

PUBLIC COMMENTS

HB 2714

HOUSE COMMITTEE ON JUDICIARY & CIVIL JURISPRUDENCE

---

Hearing Date: April 14, 2021 8:00 AM

---

Darwin Hamilton

Self and Reentry Advocacy Project

Pflugerville, TX

Dear Members of the Judiciary & Civil Jurisprudence Committee,

I believe this bill is very necessary as one of the solutions to our broken criminal legal system for the following reasons. As someone who has been to trials by judge and jury. Something I'll never forget and vividly remember during the punishment phase of my jury trial, in the 167th District Court of Travis County, when former prosecutor and later appointed district judge Frank Bryan, said "Do you see how articulate he is? This is what makes him dangerous! And I want you to consider giving him a year for every crack rock." Which totaled 45 rocks equal to 8.7 grams of cocaine. The jury sentenced me to 22.5 years in TDCJ, I would then spend 5.5 years incarcerated, granted parole March 2, 1998, and serve the next 17 years on parole until March 2, 2015 at the age of 42.

Even then in March of 1993, as a 19-year-old young man I understood the racist dog whistle code of that language to a majority white jury. He was both demonizing me by race and criminalizing and weaponizing my intelligence. What he was basically saying is, had I been ignorant and Black, then I would have been harmless. What he was revealing about himself was his implicit bias and racial animus that was baked in. No one in the courtroom frowned, gasped or found his comments distasteful, neither did my court appointed attorney Julie C Howell and judge Mike Lynch object, why? Because none of them were culturally competent or informed enough to recognize his and their own implicit bias and comfort with his remarks. Nor were they culturally responsive enough to recognize the racial animus and undertones of how offensive and problematic that kind of language is/was then and now.

My sentence would outlive both that prosecutor and judge's career on the bench here in Travis County. This was a malicious prosecution and egregious sentence to call for from a jury for a 1st time non-violent drug offense, simply because I decided to exercise my rights to the due process of jury trial rather than plea bargain. And we know from national studies and data that all too often this is common practice in our criminal legal system, and especially in the South where some of the most egregious sentences are rendered to Black defendants v. their white counterparts, and Texas is no different. It is this kind of implicit bias and prejudice plus power that leads to systemic racism and disparate impact and outcomes in our criminal legal system, namely the courts. Injustice is a decision that people of ill will make happen. Justice is a decision that people of good will make happen. If these practices that I've laid out don't align with your values as representatives of the Texas legislature and you believe that our criminal legal system should be fair, impartial and just, then I ask that you all support this piece of legislation and help make justice happen.

Respectfully,

Darwin Hamilton

Mandy Kirkland

Self, pharmacy tech

Tennessee Colony, TX

Printed on: April 16, 2021 4:34 PM

I oppose HB 2714 because this is completely unnecessary and assumes that every individual is biased and will not apply the law consistently or fairly. Those in the legal professions, including justices, judges, judicial officers, court personnel, and attorneys have sworn an oath that they take very seriously. This is an attempt to impart bias in every situation where there is none. I urge you to oppose HB 2714 and vote “No” today.