

ACLU Ohio

Criminal Justice Issues and Prisoners' Rights

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COLUMBUS, OH Yesterday, February 6, the American Civil Liberties Union of Ohio and the American Civil Liberties Union filed an amicus brief in the Ohio Supreme Court in support of James Dunson, an Ohio state prisoner who the Montgomery County Court imposed a debt he cannot pay, to recoup the cost of exercising his constitutional right to a jury trial.

Requiring indigent people to pay court costs without considering their ability to pay violates the U.S. Constitution, and is cruel and unnecessary, said ACLU of Ohio staff attorney Elizabeth Bonham. Mr. Dunson is barely able to meet his basic needs in prison as it is, including food and medical care. And the State is garnishing his meager commissary account, *ensuring* he remains destitute, she continued.

Mr. Dunson works full time as a prison laborer, but at the cents-per-hour prison earning rate, he saves less than \$40 monthly. The Montgomery County Court garnishes Mr. Dunson's commissary account every single month, taking away virtually all of these earnings. It leaves Mr. Dunson unable to pay for basic necessities like medical co-pays, and personal hygiene items, and unable to save anything for his future when he is released from prison.

Saddling the people we incarcerate with unreasonable debt creates a barrier to reentry and makes life in Ohio's prisons even more inhumane, said Bonham. The State locked Mr. Dunson up and now is additionally and unconstitutionally extracting wealth from him and his family. This case highlights how our society creates conditions that keep people like Mr. Dunson in continuous cycles of poverty and incarceration.

The amicus brief was submitted on behalf of the ACLU of Ohio, the ACLU, the Southern Poverty Law Center, and the Lawyers Committee for Civil Rights Under Law.

[Read the full amicus brief.](#)

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