

GWINNETT COUNTY DISTRICT ATTORNEY DANNY PORTER “ACTED STUPIDLY”

For Immediate Release

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Gwinnett County District Attorney Danny Porter has never feared the microphone. Porter, whose greatest fame in public office was the pursuit, arrest and prosecution of thirty-two year old Jennifer Wilbanks, America's runaway bride, relishes his moment in front of television cameras. Year after year, Gwinnett County voters re-elect this corrupt politician, who destroys criminal evidence to avoid charging county police officers with crimes – including murder. But Danny's day may be coming very soon.

On July 16, 2009, Harvard University professor Henry Louis Gates, Jr. was arrested inside his own home and charged with disorderly conduct after Gates was reported by a witness as a possible burglar of the home. For weeks following Gates' arrest, Cambridge, Massachusetts police officer James Crowley came under substantial scrutiny for racial profiling and falsification of a police report. The incident sparked national attention when President Barack Obama commented during a July 22, 2009 press conference on national health care reform that "Cambridge police acted stupidly". President Obama's opinions about the Gwinnett County District Attorney's Office can't be much different.

On December 18, 2002, foster parent Erik Cooper returned home with two of his foster children following a festive pre-Christmas dinner with friends. Once inside his home, Erik sent the fifteen year old and ten year old boys for their baths before bedtime. Moments later, while working in his upstairs office, Erik heard loud banging at his front door. Having received threats from the ten year old's recently jailed father that he would find Erik's home and take back his son, Erik feared the man was following through on his threats. As Erik peeked through blinds, he saw a shadowy figure unscrew a flood light bulb, darkening the exterior of his home. Erik rushed downstairs, found both boys standing in fear in his living room, and ushered them into an unlit bedroom. Erik saw another shadowy figure of a man standing outside his home and looking inside through a living room window. Erik ushered the boys into his windowless bedroom closet and told them to stay put while Erik investigated.

"We know you're in there" a voice yelled from outside, causing the panic-stricken boys to look like a pair of deer caught in headlights. Erik stood at his front door and, peeking through the peephole, saw no one, but instead, saw a Gwinnett County Police car in the street. Erik opened the door and stepped outside, but still, no one was around. As Erik rounded the front corner of his house, he was thrown against a wall as several Gwinnett County Police officers rushed past him and into his home. What seemed like a S.W.A.T. force took over. One officer stuck the nose of his firearm into Erik's back,

while another officer pointed one at his head. When Erik asked “What’s going on?”, an officer replied “Why didn’t you open the door?” Officers emerged from Erik’s home with his two stunned foster children watching their foster father, with guns pointed at his head and back, being arrested. The boys, now crying hysterically, were taken into police custody.

From the back of a the police car en route to the Gwinnett County jail, Erik asked the officer why he was arrested. The officer’s response? “Because Danny Porter said so.”

Always seeking an opportunity for attention, Gwinnett County District Attorney Danny Porter had chosen to arrest Erik for “obstruction of a law enforcement officer.” The obstruction apparently came when Erik did not open the door to his house fast enough for police.

Police had come to Erik’s home to seize the two foster children in his care. For more than seven months earlier, Gwinnett County Police were investigating Erik for “inappropriate contact with children” as part of the county’s effort to end Erik’s adoption proceedings that threatened the state’s ability to continue using foster children as pawns to collect federal subsidies.

In January 2002, Erik filed an unprecedented lawsuit against the State of Georgia to challenge the state’s authority over the adoption of foster children who were not in the state’s permanent custody. For more than eighteen months, Erik had bonded with four brothers placed in his foster home just days after Thanksgiving when their mother surrendered them to foster care. As instructed by the state’s foster and adoptive certification program, Erik developed a thriving relationship with the boys’ mother to help keep the children connected with their family. When the mother was unable to stabilize her life and knew she was losing permanent custody of her children, she asked Erik to adopt all four boys to help keep them together. She knew Erik and her sons had already become a family.

When Erik approached state officials to adopt the brothers, the state refused. Erik was qualified as an adoptive parent and had even fostered forty-two boys during his foster care tenure without incident. But Erik held the state accountable to meet the needs of his foster children, unlike so many children the state had abandoned in foster homes for many years. Erik’s child welfare advocacy efforts led to damaged relationships with the state, so when he came knocking to adopt four brothers, the state’s way of getting back at Erik was to simply say, “no”. Facing no other options, Erik filed an unprecedented civil suit against the state to save the four brothers from separation. Erik’s lawsuit had other implications though. If he succeeded, Erik’s litigation would also reform the adoption law for foster children and cost the state millions of dollars in federal subsidies. Erik had to be stopped.

Erik’s arrest was a staged event to help the State of Georgia battle Erik’s efforts to adopt his foster children. In the court’s eyes, claiming someone is unfit to care for children after fostering forty-two children and currently caring, at that time, for two, was

implausible. The State needed to remove Erik's foster kids from his home to strengthen their claims that Erik was unfit to adopt. Alleging that Erik had emotionally abused one of the boys by calling him "stupid" was the State's idea of a perfect plan.

While Erik sat inside a jail cell, his foster children spent a cold winter's night inside the windowless confines of an interrogation room. Gwinnett County police detectives grilled the two innocent boys for hours regarding any "inappropriate conduct" they experienced at the hands of Erik. Despite the interrogators' desperate tricks of leading questions, using authoritative influence, and making promises with "treats", both boys denied any wrongdoing. They were finally released after midnight and placed in another foster home.

Erik's arrest at his home just days before Christmas came on the heels of a reportedly anonymous call to social workers that Erik had called the fifteen year old boy "stupid".

