

A Victim of Southern Injustice

By: Philip S. Chua, M.D.*

There is a growing national movement today among Filipino-Americans, and Americans alike, that is raging across the United States --- the clamor to bring justice to one of its citizens, Dr. Noel N. Chua, who was indicted for the death of one James Carter III, jailed for almost a year now in Camden, Georgia, and who had been denied bail and denied his day in court.

The objective of the initiative is "to seek for the truth and help grant justice to Dr. Noel N. Chua and to the family of James Carter III, not to prejudge the case." A fair justice system, the proper court, will determine Dr. Noel Chua's innocence or guilt, based on the preponderance and degree of evidence, beyond any reasonable doubt, and not on the color of his skin or the shape of his eyes. What is just is for Dr. Noel Chua to be granted his day in court without more delays, and the due process of the law of the land that was denied him. We strongly believe in the doctrine that a person is presumed innocent until proven otherwise, that justice is color blind, and that justice delayed is justice denied.

This unfortunate miscarriage of the judicial process and insult to the justice system of Georgia, and that of the United States as a whole, will also test the wisdom, resolve and the unity of the Fil-Ams. Anyone one of us, Asians or Americans, could someday fall victim to this kind of deplorable injustice. Do we, today, have the wisdom, foresight, fortitude and will to protect ourselves and our fellowmen? Or, shall we simply close our eyes and allow injustice to prevail and trample upon our rights? What we sow today, we shall reap tomorrow.

Let's all join this movement and rally behind this great cause, fighting discrimination and prejudice with one strong and united voice, in the tradition of King Solomon, Dr. Jose Rizal, Mahatma Gandhi, Dr. Martin Luther King and countless other heroes, who gave up their lives for justice. Getting justice for Dr. Noel Chua is getting justice for all of us, Asians and Americans alike.

Paradoxically, the motto of the State of Georgia is "Wisdom, Justice and Moderation." As Perry Diaz of BALITA-USA stated in his article, where we obtained the title and some parts of this story, "It is an irony that this kind of

discrimination and prejudice is still much alive in the very birthplace of Dr. King, the great martyr of the civil rights movement in America.”

This deplorable situation is indeed a farce, a travesty of justice, a grave insult to Dr. King and to the dignity of all honorable people. A great shame for Georgia and an embarrassment for the entire nation. #

Philip S. Chua, M.D., a Cardiac Surgeon Emeritus in Northwest Indiana, is Chairman of Cardiovascular Surgery at Cebu Doctors University Hospital, and Vice-President for Far East of the Cardiovascular Hospitals of America, a hospital builder/developer based in Wichita, Kansas, and Past President of the Association of Philippine Physicians in America (APPA) and the Society of Philippine Surgeons in America (SPSA). His email address is scalpelpen@gmail.com

A Victim of Southern Injustice?

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There is a growing national movement today among Filipino-Americans that is raging across the United States --- the clamor to bring justice to one of its citizens, Dr. Noel N. Chua, who was indicted for the death of one James Carter III, jailed for almost a year now in Camden, Georgia, and who had been denied bail and denied his day in court.

Angry cries of "Southern Injustice of the Jim Crow era," "Don't Deny Dr. Chua His Day in Court," and "Let the Truth Be Told," could be heard loud and clear from North to South and East to West, from Americans and Asians alike, and from Filipinos abroad.

Who is Dr. Noel N. Chua?

I have yet to meet Dr. Noel Chua, who, by the way, is not related to this writer. I first heard of him and his case earlier this year. My research revealed that Dr. Noel Natividad Chua, M.D., M.Sc., 47, is a medical alumna of the Far Eastern University School of Medicine in the Philippines, with the following impressive record:

Dr. Chua was a high school valedictorian and a magna cum laude in Medical Technology at FEU. He topped the Med-Tech Board Exam in 1987. He had also worked as a medical missionary in Palawan. The president of the Medical Student Council in college, he graduated from medical school in 1991, and garnered 11th place in the Medical Board Examination. As a brilliant young man in college, he was famous for tutoring his fellow medical students to help them prepare for tests.

Dr. Chua left the Philippines in 1994 and worked at the Western Pennsylvania Hospital in Pittsburgh, PA. He also completed his Masters degree in Health Care Policy and Management from Carnegie Mellon University with high

honors. He started his practice in Internal Medicine in St. Mary and Kingland, Georgia, in 2001, serving over 2500 patients.

