



PERL

PEOPLE FOR THE
ENFORCEMENT
OF RAPE LAWS

November 2, 2022

The Honorable Bill Lee
Governor of Tennessee
1st Floor, State Capitol
Nashville, TN 37243

The Honorable Jonathan Skrmetti
Attorney General of Tennessee
P.O. Box 20207
Nashville, TN 37202-0207

Dear Governor Lee and Attorney General Skrmetti:

Like you and all Tennesseans, we were horrified and saddened by the tragic kidnapping and murder of Eliza Fletcher. We think it is important that the state does everything in its power to prevent future acts of senseless violence. For that reason, and because we fear other interests already are trying to exploit this tragedy to advance a false narrative and misguided policy objectives, we urge you to appoint a special investigator to examine all of the government's failings that gave Ms. Fletcher's alleged killer the opportunity to commit this crime.

One area that deserves examination is the failure of Memphis police and the state to investigate and prosecute Cleotha Abston for a kidnapping and rape that took place in September 2021. We understand that authorities submitted the rape kit from that case in a timely manner, but it was not tested until shortly after Ms. Fletcher was killed nearly a year later. Why wasn't the kit tested sooner? Who was responsible for the delay?

We also have read reports indicating that the police had evidence in addition to the untested rape kit that might have enabled them to solve Mr. Abston's 2021 crime. Apparently, the victim gave detectives Abston's phone number, his home address, his social media handle, and a description of his car. What stopped the police from arresting and detaining Mr. Abston then? There might be compelling reasons why the police did not act, but the public should be made aware of all the relevant facts.

Ultimately, the failure to test the 2021 rape kit in a timely manner and to arrest and charge Mr. Abston allowed him to roam free until he allegedly killed Ms. Fletcher. We think an investigation into this grave lapse must take place if state leaders truly want to prevent future tragedies.

Another issue that deserves scrutiny from an independent investigation is the Department of Corrections' decision to award Mr. Abston more than 1,000 days of good time credit, despite the fact that he apparently committed 53 disciplinary infractions while incarcerated, including several instances of possessing a deadly weapon and 19 cases of indecent exposure. In fact, Mr. Abston admitted to exposing himself to his case manager just months before he was released two years early from his prison sentence.

Governor Bill Lee
Attorney General Jonathan Skrmetti
November 2, 2022
Page 2

We strongly support offering incentives to people in prison to encourage participation in rehabilitative programming and to reduce their risk of re-offending when they are released. That is why we support Tennessee's good time and earned time programs and oppose truth-in-sentencing proposals that eliminate these incentives. When an incarcerated person violates the rules over and over again, however, including near their release date, they do not deserve the benefits that people who follow the rules and demonstrate growth do.

The decision to award Mr. Abston with more than 1,000 days of early release credits, despite the fact that he committed 53 disciplinary infractions, is another reason why he was free and able to allegedly kill Ms. Fletcher. Did the Department of Corrections make a mistake in awarding Mr. Abston those time credits? Or was the Department prohibited under current law from taking back any credits he had earned? Was the Department concerned about releasing Mr. Abston, given his disciplinary record, and if so, did they share those concerns with state prosecutors? Why did prosecutors not criminally charge Mr. Abston for any incidents in which he was found to be guilty of possessing a deadly weapon?

We urge you to appoint a special investigator to examine these and other failings that led to Ms. Fletcher's death. We believe this investigation should be conducted by someone (or some team) that does not work for Tennessee law enforcement, so that the public can be assured that the investigation is independent and will not be influenced by interests whose failures might have contributed to allowing this tragedy to occur.

We believe an independent investigation is especially important given that some interests have already sought to use this shocking and high-profile tragedy to advance their prior policy commitments. No doubt you are aware that some lawmakers have announced plans to introduce legislation to expand the state's truth-in-sentencing laws, even though the legislature already changed the law that allowed Mr. Abston to earn early release.

Proposing new and more punitive sentencing laws might allow some to claim they are seeking justice in Ms. Fletcher's name, but their counterproductive solutions will not prevent future tragedies. Only an independent investigation into the very real failures that led to Ms. Fletcher's tragic murder – and a commitment to address those failures and hold people accountable – can do that.

Sincerely,



Matthew Charles
Policy Associate, FAMM



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