



Georgia Justice Project

An unlikely mix of lawyers, social workers and a landscape company

Wednesday, April 7, 2010

Ernesto's Story

This was a mistake. It had to be. He'd been at home all night, drinking and partying with friends in a neighborhood not far from where he'd grown up. "I'm thinking I'm about to get out," says Ernesto, "that it must be a joke," because what else could it be?

No joke, Ernesto Green (N.B. Ernesto Green is not our client's real name) was in serious trouble.

Locked up in the the county jail's notorious seventh floor, facing felony murder, aggravated assault and armed robbery charges, he had no idea where to turn. "I didn't know the system," he says. Why would he? At 42, he had no prior criminal record, and he'd spent the previous 15 years caring for his elderly mother, doing the odd painting job for extra cash. She had died a little over a month before.

The crime was a home invasion, a horribly violent crime in which three men broke into the neighborhood "liquor house," intent on robbery. As one man stood back and directed, the others ransacked the house, beating and kicking their victims viciously. One later died of his injuries.

When police arrived, the thugs were described as young men between 19 and 30, all unknown to the victims. No one professed to have seen the lead man's face; they heard only his voice as he directed the other two assailants.

Yet, hours later, the bootlegger called to tell police he knew the main assailant. He named Ernesto Green. In a police lineup, he identified Green, as did one of the other victims, although tentatively. The victims collectively changed their initial descriptions, detailing men in their 40s and 50s and claiming to have seen all three faces clearly.

Green was arrested, denied bond, and sent to prison to await trial.

His first public defender didn't show for his hearing. Two weeks later, the second did, but had no background on the case, made no appeal for bond, and told Green "not to worry about it." Back to the seventh floor, where his cellmate was a convicted murderer. "Every day, I felt like my life was on the line," Green says. "There's always trouble, people trying to get you to fight. I kept thinking, 'If I mess up just one time....'"

GEORGIA
JUSTICE
PROJECT

Make a Difference

◆ [Support!](#)

About Me

Georgia Justice Project

is an unlikely mix of lawyers, social workers and a landscape company. We defend people accused of crimes and, win or lose, we stand with our clients while they rebuild their lives. We believe this is the only way to break the cycle of crime and poverty.

[View my complete profile](#)

Followers

My Blog List

[Supporting Sites](#)

[What Would People Think?](#)

[Gateway Center Reflections](#)

[Doug Ammar on Cutting Edge Law](#)

Then another inmate told him that sometimes lawyers take cases pro bono. Green wrote down everything the man said and passed it to his good friend Sharee, asking her to search out the details. Eventually she stumbled onto the Georgia Justice Project. "I wrote them a long letter," says Green. "When they took my case, I was so relieved. For the first time I felt comfortable, like I had a family with me."

He credits his GJP attorneys with helping him keep his sanity. "They connected with me regularly, came to see me, and wrote me letters," he says. "They focused on my case and communicated everything that was happening." When other inmates told stories about working with their public defenders, about long stretches with no communications, about feeling like no one was working on their behalf, "They told me I was blessed to have Georgia Justice," says Green. He agrees. "I had faith in them. They told me there would be obstacles and helped me take it day by day, so I could stay balanced and spiritual. It's like they were right there with me."

It took 18 months for his case to come to trial. Green says GJP lead attorney Marissa McCall Dodson and second chair Deborah Poole "handled it like soldiers. I felt like I had an army on my side." They came in prepared, he says, and explained every point and procedure. They stressed that his case was strong, but that no outcome was certain. As Dodson explains, "He was either going home or going to prison for life. There was no middle ground. That's pretty scary, because you never know what a jury will do."

With no physical evidence tying him to the crime and the witnesses' stories rife with inconsistencies, Green was acquitted in a nerve-fraying four-day trial. As is customary, he was sent back to his prison cell to await final release, which usually takes a matter of days. When he heard the guard call "Green, pack it up!" later that afternoon, he couldn't bring himself to believe it. "I just couldn't trust it. I was afraid he might be fooling me."

Not trusting people is just one of the many long-term side effects of Green's incarceration. In the year and a half it took for his case to come to court, he lost the home he'd inherited, all his possessions, and his Social Security benefits. With no money even to call for a ride, Green walked the many miles from the jail to his mother's old neighborhood, where it seemed "so peaceful" he says, "that it's still hard to believe."

With help from close friends and family, Green is learning to adjust. Denied adequate medication for months, he's working on stabilizing his blood pressure. He's attending church, and trying to look ahead, not behind. Still, he says, "These charges will be on me the rest of my life. Anybody can say my name, pull my name up on the computer, and have reasonable doubts. It's like a scar on me."

He's right. Ernesto Green's criminal record will follow him for life. In Georgia, acquittal does not clear the record, nor are those records

Blog Archive

▼ **2010** (9)

▶ **August** (2)

▶ **July** (2)

▶ **May** (1)

▼ **April** (1)

Ernesto's Story

▶ **March** (2)


▶ **February** (1)

▶ **2009** (8)

Labels

georgia justice project (11) **georgia law** (7) **criminal justice** (6) **experience with criminal justice** (5) **GJP** (2) **donations georgia** (2) **georgia criminal records expungement** (2) **georgia justice project internship** (2) **georgia non profits** (2) **atlanta law** (1) **casey foundation** (1) **collateral consequences** (1) **georgia lawyers** (1) **georgia non profits criminal law** (1) **law school internship** (1) **law summer job** (1) **newt gingrich** (1) **recidivism** (1) **summer intern experience** (1) **welcome post** (1)

Subscribe To

 Posts

 Comments

eligible for expungement. From now on, every time a potential employer, landlord or anyone else checks, Green will be identified with those horrible, violent crimes.

A trim, handsome man with a warm smile and a firm handshake, Green admits his future "looks shaky," but reiterates that he's not going to focus on the past. "God is my protector, he says. "I'm just going to keep myself clean and stay spiritual. Whatever God tells me, I'll stick to it, and I hope it will all fall into place. I have nieces and nephews, and I have to be there for them."

Anyone who had been through Ernesto Green's experience could be forgiven for feeling dark, depressed or angry, but he works hard to look upward and ahead.

"There's a beautiful side to it," he says. "When the sun came out, there was a rainbow."

Posted by Georgia Justice Project at 5:20 PM

Labels: criminal justice, experience with criminal justice, georgia criminal records expungement, georgia law

0 COMMENTS:

POST A COMMENT

Comment as:

[Newer Post](#)

[Home](#)

[Older Post](#)

Subscribe to: [Post Comments \(Atom\)](#)

Fan Box

[Georgia Justice Project](#) on Facebook