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Former Gov. Zell Miller, Others Write to Urge Lenient Sentence for Brooks

[R. Robin McDonald](#), Daily Report

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Zell Miller
File photo

A former Georgia governor and members of the state's legal and civil rights communities have sent letters to a federal judge in support of a former Georgia legislator who faces a possible federal prison sentence this week.

The letters, praising the character and accomplishments of former state representative and longtime civil rights advocate Tyrone Brooks, often included pleas for leniency. They were sent to U.S. District Judge Amy Totenberg in advance of Brooks' sentencing hearing in federal court this week.

Federal prosecutors have asked Totenberg to sentence the 70-year-old Brooks to a two-year prison term. Brooks' attorneys, former Gov. Roy Barnes and federal defenders Natasha Perdeu Silas and Thomas Hawker, asked that Brooks' sentence be limited to probation. The hearing, which began Monday, ends Friday.

Brooks was indicted in May 2013 on 30 counts of mail, wire and tax fraud. In April he pleaded guilty to filing a false tax return and pleaded no contest to fraud charges stemming from allegations that he misappropriated thousands of dollars in corporate charitable funds over two decades. Those funds were donated to Universal Humanities, a charity he founded that was intended to promote literacy, and to the Georgia Association of Black Elected Officials (GABEO), of which he was the longtime head. Before entering his plea, Brooks resigned from the seat in the Georgia General Assembly that he had held for 35 years. Brooks' attorneys argued that Brooks had used donated funds to reimburse himself for legitimate expenses but acknowledged that the state legislator had kept poor financial records that would have supported his claims.

Last week, federal prosecutors filed with the court letters from the senior counsel of The Coca-Cola Co. and a vice president of Georgia-Pacific—companies that donated funds that prosecutors say were diverted to pay Brooks' personal expenses. The letters expressed their disappointment in Brooks and suggested that Brooks' alleged misuse of corporate donations likely deprived other worthy projects that had competed against Brooks for limited funds. The companies' executives did not suggest what kind of sentence Brooks should serve.

This week, Brooks' defense lawyers countered with letters on Brooks' behalf from former Georgia Gov. Zell Miller; Suzanne Ockleberry, a corporate attorney at AT&T and co-founder of a group that advocates for diverse appointments on the federal and state judicial benches; retired Fulton County Superior Court Chief Judge Thelma Wyatt Cummings Moore; and former U.S. Rep. Buddy Darden, an attorney at Dentons in Atlanta. Those letters lauded Brooks' efforts to change the composition of Georgia's judiciary from what had been the virtually exclusive province of white men to one that included more minorities and women.

In 1988, Brooks sued the state, targeting its method of judicial selection as racially biased and its judiciary as largely segregated. When Miller became governor, he and Brooks eventually negotiated a settlement of the litigation. When the federal appellate courts rejected the settlement, which had proposed changing provisions of Georgia's election laws, Miller used his appointment authority to boost the number of African-American and female judges in Georgia, eventually appointing 56 who were African-American, women or both.

In his letter to Totenberg, Miller—now retired in Young Harris—said he worked personally with Brooks "for many years" on "the complicated issue of a more representative judiciary."

"In all that time, he did not ask for anything for himself but for the benefit of others. I have high regard for his work and his word," the former governor wrote.

Moore said that Brooks' efforts to change the face of the state's judiciary "made it possible for me and so many others to serve in the Georgia judiciary. ... I owe to him a deep debt of gratitude for all he did in highlighting the great need for diversity through the representation of women and minorities on the benches of our state."

Calling Brooks "a servant leader," Moore concluded, "His incarceration would not serve any

purpose since his mind and heart are already focused on positive acts of service."

Ockleberry also asked that Brooks be given probation rather than a prison term. The corporate lawyer said she first met Brooks in 1994 as president of the Georgia Association of Black Women Attorneys after Brooks had sued the state. "While we know that ultimately the litigation was unsuccessful, his lone wolf efforts led to the appointment of an unprecedented number of diverse judges across the state by Governors Miller and Barnes," she said. "Rep. Brooks led a cause which benefited attorneys when attorneys were not willing to step up and help him. That speaks volumes for the type of activist that Rep. Brooks has been and continues to be for the citizens of Georgia."

Calling Brooks "a living legacy," Ockleberry said that in 1995, Brooks also was instrumental in the formation of the Georgia Alliance of African American Attorneys, Georgia's first statewide minority bar association and a precursor to Advocacy for Action, which was founded last year to advocate for a more diverse judiciary. She said that Brooks provided his "unwavering assistance" to Advocacy for Action and "has never asked for or received one penny for his work."

Ockleberry, a former Fulton County prosecutor, added that, as a prosecutor, "My goal was to temper justice with mercy because I knew that some individuals were not as bad as the crime they were charged with, some individuals make stupid mistakes and some just needed a second chance. Rep. Brooks fits in the first category—his lifelong work in the community far overshadows and outweighs the crimes for which he pleaded guilty/no contest."

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