



ALABAMA APPLESEED ADVOCATE

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ALABAMA APPLESEED IN ACTION

FALL PREPARATION FOR 2005

This Fall we plan to be very active on several of our advocacy projects that likely will involve legislative action during the 2005 legislative session. The following two personal stories illustrate the urgency of and need for our continuing advocacy on these issues.

LANDLORD/TENANT LAW

In August, 2004, Sara moved into a small three bedroom, one bath house with her teenage daughter. She was moving from public housing to her own house in order to live in a safer and more stable environment. As she was moving in, she noticed that the electric stove was not wired properly and that only one out of four burners worked. She brought this to the attention of the landlord, who said he would replace the stove and correct the wiring problem. The landlord said this for eight straight months as he collected in person the monthly rent, but he never did either. After about a month in the house, Sara begin noticing that the carpet in her bedroom and down the hall was wet after it rained, and then she begin noticing black mold on the walls of her bedroom closet. Then, a leak developed from the light fixture near the bath and mold began to develop around the top of the tub. She again brought this to the landlord's attention, who again said he would fix it, but he didn't. This past April and June, Sara withheld her rent money

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because the landlord refused to fix any of these problems in the house. The landlord had Sara evicted and there was nothing that Sara or her attorney could say in court to prevent it.

Alabama is one of two states that do not have a modern, up-to-date law regulating the relationship between residential landlords and their tenants. We need a new landlord/tenant law for the Saras of Alabama. Landlords should also welcome a modern, balanced law.

INDIGENT DEFENSE

In September, 2003, Kenny was arrested for a string of armed robberies. Upon arrest at his mother's house, the house was searched and Kenny's car was searched - both allegedly "consent" searches. Kenny was repeatedly interrogated using questionable tactics without a lawyer being present, the last of which resulted in a partial confession. The police then used two different photo arrays to present to the robbery victims, which resulted in several positive identifications of Kenny (as well as several failures to make an identification). Kenny's first court-appointed lawyer had him waive his first hearing in hopes of a bond reduction, which was denied. Then, Kenny's second court appointed attorney filed no motions in his defense, did not challenge anything, and failed to visit him in jail for the six weeks leading up to a crucial court date. Kenny and his mother finally spoke out against this practice, and convinced the judge to replace this lawyer with someone who would, and did, file defensive motions and wage a defense.

Alabama's system of providing attorneys to poor defendants like Kenny places poor people in great jeopardy. The system needs to be changed so that there are standards and guidelines for attorneys handling indigent criminal cases.

We would greatly appreciate your consideration of a financial donation to Alabama Appleseed to help ensure our continuing advocacy for those with little or no voice.

WHO WE ARE

Alabama Appleseed is a non-profit, non-partisan organization founded in 1999 to identify significant needs in the State of Alabama, tackle their root causes, and craft practical, lasting solutions through legal advocacy, community activism, and policy expertise.