

ANGOLA 3 NEWS

JULY 2005

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Angola Three Criminal Post Conviction Update

The First Circuit Court of appeals has ordered the district court to hold an evidentiary hearing on one aspect of Herman's prosecutorial misconduct claim.

The district court had denied relief without granting Herman the right to prove his allegations of misconduct in his multi-faceted claim. The Court of Appeals ordered the court to hear evidence regarding the promises and inducements to Hezekiah Brown for his testimony at trial. Hezekiah was an old convict who testified that he saw Herman and Albert kill the guard. A few years ago, the state finally released documents showing that Hezekiah was promised rewards for his testimony and did in fact receive those rewards. He was promised a continuous supply of cigarettes and a pardon. This is the type of evidence that can severely impeach a witness and it illegally withheld from Herman at his trial. The hearing date has not been set at this time. A favorable ruling will impact Albert's case as well.

For more information on this case visit, www.angola3.org or contact marina@napanet.net.

As soon as we know the hearing date we'll be organizing to make sure the court room is full.

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Angola 3 Civil Suit Update

The law firm of Holland & Knight have agreed to represent the Angola 3 in their lawsuit against the prison for holding them in solitary confinement for the past 33 years. The case has been inactive for the past few months due to the lack of resources to bring the case to trial. George Kendall and Steve Hanlon will assume the role as lead counsel and will work with Nick Trenticosta as local counsel. Mr. Kendall and Mr. Hanlon have a long history of civil rights litigation and head up the firm's Community Services Team. We anticipate a trial at the end of this year.

In another important development, the United States Supreme Court ruled last week that prison officials may not move an inmate into solitary confinement or lockdown without first providing the prisoner with a fair notice of why their classification might change and the ability to challenge the placement. This is a significant ruling because for many years the courts law did not recognize that a prisoner has a "liberty interest" in not being placed in severe living conditions. Now that the Court has recognized this right, all rights to due process and fundamental fairness must be provided. This ruling will greatly help win the Angola 3 case.
