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MEDIA ADVISORY

FOR IMMEDIATE RELEASE

**STATEMENT IN OPPOSITION TO THE ATTORNEY GENERAL'S FILING IN
SUPPORT OF CONVICTED DEFENDANT**

(Jackson, MS) The Office of the Hinds County District Attorney issues the following statement regarding the Attorney General's recent filing in Fox v. State, No. 2022-KA-00988-COA.

I. Statement

Statement in Opposition to the Attorney General's Appellate Filing in Support of a Convicted Defendant

Today, our heart goes out to the family of George Robinson. They lost a loved one, had their day in court, saw justice done. We thank the citizens of Hinds County who served as jurors, taking two weeks out of their lives to do their civic duty. They sat through long days of trial, heard, and weighed evidence, deliberated, and returned a verdict. We thank the trial judge, court personnel, and our staff, who did great work, in the face of public pressure and, at times, physical threats. An indictment was returned by the Hinds County Grand Jury, and we did our duty, as Mississippi Law requires, and tested the evidence at trial, the jury reached a guilty verdict.

It is unfortunate that not all elected officials take their constitutional charges as seriously as they should. On Monday, in an unprecedented political maneuver, the Mississippi Attorney General chose to confess error in the Anthony Fox case, claiming that she thinks the jury got it wrong.

That her decision was political, and not based on substantive law, is apparent by the fact that on October 10, 2022, the Attorney General filed a motion stating that she was unopposed to the Defendant receiving bail after being convicted of manslaughter by a Hinds County jury, while his case was on appeal. We can find no other case in which the Attorney General, charged with

representing the State of Mississippi in criminal appeals, has taken such a position during the present administration, or the prior administration. It is significant to note that the Attorney General took this position three months prior to the record being filed with the appellate court; therefore, she had no way of knowing anything about what transpired at trial.¹ It is also telling that within minutes of her filing the brief on Monday, several law enforcement agencies issued prepared statements which could only have been coordinated at the request of the Attorney General.

Her filing is unprecedented because her role, in this instance, is to represent the State, i.e., the verdict returned by the jury. It is not her duty to substitute her opinion for theirs. Which she clearly has by misconstruing the facts in her brief, by presenting those facts in the light most favorable to the convicted, not the State, which is the proper legal standard, and for saying that the jury got it wrong because the jury believed certain testimony over other testimony which is a determination left solely to the jurors. It is the Attorney General's job to defend this verdict. If the Court of Appeals wishes to overturn the verdict, that is their job, not hers.

II. Background

On January 15, 2019, George Robinson died following an unprovoked altercation with Antony Fox that occurred on January 13, 2019. At the time of his death, Robinson was 62-years-old and suffered partial paralysis due a recent stroke. The Jackson Police Department (JPD) brought the case to the Hinds County District Attorney's Office for presentation to the Grand Jury. The then District Attorney, Robert Smith, decided that it was prudent to wait until the autopsy was complete before presenting the matter to the Grand Jury so that the cause and manner of death could be determined. When District Attorney Owens took office in January 2020, the autopsy was still outstanding.

On July 27, 2020, the Office of the Mississippi State Medical Examiner released the Report of the Postmortem Examination. Mississippi's Chief Medical Examiner ruled that Robinson died of "Multiple Blunt Head Trauma" caused by abrasions to the right side of the head, right periorbital soft tissue swelling (hematoma), right scalp contusions, right subdural hematoma, and right frontal lobe contusions. He further found that the Manner of Death was Homicide. The case was presented to the Hinds County Grand Jury. Twenty Hinds County citizens, duly empaneled and sworn, returned a true-bill indictment charging Anthony Fox with Second Degree Murder in violation of Mississippi Code Annotated section 97-3-19.

Following a two-week trial in the Circuit Court of Hinds County, the jury returned a guilty verdict, convicting Fox of Culpable Negligence Manslaughter. The Trial Court sentenced Fox to twenty years in the custody of the Mississippi Department of Corrections, with fifteen years suspended and five years to serve.

¹ Miss. Code Ann. § 97-11-3 provides, in relevant part: "If the attorney general . . . shall, in any manner, consult, advise, counsel, or defend, within this state, a person charged with a crime or misdemeanor or the breach of a penal statute, [s]he shall, on conviction, be fined in a sum not exceeding five hundred dollars, be removed from office, and rendered incapable thereafter of filling any office of profit or honor in this state."

