

The Colter White Story

One of the most satisfying cases for me in recent years was representing Colter White, a 38-year-old Cabrillo College student, who had turned his life around after being in and out of trouble his entire adult life. While in Pelican Bay, California's toughest prison, Colter decided to get his GED and make a change. He worked very hard, was paroled, and following his release became an honor student at Cabrillo College and a leader in the local Narcotics Anonymous community. Colter's stunning turnaround made him a very popular student, and his family, friends and teachers alike were excited by the prospect of his going on to a university. Unfortunately, with only a short time left on his parole from prison, Colter criticized an NA member at a meeting for using NA as a way to meet young, addicted women in order to take advantage of them. This individual had several restraining orders against him by multiple women over the years because of his conduct. He told people he was going to "get" Colter for criticizing him and said that he would "get him sent back to prison for violating parole". Sure enough, he made a claim to police that Colter had assaulted him. There was no evidence beyond his unsubstantiated claim and the District Attorney's Office didn't charge Colter. Nevertheless, the Parole Department picked Colter up and sent him back to prison to await revocation proceedings. Colter's mom, step-father, and numerous Cabrillo students and faculty held a protest on Colter's behalf, and when I read about Colter's plight I offered to represent him pro bono.



Ben with Skye Gentile and Colter. Ms. Gentile spent countless hours working for Colter's release.

The chances of winning a parolee's release after they are charged are very low. Colter's first hearing took place in San Quentin Prison, an old, ghastly prison that feels like it was designed to emulate the Middle Age prisons of England. No witnesses are

permitted at this first hearing and it was obvious the hearing officer had made up his mind that he was going to rule against us the minute the hearing started. Colter turned down his offer of a “deal” — ten months in prison — though he knew that he was risking losing at the final hearing, which would result in a harsher sentence and more prison time. We “lost the hearing” despite letters of support from the President of Cabrillo College, many faculty, staff and students, and top legislators from our area. I also submitted P.I. Bob Bortnick’s interviews with witnesses that showed the “victim’s” sordid history and motive to lie.

At the second hearing the so-called “victim” testified. It quickly became obvious that he was a liar and had filed his report out of his desire for revenge. Our witnesses were terrific and before long the Hearing Officer stopped the proceeding and found Colter innocent.

As of January, 2014, Colter is continuing on his upward path. He received his BA from Santa Clara University last year and often works two jobs: one of which has been my office manager.