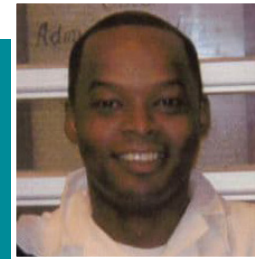
Photo Caption

SCHR attorney Patrick Mulvaney presents evidence of Muscogee County prosecutors' history of race discrimination in jury selection



BRADY HEARING GRANTED IN TOFOREST JOHNSON'S CASE

SCHR has represented Toforest Johnson since 2003. Mr. Johnson was convicted of capital murder and sentenced to death for the murder of a police officer in 1995. The conviction and death sentence were based on the testimony of a single witness who claimed that she overheard him confessing to the crime on a telephone call. The witness had never met Mr. Johnson or heard his voice. During post-conviction proceedings, SCHR learned that the witness was paid \$5,000 for her testimony, and no one in the prosecutor's office had bothered to inform the defense.



Through years of state post-conviction proceedings, the Alabama courts denied Mr. Johnson an evidentiary hearing on his claim that the prosecution suppressed evidence at his 1999 trial. However, in June 2017, the United States Supreme Court vacated the state post-conviction denial and remanded the case for further proceedings. The Alabama Court of Criminal Appeals then sent the case back to the circuit court in Birmingham for an evidentiary hearing.

SCHR and co-counsel from the Berkeley Death Penalty Clinic are working together to demand justice for Toforest Johnson.

SCHR IS FIGHTING FOR THOSE WHOSE CONVICTIONS AND SENTENCES ARE MIRED BY PROSECUTORIAL MISCONDUCT, RACIAL BIAS, AND UNFAIRNESS.

Photo Caption

SCHR client Toforest Johnson



CHALLENGING EXCESSIVE SENTENCES

SCHR continues to represent people serving extreme sentences for drug offenses. Since 2015, we have obtained release in nineteen cases, including eleven cases in which the person was serving a sentence of life without parole.

On May 14, 2018, Jack Lawrence, a 61-year-old man, was released from prison after serving 21 years of a non-parolable 25-year sentence for possessing 4.6 grams of cocaine with intent to distribute. At the time of his arrest in 1997, he had \$14 in his possession and was struggling with addiction. While in prison, he lost his mother, wife, and four siblings. Despite all of this, Mr. Lawrence maintained a good prison record that helped him secure placement in a county prison where he spent most of his days working outside and occasionally off prison grounds. A Fulton County judge agreed with us that the just thing to do would be to resentence Mr. Lawrence. He was resentenced to time

served plus five years of probation and he is now free.

SCHR is expanding our work on excessive recidivist sentences beyond the drug possession context, increasing the number of people we can help to free from unjust sentences.

In 2018, SCHR represented Christopher Williams, a man in his early forties who received a life without parole (LWOP) sentence in an armed robbery case in 1999, when he was 25 years old. Mr. Williams was the unarmed lookout during the commission of the offense, and no one was injured.

Mr. Williams’ mother saw a story about SCHR on

the local news and called to see if we could help her son. We agreed to advocate for Mr. Williams and contacted the DeKalb County District Attorney requesting that Mr. Williams be resentenced. Mr. Williams had a stellar prison disciplinary and education record and worked as a barber and a library aide. We highlighted data demonstrating that his sentence is disproportionate – of the 6,000 people serving sentences in Georgia for armed robbery, just 151 are serving LWOP.

Mr. Williams was resentenced and released on December 20, 2018. He was able to spend the holidays with his family for the first time in nineteen years.

Photo Caption

- 1. Jack Lawrence with SCHR attorneys Mark Loudon-Brown and Atteeyah Hollie
- 2. Christopher Williams with SCHR attorneys Aaron Littman and Patrick Mulvaney

SCHR IS EXPANDING OUR WORK ON EXCESSIVE RECIDIVIST SENTENCES AND INCREASING THE NUMBER OF PEOPLE WE CAN HELP FREE FROM UNJUST SENTENCES.

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STAFF PROFILE

ATTEEYAH HOLLIE
SENIOR STAFF ATTORNEY

Atteeyah Hollie currently is a Senior Staff Attorney in the Southern Center for Human Rights' (SCHR) Impact Litigation Unit (ILU). She previously worked as an Investigator in the ILU for four years before attending law school. After receiving her law degree from the University of California Berkeley School of Law in 2010, she returned to SCHR as an Initiative for Public Interest Law at Yale Fellow.

