

In September 1997, 16-year-old Denise Lockett gave birth to a baby boy while sitting on the toilet in her mother's Bacon-ton, Georgia apartment. The baby was either born dead or died within minutes of falling into the toilet bowl. Denise, who has an IQ of 61, was charged with murder, encouraged to plead guilty to manslaughter by her court appointed lawyer, and sentenced to serve 20 years in prison. Her plea and sentencing hearing lasted no more than 15 minutes. Denise never had a chance.

Denise hid her pregnancy from everyone. She was a sophomore in the Mitchell-Baker high school in Camilla, Georgia. No one — not her special ed teachers, her mother, her siblings — knew that Denise was with child. She did not seek prenatal care.

Then on September 21, 1997, Denise woke up in the middle of the night and went to the bathroom in her mother's housing project apartment. As Denise later told a police investigator, she thought she had to "make a boo-boo." Instead of a bowel movement though, a full-term baby boy was born, falling into the toilet. Denise, probably in shock, returned to her bedroom and passed out. Her 10-year-old sister called 911. Police arrived and Denise was charged with felony murder. She was placed in a sheriff's car and brought not to a hospital, but to a Mitchell County jail cell.

A lawyer was appointed to represent Denise on the murder charge. Over the span of three months, this attorney spent less than one hour with his mentally retarded client. The last few minutes the lawyer spent with Denise were in Judge Wallace Cato's chambers in the Mitchell County jail courtroom, when he persuaded the youngster to waive her rights to a jury trial and plead guilty to manslaughter. Denise says the lawyer promised her the judge would not keep her locked up if she admitted her guilt. Denise initialed the waiver form and signed the document just as the lawyer had hoped she would. Judge Cato held a short hearing — the transcript is 19 pages long! — which consisted mostly of a local detective's testimony. Denise did not testify, nor did her attorney introduce the autopsy report that stated the baby's cause of death "could not be determined." Judge Cato ordered that Denise spend the next 20 years behind bars.

I first learned about Denise's ordeal a few months after she was sent off to prison. Rosa Ward, who was then a school nurse, called me late one night at home to tell me what happened to Denise and pleaded with me to help. The Prison & Jail Project (P&JP), of which I am the director, got immediately involved. We met with Denise's mother in Bacon-ton, with her special education teach-

16-Year-Old Railroaded After Baby's Accidental Death – The Denise Lockett Story

By John Cole Vodicka

ers in Camilla, and with members of a Bacon-ton church that had been reaching out to the Lockett family since the death of Denise's baby. I took statements from a dozen different people who knew Denise through her childhood, knew her limitations. I was able to gather together Denise's school records, the baby boy's autopsy report and other information that would have been essential to any lawyer worth his or her salt. I also secured a copy of the plea transcript. And I began visiting Denise in prison.

We were then able to convince our lawyer friend and P&JP board member, Clyde Royals, to file a habeas corpus petition on Denise's behalf in an attempt to get her case back into court. We also brought in a psychologist to interview Denise in prison and confirm that her retardation limited her ability to understand the legal process or to assist her lawyer. Later, Jim Bonner, another lawyer friend, filed an appeal with the Georgia Supreme Court. Despite all this, our efforts to win a new trial for Denise were unsuccessful: three years ago (2002) the State Supreme Court let her conviction stand.


Since that time we've attempted to secure a parole hearing for Denise. It's been difficult, because until recently in Georgia, if someone was convicted of a crime of violence (and manslaughter is a violent offense) the parole board required that person to serve at least 90% of their sentence before it would even entertain parole. This meant that Denise would have to serve 18 years of her 20 year-sentence before even being eligible for parole. Last December, however, we received the hopeful news that the parole board has decided to consider granting Denise parole in 2010. The P&JP now plans to petition the parole board further in an effort to convince the board that it serves absolutely no purpose to keep this young African-American woman in prison any longer. Denise did not kill her baby boy. She had no intentions of harming her child. She is not — and has never been — a threat to anyone.

Denise is now twenty-four years-old. She's spent eight years in confinement since that September night in 1997 when she birthed her baby boy and the infant died. Denise is presently caged in the women's penitentiary in Hawkinsville (Pulaski County), Georgia. If she serves all 20 years of her

sentence she'll be 37-years-old when she finally leaves her prison cell.

"I'm ready to get out of these folks' prison," Denise told me recently during a visit at the prison. "I'm about to lose my mind here. Tell everybody to keep praying for me that I'll be home soon."

Denise can be written at,
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Reprinted with permission. Originally published in *FreedomWays*, Issue 76, March/April 2005. John Cole Vodicka is director of the Prison & Jail Project in Americus, GA. The P&JP limits its activity to monitoring jail and prison conditions, and courtroom and law enforcement behavior in a 33-county region of southwest Georgia. They have a 33 page booklet - *Rule of Law: Citizens' Rights in a Georgia Court of Law* that is available at no charge for Georgia prisoners ONLY. All others please enclose at least a \$1 donation (stamps OK). Write: Rule of Law, P&JP, PO Box 6749,  Americus, GA 31709.

Sutton's Pardon Not Enough For Compensation

By C.C. Simmons, JD Correspondent

In October 1998, Josiah Sutton, then 16. I was arrested and charged with the rape of a Houston woman. The victim had been taken from her apartment at gunpoint and left in a field by her attacker.

In January 1999 a Houston Police Department (HPD) Crime Lab analyst testified Sutton's DNA "definitely" matched the perpetrator's DNA recovered from the victim. Sutton was convicted and sentenced to 25 years in prison.

Four years later in March 2003, the HPD Crime Lab retested a sample of the evidence used to convict Sutton. The DNA profiles of two men were found in that sample. However neither matched Sutton.

The 2003 retesting of the evidence used to convict Sutton was an example of the faulty conclusions HPD Crime Lab analysts were testifying to in Houston area cases at the time of his trial. The police lab was later shut down after auditors found unsound techniques and contamination of evidence. Sutton's case was

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