III. Facts Established at Trial

A. The Assault

On the evening of January 13, 2019, friends and neighbors were gathered on Jones Avenue, in front of 62-year-old George Robinson's home for a cookout honoring Robinson, who had recently suffered a stroke. At some point, Robinson drove to the store. It was upon his return to his home that the JPD SWAT team appeared on the street. Unrelated to the cookout, earlier that day, Reverend Anthony Longino, a prominent Jackson minister, was murdered. The Jackson Police Department had activated SWAT to search for the juvenile murder suspect, Marquize Hamilton. Tensions were high, as SWAT had been active since early that morning, and had yet to locate Hamilton.² As several witnesses related at trial, as soon as Anthony Fox and other SWAT officers appeared on the street, Fox immediately exited his vehicle, approached Robinson's car which was parked in his driveway, and demanded that Robinson exit his vehicle.

Fox would later claim during testimony at trial that he had witnessed a hand-to-hand drug transaction between George Robinson and an unknown woman, prompting him to approach Robinson, as Robinson was seated in his car. When pressed on the details of what he witnessed, Fox provided contradictory statements and could only articulate that he saw a woman standing at Robinson's car door, holding money. He admitted that he made no attempt to stop the woman who walked away from Robinson's car, even though he allegedly believed her to have been a party to a drug deal.

Additionally, the accusation that George Robinson was participating in a hand-to-hand transaction was directly contradicted by the testimony of a JPD narcotics detective also present at the scene. The detective was riding in the car with Fox when they first arrived on Jones Avenue. He testified that when he surveilled the cookout, he saw nothing suspicious going on with Robinson or the unknown woman, and that Fox did not express to him that he had witnessed anything suspicious. This is notable because any reasonable officer in a same or similar circumstance, would tell their partner if they had witnessed possible illegal activity, before approaching said activity, as this is necessary for officer safety.

As witnesses testified at trial, after Fox demanded that Robinson get out of his car, Robinson reached over as if to unbuckle his seatbelt; however, Robinson, a 62-year-old stroke survivor, moved slowly due partial paralysis from his recent stroke. Before Robinson could comply, Fox ripped open his car door and began forcibly removing Robinson from the vehicle. Another officer witnessing this interaction, rushed over to assist Fox, and Robinson was forcibly thrown head-first to the concrete. During trial, two witnesses testified that they saw Fox slam Robinson's head into the ground. Robinson could be heard asking, "Why are y'all doing this?" and yelling in pain. Fox then restrained him face down by placing his knee in Robinson's back while Robinson's head was wedged against the tire and the ground.

² Hamilton and the three other individuals involved in the murder of Pastor Longino were subsequently apprehended and are serving combined sentences of over 150 years in prison.

One witness, an older woman, well known in the neighborhood for providing children with snacks, started a cellphone recording of the aftermath of the altercation. She can be heard stating, “They really worked him over,” among other comments about the aggression of Fox and others in relation to Robinson’s assault. This video was entered into evidence and played during trial. Contrary to the narrative advanced by the Attorney General, witnesses for the State denied seeing Robinson put anything into his mouth, during his assault, and no weapons or narcotics were ever found to be in Robinson’s possession or vehicle that evening. Indeed, it is remarkable that a police officer who claimed to witness a felony drug transaction did not charge Robinson with a narcotics violation or seek to question the other party of the alleged drug transaction, who was still on the scene.

Testimony was presented that following the assault, Robinson was leaning against the police vehicle, in handcuffs, as if unable to stand on his own. AMR responded to the scene. Robinson was released from custody with misdemeanor tickets. Neither Fox, nor any other law enforcement officer made a report documenting the encounter with Robinson. Robinson traveled to the Mustang Inn on Highway 80, where his girlfriend, Constance Johnson, was staying. According to Johnson’s testimony, when he arrived at the room, Robinson complained of head pain and told her that the police beat him up. She further testified, that Robinson did not fall while in the room and did not engage in any subsequent violent interactions with other individuals. He simply laid down and went to sleep. A few hours after going to sleep, Robinson began having seizures. Johnson called 911 and AMR responded to the hotel. Johnson told the responding EMT that Robinson had been assaulted by police officers.

