

Travel Report for the H.E. David Scholarship Fund at the University of Manchester

Summary of Placement

I recently completed a Legal Internship at the Georgia Capital Defenders Office in Atlanta, Georgia in the United States of America. This Internship took me deep into the heart of America's death belt. I spent four months, between May and August 2014, assisting attorneys in providing a legal defence for indigent individuals facing the death penalty.

As a British Law graduate from the University of Manchester, the transition to working in the American capital punishment system is rather like stepping through the looking glass. Upon first glance, the legal system is strikingly similar to the one that I have studied throughout my academic career: both systems share the same roots, common law system of precedent and many of the same principles. However, much like Alice who, after stepping through the looking glass, finds herself attempting to comprehend books that are written back-to-front, I found myself attempting to make sense of laws and judgements unlike anything I had ever encountered. This was a legal system that was determined to execute my clients.

It was soon apparent that many of the assumptions underlying the criminal justice system in Georgia were irreconcilable with my own conceptions of justice. This was a system that was willing to declare individuals beyond redemption or reform, and that their lives were therefore disposable. Yet, as I became familiar with the details of the cases, it became clear that the individuals defined by the law as irredeemable were often not necessarily those accused of the worst crimes. However, what the cases did have in common was that the defendants were each in some way vulnerable or disadvantaged by society, whether through poverty, racial discrimination or mental illness.

This is perhaps best illustrated by one of my clients who was charged with felony murder for a "robbery gone bad." He was not accused of killing anybody; in fact, the evidence suggested that he definitively did *not* kill anybody. However, as a party to a crime - a burglary that had resulted in the death of an individual - he was equally as culpable for the death as the individual who (it was claimed by all) had pulled the trigger. If convicted, my client faced a minimum sentence of a lifetime in prison or a maximum sentence of execution. The decision to seek the death penalty in this case, as with all death penalty cases, lay in the hands of the District Attorney. There is little guidance to direct or constrain these decisions, other than the requirement that there be present an aggravating factor. The aggravating factor most often used amounts to little more than a string of synonyms for "bad", meaning it is so broad that it can in reality apply to any and every crime. The decision therefore often boils down to political pressure or factors such as the status of the victim or defendant.

Each of my eight clients had their own tragic history; many had suffered physical or sexual abuse as a child and most came from areas of abject poverty that lacked basic services or access to education. It materialised that organised gangs were so pervasive in the neighbourhood of one client that every man and boy was affiliated with that gang. Apparently the leaders of the gang ran influential

recruitment methods across the area. A number of my clients suffered mental health problems that had gone undiagnosed their entire lives - such as paranoid schizophrenia - or learning difficulties - which meant they lacked the mental capacity to understand the charges against them or the implications of their imprisonment.

My role as an Intern often involved visiting these clients in prison - to advise them on updates to their case, explain legal procedure and enquire about their general wellbeing. This element of the work was invaluable, both for me and for the client. For the clients, it provided much-needed updates on their case, as well as a lifeline to the outside world. It also meant that they received visits from friendly faces at a time when the rest of the world had often abandoned them. For me personally, it allowed me to understand the client as more than simply the sum of the gruesome crimes with which they had been charged. They each had their own redeeming qualities. They were scared, confused, overwhelmed and hopeful. They were human, and ultimately in my eyes, regardless of the outcome of their case, that meant that they did not deserve execution.

It also meant that they deserved a fair trial. Much of my role was to fight to ensure that they received that. The history of death penalty litigation is littered with miscarriages of justice due to prosecutorial, police, judicial or even defence misconduct or ineptitude. This highlights the importance of pre-trial motions, which allow the defence team to advocate for and safeguard their client's basic rights during the upcoming trial. I drafted and delivered to court motions on a range of crucial issues, from compelling the prosecution to reveal to us all the evidence they had against my client, to requesting that the judge allow my client medical treatment to remove the bullet lodged in his arm. I conducted research on US constitutional and death penalty law. Particularly, I cultivated arguments to submit to court that the death penalty is unconstitutional because it is imposed arbitrarily and in a racially discriminatory manner. The legacy of slavery is alive in the death penalty today: one study found that the odds of an individual receiving a death sentence are 4.3 times higher if the victim was white rather than black. I also argued that the means of execution, the lethal injection, is a cruel and unusual punishment due to experimental use of new and untested drugs. These arguments, perhaps inevitably, fell on deaf ears.

There is a moment in *Through the Looking Glass* where Alice is running down a road determined to reach a house, but the road inexplicably keeps leading her back to the place that she first started. The harder she runs to get to the house, the more she runs in circles without actually going anywhere. Unfortunately, this is the perfect analogy for much of the work of a capital defender. The odds are stacked against individuals charged with the death penalty. Judges and juries in Georgia are often staunchly pro-death penalty. Any liberal judges are also likely to hide their pro-death penalty stance for fear of being ousted in the next judicial election. The prosecution has the almost unlimited funding and resources of the state behind it, whereas defence attorneys have to persuade unsympathetic judges to provide access to funding for each individual need. The line between judge and prosecutor often seemed blurred: defence attorneys were frequently the last to know about impending trial dates, and judicial decisions would often err on the side of the police despite patently illegal actions in interrogation.

Often, upon getting close to a particular goal the goalposts would be moved, requiring from the defence team an entire new strategy.

This is why the work of the capital defender is simultaneously so challenging, yet so crucially important. The defence attorney is often all that stands in between a client and execution. I worked with a team of inspirational attorneys, mitigation and fact investigators who demonstrated the meaning of hard work, determination and innovative thinking. The skills I gained from this experience will no doubt help me throughout my career. I developed the communication and listening skills necessary to interview clients about sensitive topics such as child abuse or mental health problems. I was able to relate to individuals despite cultural differences. I liaised with experts to appear in trial, illustrating excellent organisational, diary management and time management skills. It was an thoroughly rewarding experience that has solidified my desire to train as a human rights lawyer.

The cultural exchange that this Internship allowed was also invaluable. I learnt to question my own assumptions - the 'truths' that I have been told my entire life and therefore taken for granted. I was confronted with viewpoints that were entirely irreconcilable to my own, yet found positive and productive ways to interact with individuals despite these fundamental differences. I learnt about the culture, laws and history of the United States, and in return imparted some of my own experiences from the United Kingdom. Overall, it was an incredible and life-changing experience for which I am eternally grateful to the H.E. David Scholarship Fund.

Breakdown of Expenditure Incurred

Return flights to Atlanta - **£615.45**

Accommodation - £351 per month
x4 months = **£1404**

Food, travel, miscellaneous - **£1,500**

Total = £3,519

Sources of funding

The only source of funding that I received was £650 from the H.E. David Travelling Scholarship Fund, £65 of which was kept until receipt of this report. I funded the rest of my trip through my own savings.