



11-22-2023

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Perlmutter Center for Legal Justice at Cardozo Law

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### **Recommended Citation**

Perlmutter Center for Legal Justice at Cardozo Law, "Perlmutter Center for Legal Justice Wins Clemency Appeal for Its First Client" (2023). *Cardozo News 2023*. 39.

<https://larc.cardozo.yu.edu/cardozo-news-2023/39>

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## Perlmutter Center for Legal Justice Wins Clemency Appeal for Its First Client



*This article appeared in the 2023 edition of Cardozo Life magazine.*

Just two days after his release from decades in prison, Bruce Bryan visited Cardozo students to thank them for their efforts in aiding his clemency case.

After spending nearly 30 years behind bars, Bryan was granted clemency in December 2022 and released on April 24. Several dozen Cardozo professors, staff members and students lined the hallway outside the clinic classroom to greet and cheer Bryan.

The first client of The Perlmutter Center for Legal Justice at Cardozo Law, Bryan was visibly touched as he shook hands and then entered the classroom to meet with the clinic students and clinic directors.

In the fall of 2022, Cardozo launched The Perlmutter Center, supported by a \$15-million grant from the Laura & Isaac Perlmutter Foundation. Building on the law

school's legacy of advancing reforms in the criminal legal system, and under the leadership of Executive Director Josh Dubin and Deputy Director Derrick Hamilton, The Perlmutter Center houses the Forensic Science Freedom Field Clinic, which won this, its first case, within six months of its inception. Students and faculty work on wrongful convictions and clemency appeals for those who have been unjustly incarcerated and those who deserve a second chance.

After Bryan served almost three decades in prison following a 1996 murder conviction at the age of 23, the new clinic helped him secure clemency from New York State Gov. Kathy Hochul. The team effort included the work of Steve Zeidman, director of the Criminal Defense Clinic at CUNY School of Law, who represented Bryan in his pursuit of clemency since 2019 with the Second Look Project; Beyond Guilt, a project of The Ohio Justice & Policy Center; and Elizabeth Felber of The Legal Aid Society.

Students were directly involved with the case and helped draft presentations that were submitted to garner support for Bryan's release, Hamilton said. They will continue working with Bryan on his exoneration case.

Bryan told the students that he saw "excessive violence" in prison daily. The prison library became his sanctuary, where he spent time studying law and reading. Bryan credits Nelson Mandela's "Long Walk to Freedom" with changing his life.

"That's when I decided I wasn't going to serve time, I was going to have time serve me," he said. "Every bit of my time I began to utilize in the best way possible."

Bryan's studying law while behind bars is an experience he shares with Hamilton.

Hamilton was a self-trained "jailhouse lawyer." He served 21 years in prison for a crime he did not commit. Hamilton won his own release and was exonerated by the Kings County District Office.

That experience inspired him to continue helping people who are serving unfair sentences. It also captured the heart of Dubin, who hired him as his deputy.

"We are committed to seeking justice, equipping students and lawyers with the tools to confront junk science, and seeking clemency for those unjustly imprisoned," said Dubin.

Bryan, like Hamilton, pursued an education from behind prison walls, earning an associate's degree, a B.A. and then his master's degree. He also worked with a nonprofit organization that created a mentoring program to prevent youth violence.

In January of 2022, Law360 reported that Bryan maintained his innocence in the shooting death of Travis Lilley and said he was not armed and did not fire a gun.

The news outlet noted that a key witness withdrew his statement and that his court-appointed attorney acknowledged that he was suffering from PTSD during the time of the trial, a fact that Bryan told students deprived him of adequate representation. Bryan asked the judge hearing his appeal to allow him to find different representation on several occasions to no avail.

As Bryan looks down the road eyeing exoneration, he has reclaimed a major piece of his identity since his release— his name.

Law360 reported that Bryan became “Bryant” in the prison system due to a clerical error in 1993. Throughout his years in prison, the error determined how he was known and referred to in media accounts.

To achieve systemic change in the criminal justice system, Hamilton said accountability must be at the forefront of every effort to analyze these cases.

“For those police and prosecutors who do the right thing and pursue justice for all, they should be rewarded with the best positions and accolades,” he said. “For those who violate the laws and abuse their discretion, they should be sanctioned and/or removed from service.”

It took years for Bryan to obtain clemency, but those involved in The Perlmutter Center are eyeing potential changes in the criminal justice system—changes that are afoot and that can provide hope for future cases.

Hamilton said he has seen improvement in the justice system’s willingness to think about punishment and rehabilitation. He pointed to changes in the way prosecutors are handling appeals and clemency cases.

According to a 2018 joint report that was released by the Brennan Center for Justice, Fair and Just Prosecution and The Justice Collaborative, changes in the system can come from prosecutors, who have enormous discretion in who gets sent to prison. The report calls for addressing racial disparity, broadening the discovery process and creating more Conviction Review Units within D.A.’s offices.

Conviction Review Units allow for a systemic review of old cases to see whether the outcome was a result of unjust practices or faulty evidence or bias, which helped in Hamilton’s case.

Advocates for Conviction Review Units call for changes, including taking on more cases regardless of what the defendant pleaded, examining convictions that relied on discredited forensic techniques and supporting efforts to provide compensation for those who were wrongfully convicted.

Hamilton sees some signs of hope. “The many different organizations pushing for criminal justice reform have made it much more common for defense counsels to

have conversations with prosecutors about the draconian sentences imposed in the past on young adults who have spent decades in prison and since aged out of criminal behavior,” he said.

The Perlmutter Center was founded at Cardozo to find ways to open cases that deserve reconsideration for those incarcerated people who might otherwise languish in prison. Hamilton said that “these individuals can now be returned to their communities to live as pro-social individuals and examples to the youth that crime doesn’t pay.”