WHY SCHR?

I have several people in my family who have been affected by the criminal legal system. Seeing their experiences made me think about what we can do to change this system because it wasn't just affecting my loved ones, it was affecting our family and community. As I got older, I started thinking a lot about how we got here. It became clear that the current system that we have right now is a direct descendant of slavery, Jim Crow, and previous systems of oppression. I felt like this work to transform this system was just the next phase of our Civil Rights Movement. I wanted to be a part of that work, and I wanted to be a part of that work specifically in the South. That's what brought me to SCHR.

WHAT KEEPS YOU MOTIVATED?

The people we serve keep me motivated. When we met Wilmart Martin, he had been in prison for twenty-four years for possession of three grams of cocaine, serving a life without parole sentence. Even decades into his incarceration, knowing that there was a pretty good chance that he would die in prison, he kept fighting. He continued to handwrite petitions for his release, and no matter how many times he was turned down, he persisted. If the people we serve can fight that hard given their circumstances, there's absolutely no reason why I can't keep fighting for them.

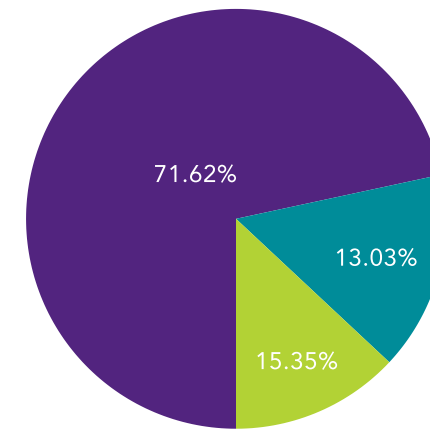
FINANCIAL SUMMARY AUDITED

	FY2018	FY2017
SUPPORT & REVENUE		
Foundations	\$ 1,512,047	\$ 1,468,697
Individuals	853,732	697,301
Attorney Fees	506,943	383,389
Special Events	430,285	315,371
Sponsorships	–	20,000
Grants Pass Through	–	10,975
Other	124	1,011
Loss on Disposal of Fixed Assets	(6,933)	–
Investment Revenue	(528,357)	1,145,099
TOTAL SUPPORT & REVENUE	2,767,841	4,041,823
EXPENSES		
Program Services	2,725,185	2,381,624
Management & General	296,890	244,924
Fundraising	278,515	150,729
TOTAL EXPENSES	3,300,570	2,777,277
CHANGES IN NET ASSETS	(532,729)	1,264,566
NET ASSETS		
Beginning	8,785,217	7,520,651
Ending	\$ 8,252,488	\$ 8,785,217

For the seventh consecutive year, the Southern Center for Human Rights earned a 4-star rating from Charity Navigator in 2018. This is Charity Navigator's highest possible rating and indicates that SCHR is accountable, transparent, and financially healthy and efficient.

Only 5% of the charities evaluated by Charity Navigator have received this ranking.

SOURCES OF REVENUE



FOUNDATIONS & INDIVIDUALS

\$2,365,779

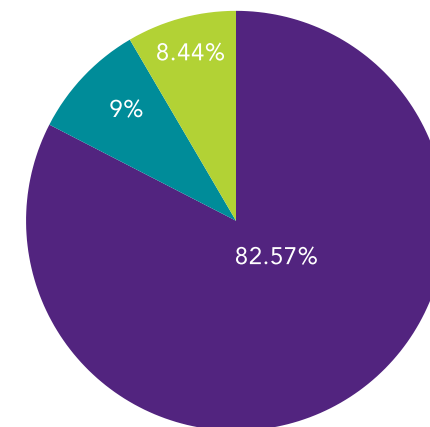
ATTORNEYS FEES

\$506,943

SPECIAL EVENTS & OTHER

\$430,409

HOW FUNDS ARE USED



PROGRAM SERVICES

\$2,725,165

MANAGEMENT & GENERAL

\$296,890

FUNDRAISING

\$278,515

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"No professional activity has been more meaningful or gratifying to me than being able to support, in a small way, as a board member, the incredible staff of the Southern Center for Human Rights in their daily quest to vindicate the rights of the oppressed and to abolish the death penalty."



Gregory T. Camp, Board Member

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Southern Center
for **Human Rights**