People who knew him said he was “generous, compassionate and very well-liked, a person who would go all the way out to help others.” One classmate described him as “a brilliant and caring person but a bit naïve and too good for his own good.”

Dr. Noel Chua is a great Samaritan, according to his many American supporters, many of whom are from his town in Georgia, like a certain Renee Manning, Scott Alexander, Carl Agostinelli, Roy Weidner, Anna Betigga, Alma Beaver, Mary Moore, Juanita Threlkeld, Salvacion Rios, Rodolfo Alarcon, Henry Bailey, and many of them even offered to adopt Dr. Chua to their household.

Who is James Carter III?

James Carter III was a 20-year-old Caucasian, a night student, who was a patient of Dr. Chua for recurrent migraine headaches. To help Carter out, Dr. Chua said he employed him in his clinic and even allowed him to stay in his home.

The Story Behind the Case

I have been emailing with Dr. Noel Chua extensively the past couple of months. The sympathetic Camden County Jail Sheriff William E. Smith, convinced of Dr. Chua’s innocence, granted him emailing privileges. The following is the story as recounted by Dr. Chua:

Dr. Noel Chua, a Fil-Am specialist in Internal Medicine, with a Master of Science degree, walked into his home in St. Mary’s, Georgia, on December 15, 2005 and discovered on the bathroom floor the dead body of James Carter III, a 20-year-old Caucasian.

With this discovery came the greatest nightmare in the life of this brilliant physician, who, according to various sources, was a caring and compassionate gentleman, serving the people of his community in Georgia, where he still made house calls in this day and age when this selfless practice has generally been

abandoned by physicians in the United States. The towns where Dr. Chua practiced were St. Mary's and Kingsland, Georgia, next to Jacksonville, Florida.

James Carter III, according to Dr. Noel Chua, consulted him as a patient with a long history of severe migraine headaches, and tried to help him out by employing him in his medical clinic. Carter was hospitalized twice under the care of Dr. Chua twice for the same medical problem, and a past medical history that revealed extensive work-ups and repeated hospitalizations and visits to the emergency room.

Dr. Chua recalled that he was first welcomed to the mobile home of Carter's mom and stepfather during an agricultural festival, at also at his father and stepmother's home for Thanksgiving in 2005. So, when Carter asked permission to stay in his house while working in his office and going to school at night, he agreed to help him out.

The Indictment and Other Events

On September 13, 2006, the Camden County grand jury indicted Dr. Noel Chua for two counts of felony murder of James Carter III and 17 counts of violation of Georgia's Controlled Substance Act. He was denied bail and jailed at the neighboring Glynn County, a legally questionable move that the authorities failed to explain. After his lawyers filed a motion for transfer on November 2, 2006, he was returned to Camden County Jail.

The physician who was assigned to review the medical record of Carter was actually hired by Carter's family, and although he never saw Carter, this physician concluded that there was no medical justification for Dr. Chua's prescriptions for Carter. This physician's affidavit was the instrument that sealed Dr. Chua's indictment.

"Doesn't this constitute a conflict of interest?" asked Dr. Chua. Obviously, the reviewer appointed should have been a non-paid and non-bias medical professional, without an agenda.

The Georgia composite Board of Medicine interviewed Dr. Chua for 3 days in March 2006 and was allowed to continue his practice until the DA filed charges against him. The Federal prosecutor had initially accepted the case but subsequently turned it over to the State.

Chua's lawyers later discovered that Carter had an extensive medical records showing he was tried on various pain killers by other doctors to no avail, some of these Dr. Chua had also tried. According to Chua, his lawyers for the civil case brought against him the Carter's family found out that Carter had been seeing a drug rehab doctor even prior to his first visit to Dr. Chua's office, a fact that was hidden from him by Carter and his family.

The Toxicology Report/Bond Hearing Issue

Dr. Chua stated that the post-mortem toxicology analysis showed that Carter had multiple drugs in his body, including drugs that he did not prescribe, and that he did not understand why he was charged with racketeering and two murders with the death of one person.

"The racketeering charge was obviously a dirty, sleazy trick to grab all my money and properties so I will not be able to afford any legal defense," decried Dr. Chua, who felt that the St. Mary's Police Department, District Attorney Stephen Kelley and Superior Judge Amanda Williams were all biased and acted with prejudice.

"The court-appointed Receiver has successfully depleted my bank account from \$120,000 down to \$10,000, by paying themselves with my money," he added.

