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May 2, 2023

Hon Judge Robinson
By efile

Re: RAMON BORNER
2022cf3364
2022cf3365
Difficulty visiting inmates in the 'Escambia County Correctional Facility'

Dear Judge Robinson:

In advance of tomorrow's docket day, tonight I went to see Mr Borner to have a short visit about the plea offer we received today. Tonight's visit is symptomatic of an ongoing problem regarding inmate access to attorneys. Here is what happened:

1. I arrived at the jail around 6:35pm and was told by the intercom that due to 'shift change' I would have to wait. This issue has previously been addressed at county commissioner meetings and Chief Powell has previously assured the BCC that functions such as shift change, head count, payer, breakfast, lunch, dinner, hair cuts, etc wouldn't interfere with attorney visits;
2. Once I got into the jail I waited on the third floor of the new jail from 6:42 until 7:32 for my client to get brought out to see me. I called a jail employee named 'Rogers' a few times and he assured me that as a result of 'head count', I was just going to have to wait;
3. Once my client was brought out to see me, our visit was pretty quick, and we spent about as much time waiting for a jail employee to come let us out of the interview room as we did having our brief meeting. (I had told the employee that brought my client to me that we only needed a few minutes to meet, but, as I'm sure he is busy, he didn't stick around after locking us in the interview room. This is not an attempt at sarcasm.)

I have a lot of clients in jail and I do not go to see them as much as I use to because, over the past few years, it seems that even the briefest of jail visits requires a great deal of time.

The BCC will tell you that they have heard my multiple expressions of concern, which are barely being addressed in this short letter. Judge Nobles has recently listened to me talk about

this. The outline generally is about 1)the 'Escambia County Correctional Facility' being more like a prison than a jail/pretrial detention place; 2)the new building itself only has one room on each floor which is allowed to be used for unobstructed lawyer visits, though each floor has multiple dorms with many inmates; 3)the Escambia County Correctional Facility was designed for inmates to meet lawyers via video, using a company called Global Tel Link/Via Path/Getting Out, which generates a good deal of revenue, but has a track record of unsatisfactory performance and horrible reviews and giant sized class action settlements. (Look up 'Getting Out Reviews' and 'Global Tel Link Class action settlements'); 4)as a result, inmates are having too much difficulty visiting their lawyers.

My perspective is that the best authority on this issue can be found in Mitchell v Untreiner 421 F.Supp 886(N.D.Fla 1976), a case in which Pubic Defender Ron Shelley brought a civil action against Escambia County Sheriff Untreiner. This case resulted in an Order that, among many remedies, included the following pertinent ones:

1. No pre-trial detainee shall be housed in the same cell as a person convicted of a crime;
2. Attorneys representing inmates in the Escambia County Jail shall have access to said inmates at anytime within 12 hours of arrest. Normal visiting hours for attorneys shall be between 6am and 10pm daily;
3. Immediate steps shall be taken to furnish adequate facilities for attorney-client communications. Attorneys shall be given priority for use of these facilities...

The problems expressed in this letter have been going on for quite a while. Consider consulting with Public Defender Bruce Miller regarding his perspective.

Additionally, two Tallahassee lawyers, Michael Ufferman and Don Pumphrey were stuck in the lobby for an hour tonight waiting to see their client.

Thank you for your attention.

/s/Gene Mitchell
Gene Mitchell

CC: Wes Moreno for the BCC, County Atty Alison Rogers, Judge Linda Nobles, ASA Bridgette Jensen, Michael Ufferman, Don Pumphrey, Bruce Miller, Jason Cromey, William Powell

