

## Defending Justice and Due Process

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In the United States, we take for granted the protections we are granted by the laws. These rights such as due process and the rights a criminal defendant is afforded in our criminal justice system are unlike no other. Even so, with these afforded protections, there remain miscarriages of justice. Many people do not care what happens to a defendant after they enter the confines of the American prison. The attitude sadly is “Lock them up and throw away the key”. We as professionals fighting in the system must care. We as people in the community must care. The people you lock up and throw away the key will one day re-enter society, in your neighborhood. The criminal justice system is one that we should care about.

In 2000, I began as a law student at Syracuse University College of Law, involving myself in the work of many agencies fighting the criminal justice system. I was the President of the student chapter of the American Civil Liberties Union. I focused on providing educational opportunities to my fellow law students to learn about the miscarriages of justice in the criminal justice system. I worked towards bringing in speakers about issues in justice such as the disparate racial problems in the system, wrongful convictions, racial profiling, and the death penalty.

Through my work, I shared the experiences of great attorneys fighting for justice including Robert Brenna Jr. and Donald Rehkopf Jr. (civil rights/defense work in Rochester, NY) ; Sanford Meltzer (defending sex offenders, Syracuse, NY); Mark Blum (civil rights/defense work Syracuse, NY); Harold Faringer (42<sup>nd</sup> Street cases) ; Jon Getz(wrongful convictions/defense work in Rochester, NY); Alan Rosenthal (civil rights/corrections research etc., Syracuse, NY); William H. Buckman (racial profiling in

New Jersey); Robert Boyle ( Black Panther cases/ Attica); and Jack Zimmerman (death penalty in Texas). I hoped one day I would be like them; crusaders for justice, bringing the wrongdoers to their knees. I hoped I inspired my fellow students to care beyond “making money” to do something to make a difference in the world.

I graduated and continued my work serving as part of the NY Civil Liberties legal team. Here I was able to participate with others to fight for free speech, inmate rights, and fairness for all. I did a lot of research on the corrections system studying parole and healthcare. At one point, Faith Seidenberg and I investigated NYS DOCCS and their administration of healthcare regarding inmates with Hepatitis C. I assisted in examining the faulty school system in Syracuse, NY and racial problems with youth in Oneonta, NY. I investigated the city officials in Rome, NY regarding alleged housing issues. I was serving in this chapter at the time of the September 11 tragedy and this opened the door for more attacks on constitutional rights through Homeland Security.

Along with attorney Astrid Fiano (then law student, and current author of “Gabriel’s World), we founded the not-for-profit organization “Edge of Justice”. This organization was designed to advocate for inmates’ rights. I also began teaching paralegals with the hope to inspire young students into becoming advocates to make a difference. Astrid and I began teaching at the Monroe County Jail. We ran a volunteer program where we entered the system and taught sentenced inmates about healthcare, philosophy, and different ways to make re-entry to society easier. I hung the sign on my door and entered private practice as an attorney.

My practice focuses on cases involving the Department of Corrections and Community Supervision. I assist inmates seeking parole after serving their minimum sentences. I assist inmates if they are denied parole. I assist inmates appealing disciplinary tickets lodged against them by corrections. I do not engage in anything else. Currently, based on parole records, my office holds the

greatest reversal rate on administrative appeals for parole denials for the years 2008, 2009, 2010, and 2011. My practice exists to help the incarcerated person gain freedom. 85-90% of my clients are convicted of homicides (violent felony offenders). Some people think what I do is not important because as I said many people do not care what happens to inmates.

My work is important. Inmates are human beings. Every person serving time in a prison is someone's husband, wife, sister, brother, son, daughter etc. Our system, while we are afforded greater rights than in other countries, is not always fair. Despite a conviction, people are afforded basic due process rights which must be upheld. Corrections is not afforded a "general right" to trample on people they are entrusted with rehabilitating. People who are incarcerated cannot be forgotten.

Currently "Edge of Justice" has closed their doors, but Cheryl L. Kates, the attorney remains committed to protecting and defending the rights of the incarcerated and I will continue to do so. Currently, I am working on my book: "Faces of Parole: Forgotten Voices" scheduled for release in May, 2012. This book tells the story of my clients, people facing the NYS Parole Board and their stories. I plan to use this book to educate NYS Legislators on my clients' fight for freedom and the injustice they face when dealing with parole.

Additionally, I have drafted suggested changes to the current law governing parole (NYS Executive Law 259 (i)) in hopes the legislators will address some of the due process issues in the current legislation. Currently, I have cases pending in court challenging the interpretation of the statute regarding parole asking the court to give clarity as to how the law is applied in respect to parole denials. I recently testified before the Committee on Corrections regarding the flagrant due process violations that occur in NYS regarding parole appeals hoping to make a difference and to foster change. This testimony is available on my website [www.cherylkatesesq.com](http://www.cherylkatesesq.com)

This is important work.

- The United States incarcerates more people than any other country in the world (Gopnick, 2012);
- There are currently 2.2 million people in prison in the United States (The Sentencing Project, 2012);
- The United States spends six times more money on prisons than they do on education (Gopnick, 2012);
- There are more black men currently under the confines of the criminal justice system in America than there were as slaves in slavery (Gopnick, 2012);
- Every day throughout the United States there are at least 50,000 people in solitary confinement in a US prison ( Gopnick, 2012);
- Every year 70,000 inmates are raped in prison (Gopnick, 2012);
- In New York state, where I practice as of January 1, 2011, there are 56,315 inmates; 96% are men; 75% are African American or Hispanic; 63% are convicted of a violent felony offense (NYS DOCCS, 2011)

In closing, no matter how high a mountain seems, we as criminal justice advocates must try to climb it. Sometimes baby steps are what it takes to make the wall crumble. Put one foot in front of the other...Doing nothing is clearly the easy way out. Join me and become an advocate of fairness for all! As I testified before the Committee on Corrections: “Laws are just words on paper” until we as advocates force the administration to abide by those laws. This is done by advocating for due process and defending justice. We must achieve fairness for all.

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