

Defonta Little Testimony on SB 64
House Community and Family Committee
April 26, 2017

Chair Ginter, Vice Chair Conditt, Ranking Member Boyd, and members of the House Community and Family Advancement Committee, I am here to speak about SB 64. My name is Defonta Little and I was arrested twice for somebody else's charge because of a mistaken assumption about my identity.

On my birthday in 2016, the police stopped me because a gentleman assumed I was carrying a gun and the police were checking out his claim. They saw that I wasn't carrying and asked for my identification. They ran my information and a charge for receiving stolen property came up. They told me they were going to arrest me for receiving stolen property and I argued that I had never been charged with receiving stolen property. I told them that this isn't the first time this had happened and that it was my twin brother. I asked them to pull up the photo ID associated with the charge so they could see it was my brother. They didn't comply and accused me of providing false identification and asked me to step out of the car. I asked them again to check the photo associated with the charge. They proceeded to forcibly pull me out of the car window, dropped me on the ground, handcuffed me, put me in the car, and took me to a holding cell downtown. After 3 hours of being handcuffed to a bench, a competent woman finally came in and listened. She saw what I had been trying to say – because my ID picture was taken that day, they could see that my brother's picture was not me. They let me go, but I was charged with obstruction of justice for telling the truth about my identity.

A month ago I was riding with my friend who got pulled over. They asked for our identification and said that I had a warrant for my arrest for assault. Once again, I said it wasn't me, I have never assaulted anybody, and it was my twin brother who had already served time in jail and been released on bond for the charge. I was taken to the jail and held there for 21 days, even though I kept telling officers and work staff they had the wrong person. When I was in jail, I was fingerprinted. I talked to the intake person, who looked me up based on my fingerprints and said I was there for obstruction, not assault. I went to court and posted bond on the obstruction charge, but I was not able to be released because I was told I had to go to court for the assault charge, which was not associated with my fingerprints. Finally, I got a hold of my brother's public defender who also did not believe that I was innocent. I had to convince him that it was my twin brother, before I was released from jail. I went to court that morning where they confirmed my innocence. That same day the public defender told me that he would take care of my obstruction charge if I waive my rights and take probation. I felt like he wasn't going to fight for me, so I took the plea deal to not spend a day in jail for a charge I received for telling the truth.

Because of this incident, I spent 21 days locked up in jail with a bunch of people who had nothing better to do than be violent and test my self-control. It made me miserable and feel terrible and scared. I felt like I was treated less than a human being. I felt like nobody cared enough and my voice went unheard. I was just an inmate and not a human being anymore. I started to get depressed and got desperate to get out because I was innocent. I started thinking about suicide or escape. I never knew my brain would think those things. I met two older people who saw I wasn't like everyone else. They helped me by talking to me, dropping some knowledge on me, and giving me books to read, which took my mind off of things. I was also nervous that I might get stuck there and have to serve my brother's time there or in prison. I felt hopeless. After I finally was released, I got a job at Amazon, and was stoked. Unfortunately, I was fired in less than a week of my employment after Amazon received my background check. My brother's charges had appeared on my record again. I lost my livelihood, had no income, and no way to pay for bills, food, and transportation. I'm still struggling to find a job today.

I respectfully ask the Committee to take my story very seriously. I'm not just speaking for myself. I'm speaking for all people affected by this problem.