B. The Cover Up

Andrew Aycox, the AMR EMT who responded to Jones Avenue, did not complete an encounter/treatment report of Robinson, as would have been standard procedure. The Attorney General claims that AMR evaluated Robinson that evening and found that he warranted a perfect score on the Glasgow Coma scale (necessary for all head trauma); however, this is a gross mischaracterization, as this point was disputed at trial, and left to the jury’s, not the AG’s determination. It was established at trial that the EMT who responded to the hotel and transported Robinson to the hospital, contacted Aycox and informed him that Robinson was hospitalized in critical condition and questioned Aycox as to why he had not transported Robinson to the hospital after the assault. The following day, Aycox attempted to amend his initial report but was unable to do so due to integrity protocols in AMR’s reporting system. At trial, Aycox’s report was entered into evidence. In the report, Aycox reported **“no patient found,” “canceled by law enforcement”** in relation to Robinson, and listed no vitals, or other information required for treatment. As noted above, Aycox subsequently attempted to amend this report the following day, by adding Robinson’s personal information and claiming that Robinson scored perfectly on the Glasgow Coma scale. However, the added information about Robinson was erroneous.

The testimony during trial, showed that an attempt was made by Fox and his colleagues to cover up or minimize the incident. JPD policy requires any officer involved in an incident in which force is used to complete a Use of Force Report prior to the end of shift during which force was used. As noted above, neither Anthony Fox, nor the other two officers involved in the Jones Avenue incident filed a Use of Force report, or any other documentation pertaining to the incident, prior to

going off shift. It was established through witness testimony that JPD officials were alerted that an individual named George Robinson had been admitted to the hospital in critical condition and that it had been reported to AMR, and by AMR to the admission officials, that his injuries were due to an altercation with police officers. An internal investigation was immediately initiated, and it was quickly determined that Anthony Fox was involved in an altercation on Jones Avenue where the individual in question was alleged to have been assaulted.

In the early morning hours of January 14, Fox and the other two officers were ordered to return to JPD headquarters and document their interactions with Robinson. Per testimony, all three officers, responded to headquarters. It was at that time, upon being notified that Robinson was in critical condition, that Fox and the other officers wrote and filed reports concerning the incident for the first time. Further various law enforcement officers testified throughout the trial and provided differing and contradictory statements regarding what happened on the night of January 13, 2019, and in the days that followed.

C. The Medical Findings

Robinson never regained consciousness and succumbed to his injuries the on January 15, 2019. Mississippi's Chief Medical Examiner, Mark LeVaughn, testified at trial. Dr. LeVaughn testified that the cause of Robinson's death was "**Multiple Blunt Head Trauma**" as evidenced by **abrasions to the right side of the head, right periorbital soft tissue swelling (hematoma), right scalp contusions, right subdural hematoma, right frontal lobe contusions.** The Manner of death was ruled Homicide. LeVaughn testified that it was not uncommon for the delayed onset of extreme symptoms following head trauma. The medical experts that testified for the defense largely agreed with these assertions. Further, all experts agreed that there was no way to know how much force had caused the injuries to Robinson.

IV. Conclusion

It is the State's responsibility to follow the evidence, no matter where it may lead. Here, a citizen died following an unprovoked altercation with police. The medical examiner determined that the cause of death was homicide. A grand jury returned a true bill indictment. Twelve citizens sat in judgment, weighed the evidence, assessed the credibility of the witness testimony, and found that the evidence presented at trial proved, beyond a reasonable doubt, that Anthony Fox was guilty of culpable negligence manslaughter.

The Attorney General's job is to make the best possible argument for the State of Mississippi.³ It is a critical part of the adversarial process. It is not her job to assist or represent the interests of a criminal defendant convicted by a jury of his peers.

³ It is clear from her brief that the Attorney General has misapprehended that State's theory and the jury's verdict. As the record reflects the issue before the jury was not simply whether Anthony Fox used an unreasonable amount of force on Robinson, more nuanced in that inquiry was whether Fox's actions from his initial contact with Robinson, to the assault, the seizure, and cover up, were lawful at all. Normally, police officers are given certain protections in their interactions with suspects in the execution of their legal duties, by legal means. Injuries sustained by persons by police force, may be reasonable when the officer is (1) effectuating a lawful arrest and (2) using only a necessary amount of force. Evidence was presented at trial that could lead a reasonable juror to believe Anthony Fox's actions towards Robinson from the minute he stepped out of his car on Jones Avenue, were devoid of legal

justification. As such, the protections normally given to police officers executing their legal duties by legal means, could not be afforded to Fox. In short, a juror could have found that Fox actions were akin to any ordinary citizen walking up to a stranger, for no reason apparent reason, and forcibly slamming their head into the ground.