

## Hate crime

## 'Unfair and unjust'

## Judge denies plea deal of Ahmaud's murder 'convict'

BRUNSWICK, Feb 1, (AP): A federal judge rejected a plea agreement Monday that would have averted a hate crimes trial for the white man convicted of murder for fatally shooting Ahmaud Arbery, whose parents angrily objected to the deal as unfair and unjust.

The decision by U.S. District Court Judge Lisa Godbey Wood came just hours after prosecutors gave notice that son and father Travis and Greg McMichael had agreed to plead guilty to hate crime charges that they chased, threatened and killed 25-year-old Arbery because he was Black.

But Travis McMichael's sentencing hearing Monday afternoon turned emotional and contentious as federal prosecutors urged the judge to approve the deal even after Arbery's parents pleaded passionately for her to deny it.

Travis McMichael would have received 30 years in federal prison to be served alongside the penalty of life in prison without parole imposed by a state court judge for the murder conviction. By pleading guilty, he would have given up the chance to appeal his federal sentence.



Ahmaud

But Arbery's family objected to a provision that sought to transfer Travis McMichael immediately to federal custody from state prison. Arbery's parents argued that conditions in federal prison wouldn't be as tough for the McMichaels.

Arbery's mother, Wanda Cooper-Jones, said she felt strongly that Travis McMichael should serve his entire sentence in a Georgia state prison.

"Please listen to me," Cooper-Jones told the judge. "Granting these men their preferred choice of confinement would defeat me. It gives them one last chance to spit in my face."

Wood said she was rejecting the deal because its terms would have locked her into a specific sentence. She said the Arbery family should have a say at sentencing in whatever punishment is ultimately given.

Now the question is whether Travis McMichael will withdraw the guilty plea he entered Monday, and whether Greg McMichael, who had been offered the same deal the judge denied, will still plead guilty as planned. The judge gave them both until Friday to return to the federal courthouse in Brunswick and give their answer.

The plea deals would likely have forced the McMichaels to spend decades in prison, even if they won appeals to their state convictions.

The McMichaels armed themselves and chased Arbery in a pickup truck after they spotted him running in their neighborhood outside the port city of Brunswick on Feb. 23, 2020. A neighbor, William "Roddie" Bryan, joined the chase in his own truck and recorded cellphone video of Travis McMichael blasting Arbery with a shotgun.

A national outcry erupted when the graphic video leaked online two months later. Georgia was one of just four U.S. states without a hate crimes law at the time. Legislators quickly approved one, but it came too late for state hate crime charges in Arbery's killing.

## Crimes

Despite being convicted of murder in a Georgia state court trial last November, the McMichaels and Bryan still face federal hate crimes charges that accuse them of violating Arbery's civil rights and targeting him because he was Black.

Travis McMichael told the judge in a loud, clear voice Monday that he was willing to plead guilty to killing Arbery out of racial animosity.

Prosecutor Tara Lyons asked the judge to set aside the Arbery family's misgivings about the deal, saying Travis McMichael's admission would send a powerful message.

"He is pleading guilty to a federal hate crime and publicly confessing to the world that this crime would not have happened had Ahmaud Arbery not been Black," Lyons said.

Lyons said she understood the Arbery family's anger and distrust of the criminal justice system. But federal prosecutors said they had consulted with attorneys for Arbery's parents before signing off on any deals.

"The Justice Department entered the plea agreement only after the victims' attorneys informed me that the family was not opposed to it," Assistant Attorney General Kristen Clarke said in a statement.

Lee Merritt, an attorney for Arbery's mother, said that was misleading. He told reporters outside the courthouse that the family had previously rejected an identical plea deal proposed by prosecutors.

"The family no longer wanted to engage them concerning that point," Merritt said. "They had had their answer. They (federal prosecutors) took that as a deferral."

No notices have been filed in court of a plea deal for Bryan. For now, he appears to be headed to trial next week - with or without the McMichaels, depending on whether they choose to follow through with their guilty pleas.

Wood continued preparations for trial proceedings, saying she planned to summon the first 50 potential jurors to the courthouse on Feb. 7 for questioning on whether they can serve as fair, unbiased jurors in such a highly publicized case.

During the state trial in Glynn County Superior Court, the defense argued that the white men had authority to chase Arbery because they reasonably suspected he had been committing crimes in their neighborhood.



Tennessee Gov. Bill Lee arrives for his State of the State Address in the House Chamber of the Capitol building in Nashville, Tenn., Monday, Jan. 31. (AP)

## Court

## Prominent Republican senator agrees

## Top Court shouldn't be covered in Ivy

WASHINGTON, Feb 1, (AP): Enough already with the Supreme Court justices with Harvard and Yale degrees. That's the message from one of Congress' top Democrats to President Joe Biden, and a prominent Republican senator agrees.

Eight of the nine members of the current court went to law school at either Harvard or Yale. But it would be good if the person named to replace retiring Justice Stephen Breyer doesn't have an Ivy League degree, according to Rep. Jim Clyburn, a Democrat, and Sen. Lindsey Graham, a Republican. The bipartisan message from the two South Carolina lawmakers neatly aligns with the background of the South Carolina judge they've praised as a good candidate to fill the seat.