A law student friend of Dr. Chua had this critical analysis: "The first bond hearing, in my opinion, was illegal, as you were illegally held in Glynn County. Because you were illegally held in Glynn County, you should have received a bond hearing when transferred back to Camden County, as that was the new and only legal point of incarceration. Georgia law requires that the bond hearing be held in county of detention where the alleged crime took place. For this reason, I feel

that you are entitled to a separate bond hearing. Also, Georgia law states that a person arrested, must appear before a judge within 72 hours of arrest. A motion could be made to dismiss charges citing both of those unlawful acts. However, if that is denied, I would then ask for a new bond hearing, and then file a motion to recuse Judge Williams from the bond hearing, and then subsequently refile a motion to have her recused from the trial.”

The Plea Bargaining

At the preliminary hearing recently, Chua’s lawyers were able to get one of the murder charges dismissed. The District Attorney, according to Chua, obviously knew his case against the Fil-Am doctor was weak, so he passed it on to the Federal Prosecutor. The prosecutor had offered a plea bargain of “two years in probation detention center, loss of medical license and DEA Registration Number, and banishment from Camden County,” but Dr. Noel Chua adamantly refused, stating that he “would rather rot in jail than to admit a lie, a crime I did not commit.” So far, he has been in jail for almost a year.

“For the federal prosecutor to offer me a binding plea for a guaranteed 2-year probation, and simply quash the two counts of murder and 17 drug violations against me, only shows how weak their case is,” Dr. Chua confidently pointed out.

The National Outcry of Support

A lot of sectors, like the National Federation of Filipino-American Associations (NaFFAA), Region IV, and its 3 million members, the FEU alumni defense group (www.feu-alumni.com), and a dozen of associations and alumni from other universities, several newspapers and websites in the Philippines and around the country, foremost among them are the Perry Diaz (BALITA-USA) and Pedestrian Jaywalker websites, among others, have all come to rally behind the quest for justice for Dr. Noel. N. Chua. The internet, including Google.com, is replete with writings about the injustice dealt to Dr. Chua, together with petitions of support and creation of a legal defense funds for him. So far, around \$140,000 has been raised and an additional \$25,000 is still needed for this drive. Below is the letter sent by NaFFAA, which represents the united sentiment of the Fil-Am community:

Mr. Stephen Kelly
District Attorney of Camden County
701 H. Street – P.O. Box 301
Brunswick, GA 31520

Dear Mr. Kelly:

Greetings!

I'm writing as Chair of the National Federation of Filipino-American Associations (NaFFAA), the recognized voice of 3-million Filipino-Americans and immigrants across the U.S., on behalf of Dr. Noel Natividad-Chua, a Filipino-American. He has been charged by your office for his alleged involvement with the death of the late James Carter III last December 15, 2005. We've also learned that he has built a busy Internal Medicine practice in St. Mary's, Georgia, serving over 2,500 patients.

According to the officers of the Region IV NaFFAA Chapter (which includes Georgia, along with 6 other Southern states), we gathered that the autopsy report on the late Mr. Carter held his death as accidental caused by the mixture of drugs ingested by the deceased. Furthermore, toxicology report showed that the drugs found in the deceased were found to be all within the therapeutic level, including "methadone," as prescribed by Dr. Chua.

Despite the above findings, however, and after a 9-month long investigation, he was subsequently arrested on September 13, 2006, and charged with the murder of Mr. Carter, along with his alleged violations of Georgia's Controlled Substance Act, despite the autopsy and toxicology reports that, we rest assured, your office had obtained.

While we don't want to rush to judgment, please know though that we Filipino-Americans are genuinely respectful of the laws and rules of procedures prescribed by Georgia's court system and the U.S. Constitution. However, we find it disturbing that Dr. Chua was not afforded his fundamental "due process" rights, was denied access to his legal counsel along with your seizing his assets, rendering him unable to pay his lawyer's and witnesses' fees. He was denied bail and has since been incarcerated outside his County –Dr. Chua was incarcerated outside (in Glynn county) his county the first 6 weeks and has since been in his county (Camden)for the last 7 and 1/2 months because you considered him a "flight risk." Ironically, however, we find it disingenuous that you're alleged to have offered him a plea bargain to admit to just one drug charge and take a 2-year sentence.

Since our last reading of the U.S. Constitution, we believe that every American – including U.S. citizen Dr. Noel Chua – should have the basic right to challenge his arrest via a time-tested *habeas corpus* petition. Instead, you stripped him of that right, and it's becoming apparent to us that your office rigged the Georgia justice system's rules of procedures squarely against him.

