

# Pigott & Johnson

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**PRESS RELEASE - EMBARGOED UNTIL OCTOBER 27, 2011**

## **THREE CHILDREN STRIP SEARCHED AND JAILED FOR WALKING ACROSS NEIGHBOR'S YARD IN SENATOBIA, MISSISSIPPI**

At approximately 8:00 p.m. on July 8, 2011, three Mississippi 15-year-olds were arrested by Senatobia police after a neighbor of one of the children complained that the three had walked across her yard. Lakiya Burton of Senatobia, Larandra Wright of Southaven, and Kevonta Mack of Senatobia were picked up by police and transported to the Senatobia police station. The children were told they would be released to their parents.

Tate Court Youth Court Referee Leigh Ann Darby was at the police station on another matter, and she insisted that the three children be given a drug test. When the father of one of the children asked Darby why a drug test was necessary, Darby explained that she has authority over all children in Tate County and that if he did not like it he could move to another county. When the father explained that he would like to talk to a lawyer about the situation, Darby ordered that all three children be taken into custody immediately. There was no hearing, the children had no legal counsel, and there were no formal findings made by Darby.

Police shackled Burton, Wright, and Mack by their hands and feet and placed them in a transport van. They then were driven over two hours to the Alcorn County Youth Detention Center. Upon arrival, the two girls and one boy were stripped naked and forced to "squat and cough" while being closely observed by guards. They remained incarcerated in the facility from Friday night until Monday morning.

Youth Court Referee Darby is appointed to her position by Chancellor Percy Lynchard, the Senior Chancellor of the Third Chancery District. The Third Chancery District is comprised of DeSoto County, Grenada County, Montgomery County, Panola County, Tate County, and Yalobusha County. Darby also serves as Drug Court Judge and Family Master for Tate County.

On October 3, 2011, the Tate County Board of Supervisors passed a "No Confidence Resolution" declaring that the Board has "no confidence in Leigh Ann Darby, and that it is not in the best interest of Tate County that Leigh Ann Darby continue to serve as Youth Court Judge, Drug Court Judge and Family Master for Tate County, Mississippi." The Resolution also "requests that the Senior Chancellor for the Third Chancery Court District, the Honorable Percy L. Lynchard, Jr., remove Leigh Ann Darby as Youth Court Judge, Drug Court Judge and Family Master for Tate County, Mississippi.

Following this incident, Darby was suspended as Tate County Youth Court Referee for 60 days. However, she is scheduled to resume her position on November 1, 2011.

Counsel for Burton, Wright, and Mack has been informed by the administrator of the Alcorn County Youth Detention Center that it is the policy of that facility to strip search

every juvenile who enters the Detention Center regardless of age and regardless of the offense with which they are charged. The United States Court of Appeals for the Fifth Circuit (which hears appeals of federal cases from Mississippi, Louisiana, and Texas) has made clear that "a strip search of an individual arrested for a minor offense must be premised on a reasonable suspicion that the detainee is carrying weapons or contraband."

*Jimenez v. Wood County, Texas*, 621 F.3d 372, 375 (5th Cir. 2010). According to the Fifth Circuit, any strip search conducted without such a reasonable suspicion violates the guarantee of the Fourth Amendment of the United States Constitution that American citizens will be protected against unreasonable searches.

On October 20, 2011, Burton, Wright, and Mack faced trial on the trespassing charge brought against them on July 8. Judge Darby was recused from the case. All three were found not guilty.

Cliff Johnson, attorney for the three children, stated, "This is an extremely disturbing case that highlights the need for strict oversight of youth court judges and youth detention centers. These three children, like all children in Mississippi, deserve better. We are deeply troubled by the fact that Leigh Ann Darby will resume her position as Youth Court Referee for Tate County on November 1, and we applaud the members of the Tate County Board of Supervisors for so clearly declaring to Judge Lychard their belief that Leigh Ann Darby should not serve as a judge in Tate County."

Johnson added, "The Alcorn County Youth Detention Center, and any other youth detention center in Mississippi with the same policy of strip searching each and every

juvenile entrusted to them, must end immediately its practice of conducting invasive and degrading strip searches of children without regard for the unique facts and circumstances of each case. The effects on a child or adolescent of being forced to strip naked and be searched by a prison guard is profound, and Mississippians should be outraged that children like Lakiya, Larandra, and Kevonta, children who have never been in trouble, did not commit any crime, and present no threat to anyone, are subjected to such abhorrent treatment."

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A press conference regarding this matter will be conducted at 10:30 a.m. on Thursday, October 27, at the Senatobia Church of Christ in Senatobia, Mississippi. The church is located at 401 W. Gilmore Street. Lakiya Burton, Larandra Wright, and Kevonta Mack will be present at the press conference along with their parents.

Questions should be directed to Cliff Johnson at 601-949-9470 or 601-940-1357.