

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ALBANY

)
KIMBERLY HURRELL-HARRING, JAMES ADAMS,)
JOSEPH BRIGGS, RICKY LEE GLOVER, RICHARD LOVE,)
JACQUELINE WINBRONE, LANE LOYZELLE, TOSHA)
STEELE, BRUCE WASHINGTON, SHAWN CHASE, JEMAR)
JOHNSON, ROBERT TOMBERELLI, CHRISTOPHER YAW,)
LUTHER WOODROW OF BOOKER, JR., EDWARD)
KAMINSKI, JOY METZLER, VICTOR TURNER, CANDACE)
BROOKINS, RANDY HABSHI, and RONALD McINTYRE,)
on behalf of themselves and all others similarly situated,)
)
Plaintiffs,)
)
v.)
)
THE STATE OF NEW YORK,)
)
Defendant.)
_____)

**AFFIDAVIT
OF PLAINTIFF
RICKY LEE
GLOVER**

Index No.8866-07

STATE OF NEW YORK)
)
COUNTY OF ONONDAGA) ss.:

AFFIDAVIT OF RICKY LEE GLOVER

Ricky Lee Glover, being duly sworn, deposes and says:

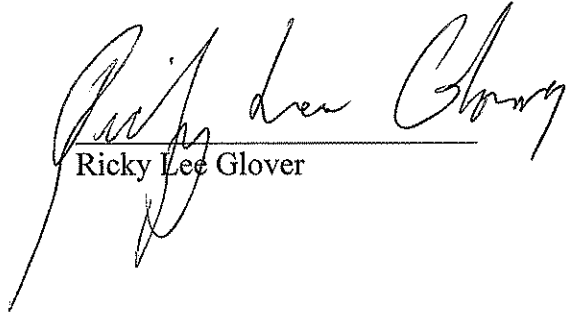
1. I am a named plaintiff in this case.
2. I am 44 years old and a resident of Syracuse, New York.
3. I have a pending criminal case in Onondaga County Court. I am represented in that case by a lawyer assigned to me by Onondaga County's Assigned Counsel Program.
4. On June 12, 2007, I was arrested and charged with burglary in the third degree, a felony, along with petit larceny and possession of burglary tools, which are both misdemeanors.
5. I had a lawyer at my arraignment, but then I was assigned a new lawyer for the rest of my case. The lawyer I had at arraignment didn't talk to me about my case or advocate for me during the arraignment, so I'm not sure why he was there. The judge denied bail, and I was sent to the Onondaga County Justice Center.

6. After the arraignment, I tried to get in touch with my new lawyer, but her voicemail was always full and her office would not take collect calls from jail. I went several weeks without meeting my lawyer and without any kind of court hearing. I later learned that my attorney adjourned at least one court hearing that had been scheduled for June 15 without telling me about it.
7. Although my charges have been pending for more than eight months, I have met with my lawyer outside of the courtroom once and only once, a few weeks after my arrest, on June 21, 2007. Even though she told me she had not reviewed any files from the district attorney or investigated my case, she told me that I had a "dead case." In fact, these were the first words out of her mouth when she met me. I asked her to ask the judge to give me bail, but she never did.
8. I have never been able to reach my lawyer by telephone, so it was a real problem that she only came to visit me that one time. The reason I can't reach her by telephone is that her voicemail box is always full and her office doesn't accept collect calls from the jail. My family has also tried to get in touch with her several times. One time my mom actually managed to talk to my lawyer on the phone, and my lawyer told her I was "about to get out." That was around July 2007, and I didn't get out until December 17, 2007.
9. During that meeting in June, I specifically told my lawyer not to waive my right to a preliminary hearing. But on June 29, against my specific instructions, she waived my right to a preliminary hearing in a letter to the judge. She didn't talk to me about this before she did this.
10. On July 10, 2007, I had been in jail for almost a month, so I filed a motion on my own, asking to be released because at the time I thought I had been held too long without a preliminary hearing. I didn't know then that my lawyer had already waived my right to a preliminary hearing. I only found that out a few months later when I called the Onondaga County Human Rights Commission and asked for their help with my case.
11. In July 2007, I filed a grievance against my lawyer with the lawyer grievance committee because I thought she was ignoring me and not doing anything for me on my case.
12. On October 6, 2007, I was very frustrated because by this time I had been in jail well over three months and nothing had happened and I still could not reach my attorney. So I filed another motion on my own, asking to be released because I hadn't been indicted within forty-five days of being arrested. Because I didn't have my lawyer's help, I didn't know where to file the motion. For several months I didn't know if I had filed it correctly. I received nothing from the court indicating if any judge was going to hear my motion.
13. On October 15, 2007, I received a letter from the Attorney Grievance Committee. With the letter was a copy of a letter my lawyer had written to them defending herself against the grievance I had filed. In her letter, my lawyer said that she had been able to convince

