

By: Senator(s) Jackson (11th), Simmons
(12th), Jordan, Turner-Ford, Norwood,
Barnett, Frazier, Butler, Witherspoon,
Thomas, Jackson (32nd)

To: Rules

SENATE CONCURRENT RESOLUTION NO. 524

1 A CONCURRENT RESOLUTION APOLOGIZING FOR THE ROLE OF THE STATE
2 IN THE PROSECUTION OF CURTIS FLOWERS OF WINONA, MISSISSIPPI, WHO
3 WAS TRIED AN UNPRECEDENTED SIX TIMES IN A MURDER CASE AND SPENT 23
4 YEARS IN PRISON AND HIS FINAL CONVICTION WAS APPEALED TO THE
5 UNITED STATES SUPREME COURT WHICH OVERTURNED THE VERDICT ON THE
6 BASIS OF RACIAL DISCRIMINATION AFTER WHICH CHARGES WERE FINALLY
7 DISMISSED.

8 WHEREAS, twenty-three and one-half years after his arrest,
9 and after an unprecedented series of six trials, the prosecution
10 of Curtis Flowers finally came to an end on September 4, 2020,
11 with the dismissal of the murder charges against him in this case
12 from Winona, Mississippi, that has garnered national attention;
13 and

14 WHEREAS, Mississippi Attorney General Lynn Fitch filed a
15 motion to dismiss the charges after lawyers in her office spent
16 several months reviewing the evidence and the history of the case.
17 Fitch's office was appointed after the District Attorney of
18 Montgomery County, who prosecuted the case since the beginning,
19 withdrew in the face of a motion by Flowers' lawyers to remove
20 him. Judge Joseph Loper, who presided over the fifth and sixth



21 trials and who granted bail to Flowers in December, granted the
22 Attorney General's motion to dismiss the case; and

23 WHEREAS, Flowers was accused of capital murder in the killing
24 of four people inside a furniture store in Winona, Mississippi.
25 "The case against Curtis Flowers never made sense," said Flowers'
26 attorney, Rob McDuff of the Mississippi Center for Justice. "He
27 was 26 years old with no criminal record and nothing in his
28 history to suggest he would commit a crime like this. As time
29 went by, even more evidence emerged to corroborate his innocence.
30 This prosecution was flawed from the beginning and was tainted
31 throughout by racial discrimination. It should never have
32 occurred and lasted far too long, but we are glad it is finally
33 over"; and

34 WHEREAS, Flowers was imprisoned for two decades and faced six
35 murder trials. The Mississippi Supreme Court overturned Flowers'
36 first three convictions, two of which resulted in death sentences,
37 and his next two trials ended in hung juries. After his last
38 trial in 2010, a Montgomery County jury found him guilty and he
39 was sentenced to death. His lawyers appealed the case and last
40 year, the United States Supreme Court ruled Flowers deserved a new
41 trial because state's lead prosecutor had engaged in
42 unconstitutional racial discrimination by striking African
43 American jurors from the panel; and

44 WHEREAS, Sheri Johnson and Keir Weyble of Cornell Law School,
45 who took on Flowers' case not long after his sixth trial, handled



46 his appeals to the Mississippi Supreme Court, and later won
47 reversal of his conviction in the Supreme Court of the United
48 States, said, "Curtis Flowers never should have been prosecuted,
49 let alone forced to stand trial six times. The prosecution's
50 indifference to his innocence and willingness to discriminate in
51 jury selection kept him wrongly incarcerated for more than two
52 decades. Mr. Flowers can never get back the years he lost, but we
53 rejoice with him and his family that he has been vindicated and is
54 finally free." The dismissal comes at a time when worldwide
55 protests over police killings of Black people have highlighted the
56 role racial discrimination plays in the American system of
57 justice; and

58 WHEREAS, the Flowers family said they felt happy and blessed
59 because a weight "has been finally lifted" from Flowers'
60 shoulders. "We have prayed for this day and are looking forward
61 to the future knowing that our brother will not be going back to
62 prison. We know our Mom is looking down and our only wish is that
63 she could have been here to welcome Curtis home," the family said
64 in a statement; and

65 WHEREAS, while an apology from the state will not erase the
66 crimes committed and the pain of the families involved, nor will
67 it restore the time of life lost by Curtis Flowers due to his
68 incarceration, it may inspire the citizens of this state and the
69 nation as to the confidence in our legal system:



70 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF
71 MISSISSIPPI, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN, That
72 we do hereby issue an apology on behalf of the State of
73 Mississippi for the role of the state in the prosecution of Curtis
74 Flowers of Winona, Mississippi, who was tried an unprecedented six
75 times in a murder case and spent 23 years in prison and his final
76 conviction was appealed to the United States Supreme Court which
77 overturned the verdict on the basis of racial discrimination after
78 which charges were finally dismissed, and express to Curtis
79 Flowers and his family our deepest sorrow for this unjust
80 experience.

81 BE IT FURTHER RESOLVED, That this resolution be presented to
82 Curtis Flowers and his family, forwarded to the Mississippi
83 Attorney General and the Mississippi Prosecutors Association and
84 the Board of Supervisors of Montgomery County, and made available
85 to the Capitol Press Corps.

