

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
NORTHERN DIVISION**

MARYLAND OFFICE OF THE PUBLIC  
DEFENDER, *et al.*

PLAINTIFFS,

v.

TALBOT COUNTY, MARYLAND,

DEFENDANT.

**Civil Action No.: No. 1:21-cv-01088-ELH  
Judge Ellen L. Hollander**

**DECLARATION OF KISHA PETTICOLAS**

I, Kisha Petticolas, upon my personal knowledge, hereby submit this Declaration pursuant to 28 U.S.C. § 1746 and declare as follows:

1. I am a Black woman and work in Talbot County, Maryland.
2. I am an assistant public defender with the Maryland Office of the Public Defender in Talbot County, Maryland.

Working in Talbot County

3. I have worked in Talbot County since graduating from law school, including 2006 through 2007 as a law clerk to the Circuit Court Judge, for the Talbot County State Attorney's Office from 2007 to 2011, and since 2011, for the Talbot County office of the Maryland Office of the Public Defender ("OPD"). I was the first Black attorney in the Talbot County State Attorney's Office, and I have been the only Black attorney in the Talbot County OPD for my entire tenure of almost eleven years.

4. In my role as a public defender, I handle all criminal matters in the district court, serious felonies, jury trial prayers, and juvenile dockets. To be an OPD client, a defendant must

have an income level below the federal poverty line, or meet certain other financial conditions.

Most of my clients are Black men with income levels below the federal poverty line.

5. In my experience, most of the cases that OPD handles on behalf of our clients end in plea deals—only about 5% of cases go to trial.

#### Encountering the Talbot Boys Statue

6. I frequently pass the Talbot Boys statue on my way into the courthouse for hearings in my capacity as a public defender. The statue is in the courthouse's front lawn, where it towers over a statue of Frederick Douglass.

7. There is one way in and one way out of the main courthouse and all who enter for business in the main courthouse and, in particular, the courtrooms must pass the Talbot Boys statue.

8. To say that the statue pains me every time I walk by it is an understatement—it is a trauma I have had to endure many times weekly throughout my 15 years of practicing law in Talbot County. The statue causes a pain that cuts deeply; one that I have learned to swallow every time I walk into the courthouse. The statue has created a wound that never truly gets the chance to heal.

9. As a tribute to the Confederacy and the objectives of the Confederate States' cause, the statue necessarily celebrates slavery, celebrates African Americans being three-fifths of a person, celebrates African Americans being unable to vote, and celebrates the Jim Crow response to Reconstruction. By providing a permanent placement for the statue, it gives me the unmistakable impression that the County's courthouse and justice system may be negatively influenced by the statue's racist messages and may create an environment in which Black defendants may not receive equal treatment under the law.

10. In addition, I have a sincere concern about the potential of the statue, and the racist message it conveys, to influence jury pools responsible for judging the credibility of the cases against my Black clients.

11. I can state unequivocally that I see the Talbot Boys statue as an attempt to intimidate me and my Black clients as we enter the courthouse. Standing as it does on the courthouse lawn, there is no way I can separate the statue from the actions of the Talbot County government and even the very judicial system in which I work that is supposed to apply the law evenly to all, regardless of race or creed. This is what I meant when I said, as quoted in the Complaint, that the presence of the statue on the courthouse grounds feels like a knife lodged in my soul.

12. Over the years, there have been many instances where I have sought to remove the statue from public viewing during court proceedings because of the effect it has on people, both white and Black, but I have not been successful in that regard. The sentiment that it communicates, however, continues to loom large over business in the courthouse.

13. I have also had conversations with my colleagues in OPD about removing the statue, and had my request to remove the statue administratively approved. Unfortunately, OPD does not have the authority to remove the statue.

14. Due to the statue's presence, and the attitude around race relations that the statue represents, I feel that it makes it more difficult for the Talbot County OPD to hire and retain diverse attorneys. While OPD has hired a director of diversity and inclusion, there is significant work to still be done, including making our workplaces—the Talbot County courthouse especially—welcoming environments to all people. The Talbot Boys statue precludes the courthouse from being a welcoming workplace for any non-white attorney.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED: August 13, 2021

  
Kisha Petticolas