

## National Southern Christian Leadership Conference Asks U.S. Attorney General to Intervene in the Wrongful Prosecution of Mobile District Court Judge Herman Thomas

In 1990, at the age of 29, Herman Thomas was appointed as a District Court Judge in Mobile, Alabama. At that time he was the youngest District Court Judge in the State of Alabama. Later that year he became the first African-American in the history of Mobile County Alabama to win an at-large contested race, and was seen a rising star in the Alabama legal community. He was reelected to the position in 1996 and in 1999 he was appointed to the Circuit Court in was elected and re-elected in 2000 and 2006. In 1996, Judge Herman Thomas was nominated to become the U.S. Attorney for the Southern District of Alabama by then President William Jefferson Clinton, although he was not appointed. During his tenure on the bench he was applauded for his community service work where he helped literally 10,000 young people through various intervention and community based programs including annual step show competitions, mock trial tournaments, and award winning work with the Mobile 100 Black Men.

Then he made a decision that would set into motion a series of events that would destroy life as he knew it. In 2006, Mobile Circuit Court Presiding Judge Kendall passed away and Judge Thomas was the second judge in tenure and senior in time on the bench of any other of the white Circuit Court Judges. Although America has made many advancements over the years including having two African-American males appointed to the United States Supreme Court, African-American lawyers still face many obstacles in the legal profession and many times racism raises its ugly head. In the case of Judge Herman Thomas, two white Circuit Court Judges made baseless allegations and started a rumor that Judge Thomas was running a criminal drug enterprise and using criminals on his docket to further the sale of drugs. The also told the local paper that Judge Thomas had a fleet of 17 luxury cars. A investigation followed and the allegations were proven to be false and revealed that the cars were in fact cars that he had co-signed for various family members who had credit issues.

Committed to destroying Judge Thomas legal career, the judges field a complaint with the Alabama Judicial Inquiry Commission alleging that Judge Thomas improperly transferred 387 cases from other Circuit Court Judges dockets to his own. The Alabama Attorney General's office investigated the complaint along with investigators from the Judicial Inquiry Commission and the Mobile District Attorney's office. The complaint was proven false just as the allegations of selling drugs were.

When the allegations of drug dealing and improper judicial conduct failed, the individuals moved beyond attempting to simply destroy Judge Thomas's legal career, and decided to destroy his personal life by accusing him of having sexual relationships with male inmates on his docket. The charges arose in 2007 after Judge Thomas denied a inmates request for release who had been sentenced to a life sentence by another judge. A local attorney Joe Kulakowski then became involved when he came forward to allege that a number of his clients had made claims that Judge Thomas was involved in acts of sexual misconduct with them. All the inmates who have made charges of sexual misconduct are represented by Mr. Kulakowski, who himself was investigated for allegedly smuggling cigarettes into the jail to his clients.

The allegations were presented to the U.S. Attorney's office in Mobile, Alabama and a Federal Grand Jury was empaneled. However, that office refused to prosecute the case for nearly two years. In 2009, the Mobile County District Attorney's office decided to prosecute the case and grand jury returned an unsigned charge of nine indictments with 57 counts that was subsequently refiled with 6 new indictments and 103 counts against Judge Thomas. A trial date has been set for October 3, 2009 and the District Attorney has failed to provide Judge Thomas's defense attorneys with required discovery on a number of the indictments.

Every allegation that has been made against Judge Thomas is coming from individuals who are serving a life sentence or is currently incarcerated. Despite over 20 years of working with young people, not a single one of those young people have come forward to make any charges against Judge Herman Thomas. Every charge that has been levied against Judge Thomas since 2006 has been proven false, and its apparent that his current prosecution is politically and racially motivated.

In addition, the prosecution is using strong arm tactics to try and force other persons charged with crimes to provide testimony against Judge herman Thomas. In fact, the SCLC General Counsel was contacted recently by the wife of former NFL Dallas Cowboy Player Leonardo Carson, who indicated that he was offered a reduction in sentencing if he testified that he had bribed Judge herman Thomas. Carson rejected the offer stating that Judge Thomas was not involved in any illegal activity and went to trial for drug trafficking charges. It is of note that the two investigators working on the Leonardo Carson case were previously investigated on claims that they lied to a federal judge in order to have an informant released, based on assertions by Judge Herman Thomas that they misled the federal judge about a conversation they had with him concerning a hold for state charges that Judge Thomas had on the defendant.

The Southern Christian Leadership Conference has asked the United States Department of Justice to investigate the matter, but was instructed to provide information to the local Mobile Federal Bureau of Investigation on July 16, 2009. However, it is apparent that no cooperation will come out of Mobile, as the African-American FBI lead investigator Deborah Mack was forced to retire soon after SCLC received the correspondence. According to reports, Agent Mack was given the option to retire or move to Birmingham as a field agent. It is apparent that this unlawful prosecution will continue unless the United States Department of Justice takes immediate action.