Erik spent Christmas without his foster children. Instead, he prepared for appearances in juvenile court to fight for two more boys and to get them back.

During juvenile court proceedings before Judge Stephen Franzen, Erik learned that the fifteen year old's out-of-state aunt, Janice Kozdras, who was angry with Erik for not allowing the boy to spend Christmas with his family after she demonstrated no other interest in the child's life, had made the anonymous call in effort to get what she wanted: an imaginary perfect holiday for her family. She wanted to appear as "the good aunt" who, when a family member needed help, stepped up and saved him from harm despite her refusals to take custody of the boy or to help him in any way for many years earlier. During his state-directed foster parent training, Erik learned foster children's families often succumb to the warm and fuzzy spirit of the holidays and suddenly show an interest the child's life. But after the holiday is gone and forgotten, the family often disappears too, leaving the child with mixed feelings, disdain, and lack of trust. Since Erik had already planned Christmas travel with his foster kids – his family – abandoning one child to a fair-weather aunt was unconscionable. But to get what she wanted, Janice Kozdras would do whatever it took, regardless of who she hurt.

After police seized the boys from Erik's care, Janice did not immediately get what she wanted after all. Promising to deliver the boy to her care in time for Christmas, state child welfare officials rushed an emergency hearing before Judge Franzen to address temporary custody of Janice's nephew. But after hearing the evidence and recognizing a conflict may exist, Judge Franzen denied Janice's request for custody in time for Christmas, instead, ordering that the boy be kept in foster care in Gwinnett County until a proper hearing was conducted. In the hallways outside the courtroom, the ten year old's cries and screams were deafening. In the fifteen year old's face, the ten year old yelled at him, "You did this! You made this happen! You lied about Erik!" The ten year old boy was angry. He wasn't spending Christmas with Erik, the only parent he really called "Dad". He was spending his Christmas in another stranger's home, while the fifteen year old and his aunt orchestrated a not-so-perfect plan with tragic consequences.

In an adjacent corner outside the courtroom, Janice Kozdras had cornered police and state child welfare officials, complaining, "You promised he [the fifteen year old boy] would be with me!" But the state did, in fact, intend to fulfill its promise. Since the court can only order custody of children, and since the state decides whose custody children are placed, behind the court's back, Janice Kozdras got what she wanted. State child welfare officials allowed the fifteen year old boy to leave the State of Georgia and to spend the holiday with his Aunt Janice, just in time for Christmas. The ten year old, however, was left to yet another unfamiliar family in foster care.

The criminal charges filed against Erik for obstruction of a law enforcement officer were dismissed and expunged from Erik's criminal record. The state, after all, had got what it wanted – the boys out of Erik's care. Their removal only strengthened their argument in Erik's adoption proceedings that Erik was unfit to care for children.

Despite their efforts to end Erik's adoption based on false beliefs that Erik had abused the two boys in his care, the state succeeded in ending Erik's adoption of the four brothers. Just weeks following the emergency hearing for Erik's fifteen year old and ten year old foster children, the state arrested Erik based on false allegations of child molestation that stemmed from those deprivation hearings. To help aid in its quest to find someone – anyone – who was a victim of Erik's inappropriate care, the state summoned some of Erik's former foster children to the hearings. As they testified on the state's behalf, none of the children made any claims of inappropriate conduct or abuse. Not to be outdone, Gwinnett County Police detectives, under Danny Porter's control, took several of the boys to private rooms and coached them into making statements regarding child molestation.

The claims included inappropriate touches during baths or when waking the boys in time for school. The claims surfaced after detectives used inappropriate interview techniques, like they had used on the fifteen year old and ten year old boys during their early morning interrogations a month earlier. Some of the interviews were tape recorded, while others mysteriously were not. Children who had earlier testified they had never been touched inappropriately by Erik, were summoned back to the witness stand to tell their stories once again. This time, they're stories were fresh, or perhaps, refreshed, by law enforcement. They were victims.

What resulted was Erik's arrest and criminal trial on nine counts of child molestation in March 2005. Erik was acquitted of all counts, including nine additional charges of sexual battery shamelessly added by Porter's staff just before the case went out to the jury.

The four brothers Erik had fought the state to keep together were ultimately separated and placed in different homes. One of the boys was adopted by a social worker who was fired for inappropriate conduct. Another boy was adopted by Crystal DeVore, a woman who aided the state in its pursuit of destroying Erik's adoption so that she could adopt two of the four brothers herself (Note: Crystal's adoption did not disrupt the state's

efforts to use foster children as pawns to collect federal subsidies. Erik's adoption did.) The other two brothers were expendable. The eldest of the four brothers was ultimately never adopted by DeVore. Instead, against the court's order terminating parental rights, the boy went to back home to live with his mother.

The fifteen year old boy deprived from Erik's home because of claims that Erik called him "stupid" spent the rest of his childhood with Aunt Janice and her family in South Carolina. The ten year old boy, after spending many more hours in police interrogations to elicit claims of sexual abuse against Erik, never succumbed to the pressure. The boy spoke the truth, denying anything ever happened, and appeared at trial in Erik's defense. He now lives with his grandmother outside of Gwinnett County, Georgia.

On July 30, 2009, President Obama hosted Harvard professor Henry Louis Gates, Jr. and Cambridge police sergeant James Crowley to beers at the White House, hoping to break the national attention given the subject of race relations in America. Perhaps Danny Porter will invite Erik to the Gwinnett County District Attorney's Office – Danny's White House – for a few beers too.

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