





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Death penalty prosecutors in Texas to 'stand mute' during hearing

By Juan A. Lozano
Monday, December 6, 2010; 10:05 PM

HOUSTON - Prosecutors on Monday told a judge presiding over an unusual court hearing on the constitutionality of the death penalty in Texas that they will not participate in the legal proceeding and will "stand mute" during the hearing.

Despite the prosecution's actions, the judge ordered the hearing to go forward and lawyers for John Edward Green Jr., the Houston man who asked for the proceeding, began calling witnesses.

The attorneys say they will try to show that the way death penalty cases are handled in Texas creates a risk that innocent people will be executed. Green faces a possible death sentence if convicted of fatally shooting a Houston woman in a 2008 robbery.

The hearing was ordered by Kevin Fine, a state district judge in Harris County who in the spring granted a motion by Green's attorneys and declared the state's death penalty statute unconstitutional. Under heavy criticism, Fine clarified, and then rescinded, his ruling and ordered the hearing, saying he needed to hear evidence on the issue.

Before Monday's hearing began, prosecutor Alan Curry reiterated objections the district attorney's office has to the hearing, saying the issues being debated are settled case law and that some of the issues Green's attorneys plan to discuss, have no relevance to Green's case. Fine asked Curry to submit his objections to the relevancy of some of the issues to be discussed but said the hearing would go forward.

- Associated Press

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



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