

**For Immediate Release**

**BIRD MARELLA WINS RELIEF FROM CRUEL AND UNUSUAL CONDITIONS  
FOR LOUISIANA DEATH ROW INMATES**

*-- Federal Court finds excessive heat conditions violated Eighth Amendment rights --*

**LOS ANGELES, CA** – [Mitchell Kamin](#) and [Nilay Vora](#) with the Los Angeles-based litigation firm [Bird, Marella, Boxer, Wolpert, Nessim, Drooks & Lincenberg, P.C.](#), partnering with the New Orleans-based, non-profit the Promise of Justice Initiative ("PJI"), successfully obtained declaratory and injunctive relief for their clients, three Death Row inmates at the Louisiana State Penitentiary at Angola ("Angola"), against the Defendants: the Department of Public Safety & Corrections, its Secretary James LeBlanc, Angola Warden Burl Cain and Warden of Death Row Penitentiary Angela Norwood. Chief Judge Brian Jackson of the U.S. District Court for the Middle District of Louisiana in Baton Rouge found that the excessive summer heat conditions of confinement on Angola's death row constituted cruel and unusual punishment in violation of the Eighth Amendment. The Court directed the Defendants to take immediate remedial actions to alleviate the conditions.

"We are grateful that Judge Jackson appreciated the gravity of the situation and the risk to our clients," said Mr. Kamin who handled the case *pro bono*. "The conditions on the Angola death row are completely inhumane and not acceptable in our civilized society. Regrettably, the prison leadership knew about this deplorable situation and ignored it, presenting a clear and unconscionable violation of the Eighth Amendment's prohibition on cruel and unusual punishment."

The Court directed immediate remedial actions include:

- Immediately developing a detailed plan to reduce and maintain the heat index in the Angola death row tiers at or below 88 degrees Fahrenheit from April 1 through October 31. Deadline for submission is February 17, 2014 by 5:00 pm.

- From April through October, the program must include monitoring and reporting every two hours on the temperature, humidity and heat index in each of the death row tiers.
- Provide Plaintiffs and other death row inmates at risk of developing heat-related illnesses with at least one cold daily shower, direct access to clean uncontaminated water and all relief necessary to comply with the Court's order.

The Court also advised that financial considerations would not be considered a legitimate reason for failure to comply with the order, and that it will appoint a Special Master to oversee defendants' implementation of the plan and report on defendants' progress on a weekly basis.

### Case Background

Bird Marella, PJI and Schiff, Scheckman & White LLP filed the federal civil rights lawsuit against prison officials in June 2013, alleging violations of the Eighth Amendment as well as of the Americans with Disabilities Act. The Plaintiffs include Death Row inmates Elzie Ball, Nathaniel Code and James Magee. The lawsuit sought no monetary damages, instead seeking only that the temperatures be controlled and kept within safe levels.

In an extremely unusual decision, Chief Judge Jackson ordered a full trial only six weeks after the lawsuit was filed. The trial commenced on August 5, and included testimony from the Plaintiffs, Defendants and an array of expert witnesses. Plaintiff James Magee testified that during the summer his cell "feels like a sauna in the morning and an oven by the afternoon." Among the testifying experts, Dr. Susi Vassallo of NYU Medical School asserted that these conditions created a grave health risk for these inmates, who are restricted to their cells for 23 hours each day. Additional testimony established that prison officials installed air conditioning in some portions of the death row facility (which was built with federal funds in 2006 following Hurricane Katrina), including administrative and guards' offices, as well as the execution chamber itself, but declined to air condition the living quarters of the inmates.

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*Los Angeles-based litigation firm, Bird, Marella, Boxer, Wolpert, Nessim, Drooks & Lincenberg, P.C., specializes in complex civil and white collar criminal litigation.*

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