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LIFE INSIDE

My Life as a Black Prosecutor

“I’ve been called a persecutor and a sellout.”

By MELBA PEARSON

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“The only way to help your people is to be a defense attorney.”

My father was the first to tell me that, but definitely not the last.

He went on to explain that Dr. Martin Luther King, Jr., and all the civil-rights leaders of the 1960s had great lawyers to call whenever they got jailed for protesting. Without these lawyers, my dad explained, African Americans would never have advanced toward equality.

When I was in college and law school, I was also told that as a black woman, the only way to look out for “my people” and defend the Constitution was to become a defense attorney — and more specifically a public defender.

I followed that path, interning with the Legal Aid Society in New York City while I was an undergrad. A couple of the attorneys I met there formed their own shop, and I later interned for them during law school. But during my final year, I got an offer to become a prosecutor in Florida.

I accepted and never looked back.

When I arrived at the job, I realized immediately I was in the minority. The lack of diversity in prosecutor’s offices is sometimes the result of a failure in recruitment; it’s also due to the misconception that prosecutors only “hold people down.” I’ve been called a persecutor and a
sellout, and have been accused of just wanting to lock up young black men for a living.

In the beginning of my career, other attorneys, and even some defendants, assumed I was the public defender or the courtroom clerk.

That first year in the felony division, a defense attorney approached me. I was standing at the podium assigned for the prosecutors in that courtroom, reviewing the prosecution files, getting ready for calendar call.

“Can you file this for me?” he asked.

I looked at him incredulously and directed him to the courtroom clerk’s desk.

Here I was, in a suit, pearls, and with all my education, and a defense attorney who represents the people who look like me had serious trouble believing I was in this position.

What many people don’t realize is that the prosecutor holds all the cards; they decide where, when, and what charges should be filed, if any at all. Once the case is started, the prosecutor has the ability to drop it altogether, especially if evidentiary issues arise. And when it comes to plea bargains, the prosecutor can offer alternative punishments that may not involve jail or prison.

This is why diversity is important. Just like police officers should resemble the neighborhoods they patrol, it’s critical that decision makers in the criminal justice system reflect the populations they serve.

Every day, I work with victims who look exactly like me. The majority of people I come in contact with in the system are people of color. I have become very fond of the look of pride, especially on the faces of older African Americans, who never thought someone like them could be in my position.

I see the relief that comes over victims of color as they walk into this office, afraid they would be judged, or not believed. When they see me, they know they are speaking to someone who will be open to hearing about their lived experience.

Working with defendants has been important, too. I take the opportunity to talk to defendants and let them know, “Look, if you violate your probation, if you don’t do something with this second chance, you will end up dead or serving a life sentence.”

That means something different coming from me.
It's always interesting to see the looks on their faces if they do violate probation. When they see me in the courtroom, they hang their heads in shame.

*Melba Pearson is a prosecutor in South Florida and the Immediate Past President of the National Black Prosecutors' Association.*