Biden, a Democrat, has pledged to make history by nominating the first Black woman to the Supreme Court. Clyburn, Congress' highest-ranking Black member, says Biden should be concerned about the court's lack of educational diversity, too.

"We run the risk of creating an elite society," said Clyburn, a graduate of South Carolina State University. "We've got to recognize that people come from all walks of life, and we ought not dismiss anyone because of that."

Graham, a member of the Judiciary Committee, which will hold hearings for the eventual nominee, said Sunday on CBS' "Face the Nation": "I'd like to see the court to have a little more balance, some common sense on it. Everybody doesn't have to be from

Harvard and Yale. It's OK to go to a public university and get your law degree."

Clyburn is a particularly prominent voice in the debate over whom the nominee should be. At Biden's lowest moment in the 2020 presidential campaign, it was Clyburn who suggested he pledge to name the first Black woman justice if given the opportunity as president. Biden's ultimate promise and Clyburn's endorsement helped Biden decisively win South Carolina's primary. The win revived his campaign and helped propel him to the White House.

## Choice

Clyburn has made clear his own first choice for the open seat: J. Michelle Childs. The 55-year-old federal judge got her law degree from the University of South Carolina School of Law. She also has a master's degree from the university and another degree in law from Duke. Childs' non-Ivy League education and her upbringing in a single-parent household would make her a justice more representative of Americans, Clyburn said. Graham called Childs "a fair-minded, highly gifted jurist."

Other women frequently talked about as possible nominees are Ivy League graduates. Leandra Kruger, a justice on the California Supreme Court, graduated from Yale's law school. Ketanji Brown Jackson, a federal appeals court judge, went to Harvard.

Lawrence Baum, a professor emeritus at Ohio State who has studied the

backgrounds of Supreme Court justices, said there's been a gradual shift to nominees with more elite law school backgrounds. The fact that a nominee has attended a school "regarded as the best, or at least among the best," might sway senators at the margins, he said. But going to a prestigious school can also connect a person with others who go on to politically important positions, he said, making them known in elite legal circles.

Judith Browne Dianis, the executive director of the Advancement Project, a racial justice organization, said the current nomination is "an opportunity for the legal profession to have more discussions about the term 'qualified.'" Dianis said the qualifications that have been used in the past are "based on a career pathway that has been reserved for white men traditionally and some white women." There are "very few people of color and Black people who have that pathway because there is a lot of discrimination that happens along the way," she said.

While the overwhelming dominance of Harvard and Yale law degrees on the court is something of a modern phenomenon, about a third of all the justices who have sat on the court attended an Ivy League law school. Education isn't the only way in which the backgrounds of the current justices are similar. All but one of the current justices is a former federal appeals court judge. And six served as a law clerk to a justice, a highly coveted position that often sets young lawyers on the path to other high-profile posts.



This undated photo released by the Stockton Police Department shows Stockton Fire Captain Vidal 'Max' Fortuna. Officials said Fortuna was fatally shot Monday, Jan. 31, 2022, in the city of Stockton, Calif., when he and others responded to a report of a dumpster fire and authorities arrested a suspect. (AP)

## America

**Firefighter fatally shot:** A veteran central California firefighter was fatally shot Monday when he and others responded to a report of a dumpster fire and authorities arrested a suspect, officials said.

Fire Capt. Vidal "Max" Fortuna was shot before dawn in the city of Stockton and died at a hospital, Stockton Fire Chief Rick Edwards told reporters.

Edwards said the death is his "worst nightmare" as a fire chief.

"My message to my firefighters is to be strong. My heart breaks with you but we will get through this," he said. (AP)

**Universal health care bill fails:** California Democrats on Monday failed to gather enough support to advance a government-funded universal health care system, succumbing to intense pressure from business groups and the insurance industry in an election year.

The bill had to pass by midnight on Monday to have a chance at becoming law this year. But it never came up for a vote after its Democratic author, Assembly member Ash Kalra, realized it would not pass.

"It became clear that we did not have the votes necessary for passage, and I decided the best course of action is to not put AB 1400 for a vote today," Kalra said.

But California is on pace to spend about \$517 billion on health care in 2022, according to an analysis by a commission established by Gov. Gavin Newsom to study universal health care. The larg-

est chunk of that is from employers and households, followed by the federal government. (AP)

**Bomb threats to Black schools:** At least a half-dozen historically Black universities in five states and the District of Columbia were responding to bomb threats Monday, with many of them locking down their campuses for a time.

Both the FBI and the Bureau of Alco-



Kalra



Newsom

hol, Tobacco, Firearms and Explosives are investigating, the agencies said in separate statements.

In Georgia, Albany State University warned students and faculty on social media that "a bomb threat has been issued to Albany State University's academic buildings." School officials at Southern University and A&M College in Baton Rouge, Louisiana, told students to stay in their dormitories Monday morning. (AP)

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