

State Supreme Court throws out DeKalb man's drug conviction

Court says public defender's office struck improper deal not to challenge jury's racial makeup:
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The Georgia Supreme Court has thrown out a DeKalb County man's drug conviction because it said the public defender's office struck an improper deal not to challenge the racial makeup of his jury.

In a unanimous opinion Monday, the court said Michael Edwards's lawyers failed him after he was convicted in 2001 of possession of cocaine. Edwards was sentenced to 15 years in prison without parole because he was a recidivist.

The jury that convicted White was 58 percent white, the state Supreme Court's ruling said.

At the time, the DeKalb Superior Court was still using data from the 1990 Census to assemble a jury pool, even though reliable data from the 2000 Census was available. Since the 1990 Census, the county's white population has dropped from 54 percent to 36 percent, while the black population grew to 54 percent. DeKalb's public defender office had entered into negotiations with county judges to persuade them to update the computer program for summoning jurors with the 2000 Census data. The judges said they would, but only if the public defender's office agreed not to pursue challenges to the racial composition of the jury pool in Edwards's case or in other "past" cases, the Supreme Court ruling said.

The defender's office agreed. Within a month, the database for summoning jurors was updated to reflect the racial composition of DeKalb, the ruling said.

Edwards appealed the case, acting as his own attorney.

Edwards's trial attorney, Ken Driggs, later testified that even though he believed he had a strong jury challenge, he was instructed by his office not to pursue it.

"That had the effect of throwing people like Mr. Edwards overboard on those kinds of claims," Driggs testified. "I was uncomfortable with that frankly but it wasn't a decision that I made."

The Sixth Amendment, Chief Justice Leah Ward Sears wrote for the court, guarantees the right to legal representation that is free of conflicts of interest.

Edwards' lawyers, from the DeKalb Public Defender Office confronted a situation in which their duties to their employer, the office, directly conflicted with their duty to zealously represent their client, Sears wrote.

Even worse, Sears said, Edwards' lawyers were instructed not to pursue the appeal because of "an agreement sanctioned by the judges of DeKalb County Superior Court."