With all due respect, we contend that your stance on his case is so severely flawed that it makes one think that the kind of justice system you're overseeing in Camden County is so tainted -- if not racially biased and/or glaringly discriminatory against a

Filipino-American, who has dutifully served his St. Mary's community with his utmost professionalism and integrity, philanthropy and countless works of mercy -- as attested to by the thousands of patients and citizens he has helped and cared for all these years.

Frankly, we're not surprised at all that Dr. Noel Chua, a practicing Catholic-Dr. Chua is not Catholic but a practicing Christian as a Baptist, did not succumb to your offer of plea bargain. For him to have done so would have subjected him to treason against his Hippocratic oath -- and, more seriously, a denial of his Faith. We're proud of him that he chose to remain in prison rather than admit the guilt of a crime he did not commit. Further, it seems to us that what would be purported to be specific statements of facts may even lack the most fundamental earmarks of objective credible evidence amidst your unwillingness to consider exculpatory evidence that would have granted him his request for bail, if not his outright release from incarceration.

Lastly, the hallmark of our American Court system is etched in these words: "... Justice delayed is justice denied." Accordingly, we are thankful that, after such a long wait, he will at long last see his day in Court on September 4, 2007. Rest assured that Filipino-American leaders from NaFFAA and other organizations in Georgia and across the U.S. will be present to rigorously scrutinize how you would mete out the *fiat* of American justice.

As the Honorable Charles Pratt, Chief Justice and Lord Chancellor of England and the Earl of Camden -- after whom Camden County was named -- opposed years ago the attitude of the English government toward the colonies of America, we the Filipino-Americans across Georgia and America are very much opposed to the way you've handled the case of Dr. Noel Natividad-Chua -- an honorable Filipino-American citizen and a distinguished member of Georgia's Camden County.

Under Georgia's Court system of justice and the guidance of the U.S. Constitution, we look forward to witnessing this trial.

Sincerely,

Alma Quintans-Kern

CC: Honorable Sonny Perdue, Governor of Georgia
U.S. Senator Saxby Chambliss
U.S. Senator Johnny Isakson
U.S. Rep. Jack Kingston (Georgia's 1st District)
U.S. Rep. John Lewis (Georgia's 5th District)
Chairman Preston Rhodes, Board of Camden County Commissioners

Officer W.E. "Bill" Smith, Sheriff of Camden County

Trial Delayed is Trial Denied

After all the red tapes and legal motions, the trial has apparently been set for September 4, 2007. Whether Dr. Chua's day in court will eventually come, or be delayed once again by more political maneuverings, nobody knows. We'll just have to wait and see.

"Even if I am exonerated now, they have already confined me this long, had stopped me from working, used up all my money, and had my face and my name as a murderer on the world wide web," Dr. Chua lamented, saying that his reputation has already been irreparably tarnished and his career and life severely ruined.

As this writer had stated in a convention in Chicago last month, the objective of the movement "is to seek for the truth and help grant justice to Dr. Noel N. Chua, not to prejudge the case. A fair justice system, the proper court, will determine that. What we want is for Dr. Noel Chua to be granted his day in court without delay, and the due process of the law of the land that was denied him. We strongly believe in the doctrine that a person is presumed innocent until proven otherwise."

A Test of the Filipino Wisdom and Will

This unfortunate event and insult to the justice system of Georgia, and of the United States in general, will also test the resolve and the unity of the Filipinos in the United States. Anyone one of us could someday fall victim to this kind of deplorable injustice. Do we, today, have the wisdom, foresight, fortitude and will to protect ourselves and our fellowmen? Or, shall we simply close our eyes and allow injustice to prevail and trample upon our rights? What we sow today, we shall reap tomorrow.

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From the Philippine News headline, USA, August 2007

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For those who wish to join this nationwide campaign for justice, and help protect justice for all of us, please make your check payable to:

Legal Defense Fund for Dr. Noel Chua
and mail your donation to STANDARD BANK on Route 6, Morris, Illinois,

60350, where a dedicated account has been established for the legal defense of Dr. Noel N. Chua. Any interested supporters, individuals, or associations may also mail their contribution to this bank.

Email inquiries to Dr. Edmundo F. Relucio, at kck6566@sbcglobal.net, or to Dr. Philip S. Chua at scalpelpen@gmail.com

Please access this website: www.feu-alumni.com, and click on the “Help Fight Injustice” link in the left lower corner of the Homepage.

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