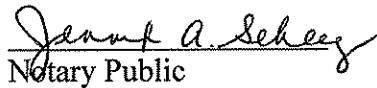
the ADA to reduce my charges to a misdemeanor, but she had never told me this herself and still hadn't visited me since June.

14. After I found out that my lawyer had gotten my charges reduced, I went to the jail law library to research whether I could file a motion to get bail so that I could get out of jail. I didn't have the help of my attorney and I don't have much knowledge of the law, so I didn't try to file a motion for bail on my own. Instead, I wrote a letter to a City Court judge. I wasn't sure that this was the right judge to contact, but I sent it there because I knew that City Court judges hear misdemeanor cases. The judge wrote back to say that she sent my letter to the County Court where felonies are heard, but I didn't hear anything from the County Court clerk or from any County Court Judge. So I sent a second letter to my old County Court judge and hoped that would work. In both these letters I tried to explain that I had not had a preliminary hearing and that I had not seen my attorney, and that I had not been indicted even though it was more than 45 days since I had been in jail.
15. For many months, I have been worried that my lawyer might have a conflict of interest because she might have represented my daughter in a family court case I was involved in a few years back. I haven't been able to talk with my lawyer about this issue, however, because I can't get in touch with her and only met her that one time in June.
16. My lawyer also represents me on some pending traffic violations in Onondaga Town Court. I want to get these charges worked out as soon as possible, but my lawyer has adjourned my case more than six times without asking me. Because I couldn't reach my lawyer, I wrote directly to the town court justice to ask him not to allow my lawyer to adjourn the case again.
17. On November 7, 2007, I appeared before the justice in Onondaga Town Court, but my lawyer didn't show up. The justice said he had received my letter and sent his own letter to my lawyer ordering her not to adjourn any more of my court appearances.
18. Nonetheless, my lawyer once again did not show up for my next two court appearances in Onondaga Town Court on November 21 and December 21, 2007.
19. Shortly after this lawsuit was filed in November of 2007, I saw my lawyer in the jail. She came to my housing unit to see another client. I tried to approach her to see if she would meet with me. This would have been the first visit since that one and only visit more than five months ago, in June. When my lawyer saw me, though, she turned around and left. I did not see or hear from her again until I was brought to court on December 17, 2007 because of a motion I had filed myself.
20. Because I was unable to reach my lawyer, I had no idea what was happening with my case and no idea whether my motions would ever be heard. I felt like I was just stuck in jail in some kind of limbo. So in December 2007, I asked the Onondaga County Human Rights Commission to write a letter to the judge and to the court clerk to find out what was happening with my case.

21. On December 17, 2007, because of the letter the Onondaga County Human Rights Commission had written, I got a hearing on my motions. My lawyer was at the hearing, but I spoke to the judge about my motion. The judge granted my motion and I was released on my own recognizance on December 17, 2007.
22. Since I got out of jail, I have tried to call my lawyer's office several times. Each time, her secretary tells me that nothing new has happened in my case. So, even though I am out of jail, I still feel like my case is in limbo. It has now been over 300 days and I still don't think I have been indicted.
23. In all, I was incarcerated without bail for seven months until a judge acted on a motion I had to file myself, without any help from my attorney. During those seven months, my attorney visited me only once, more than six months ago, and has never spoken to me about the facts of my case or building a defense to the charges. I think there is something seriously wrong with the system when people like me have to learn to become their own lawyers because they are assigned attorneys who can't or won't visit their clients, defend them, or even talk to them.


Ricky Lee Glover

Sworn to before me on this
14th day of February, 2008.


Notary Public

JENNIFER A. SCHEENING
Notary Public, State of New York
Qual. in Oneida Co., No. 01SC5044619
My Commission Expires May 30, 2011