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State of GRACE

The Gulf Region Advocacy Center (713) 869 4722

"Sleeping Lawyer" Case Put to Rest



After 18 years on death row, Calvin Burdine has been moved to general population.

GRACE is very pleased to announce that Calvin Jerold Burdine has entered into an agreement with the State of Texas that ensures he will never face the executioner. After twenty years of incarceration, including 18 years on death row and several close calls with the executioner, Calvin says he feels like "Nine tons have been taken off my shoulders." Finally free of the specter of lethal injection, Calvin has already begun to turn his attention to ministering to his fellow inmates.

In 1984, Calvin was convicted and sentenced to death after a trial in which his attorney slept at counsel table for significant periods of time and the prosecutor urged the jury to kill him because life in prison would not be punishment for a gay man. For almost 20 years, Calvin and his attorney, Robert L. McGlasson, struggled for legal recognition of what should be obvious to anyone: that a sleeping lawyer is no lawyer at all. Finally, on June 7th of last year, Calvin was returned to Harris County for his hard-won retrial.

But the relief was short-lived when Judge Joan Huffman refused to appoint Robert McGlasson to the retrial and set the case on track to be the fastest capital trial in Harris County history. GRACE Director Danalynn Recer stepped in on a pro bono basis while Keith Hampton, Rick Hagen and David Botsford of the Texas Criminal Defense Lawyer's Association and the National Association of Criminal Defense Lawyer's Association petitioned the Texas Court of Criminal Appeals to reverse Huffman's ruling, and Annette Lamoreaux, David George and Yolanda Torres of the American Civil Liberties Union, with the advice of Jim Liebman and Clive Stafford Smith, took the case into federal court. Meanwhile, the Harris County Criminal Lawyer's Association stopped the death train in its tracks with an open letter protesting the unfairness of giving us barely 90 days to prepare.

Once the case was finally slowed down a bit, Calvin's cause attracted an amazing coalition of talented and dedicated capital defenders, including James Sullivan and Rachel Walsh, whose work on pre-trial motions put the state on notice that the trial team was wide awake; Naomi Terr, Randi Chavez and Scott Roskilly, who prepared our mitigation; James Bonnington, Alison Meyers, and Adaku Orgawu, who somehow made sense out of 27 dusty boxes of documents; and Tena Francis and Emily Maw, who tracked down decades-old investigative leads; as well as counsel Danalynn Recer, Robert McGlasson and Clive Stafford Smith.

Of course, we never would have gotten to this point if it weren't for many years of work by lots of folks. The phenomenal devotion, talent, heart and hard work of Robert McGlasson have been the backbone of a remarkable team. Calvin would not be alive today were it not for Tena Francis, who discovered the sleeping lawyer claim; Brent Newton, Dick Burr and Mandy Welch, who (with Robert) developed and presented the claim in state court; and Judge Jay Burnett, who had the moral strength and integrity to do the right thing when it was unpopular and politically damaging. Thanks also to David Kahn of the ACLU, who litigated the homophobia issues back in 1994 with the help of Professor Elvia Arriola of the University of Texas; Bill Haborn and Chuck Hurt, who helped us craft a workable plea, and the countless students and interns of the Texas Resource Center, the Texas Defender Service, the ACLU, RepriveAustralia, Reprive UK, Amicus, the Louisiana Crisis Assistance Center and the Gulf Region Advocacy Center who have all contributed over the years.

Special Announcements

- ◆ Calvin Burdine Gets Life!!
- ◆ Reprive expands to Spain!
- ◆ James and Jen continue to GRACE us with their presence.
- ◆ Social Worker Randi Chavez joins our staff
- ◆ Two new interns, Laura Rogers and George Blom Cooper, arrive.
- ◆ Mexico sues the United States in the World Court

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GRACE's First Victory: Gilda Anne Westbrook



Rachel Walsh, Annie Westbrook and James Sullivan

We previously reported the story of Annie Westbrook, who was arrested in Boulder, Colorado and extradited to Texas to face capital charges in a 28 year old case. Apparently, the good folks of Newton County had more sense than their Chief Deputy Larry Folmer, and recognized that no crime had been committed, as the grand jury refused to indict Annie!! But Deputy Folmer wouldn't take "no-billed" for an answer and Annie's release became a day-long contest of wills.

On the morning of January 24, 2003, the Newton County District Attorney called us with the news of the grand jury's finding and we had the rare pleasure of calling the jail to tell Annie of her imminent freedom. Reprieve Australia interns Rachel Walsh and James Sullivan then began the three hour drive to pick Annie up from the jail and bring her to Houston for a good night's rest before heading back to Colorado. Unbeknownst to us, however, Deputy Folmer had other plans.

After just a few minutes of freedom in the yard in front of the jail, Annie was invited by Folmer to wait for her ride in his office. Although he already had a statement from Annie about the incident in which she defended herself from a rapist, and he knew she was represented by counsel, Folmer began to interrogate Annie, insisting that "she knew something and wanted to talk to him". He told her over and over that the case was not over, that it had been turned over to the Texas Rangers and they would continue to investigate. He made thinly veiled threats, urging her to "unburden" herself so that he didn't have to come extradite her from Colorado again. Amazingly, when Danalynn called the jail again to find out why she hadn't heard from Annie (who was supposed to call from a convenience store as soon as she was free), Folmer admitted that he was questioning her and even attempted to enlist Danalynn in wresting some kind of confession from her own client!! After a series of tense phone calls between Folmer, Danalynn, Annie (in Folmer's office) and the District Attorney, Annie was finally released from Folmer's office.

Rachel and James arrived at the jail to see a cold, ashen skinned Annie sitting on a wooden bench surrounded by plastic bags containing her personal belongings. Annie was adamant that she would rather sit out on the bench in the cold than return to the jail.

Randi Nicole Wall Chávez

Randi, a former TDS social work intern, joined us as a full-time employee on June 3rd. After receiving a Bachelor degree in social work at UT, she has completed her Masters in social work. Randi will be taking her exams to be licensed in July. Through TDS, Randi has received specialized training and experience in capital cases and will be taking appointments as a social worker or mitigation specialist. We are very excited to have Randi as a member of the GRACE team.

July 06, 2003

To each and everyone at Grace ~ (and Beyond)...

I just wanted to take a few moments here to say how very blessed I feel to have had each of you on my case for the last year.

A simple Thank you is just not enough.

I made the Statement years ago, that according to the Bible, "The Truth shall set you free"... I had been clinging to those words for so many years, and then I realized that I might never be set free from prison, or of the death sentence, but yet its true, The Truth has set me free on the inside. Even if Real Justice wasn't realized in this case, Christ's Mercy will forever be with me.

I could've never ^{have} made it without Daralynn Rees, Robert L. McDasson, and all the many friends and interns such as Raudi and Scott and Tina Francis in Ft. Worth/Dallas area ~ I owe my heart felt thanks admiration and appreciation to Jay Burnett, Brent Newton, Kathy Patrick and Clive Stafford Smith. who I know worked tirelessly and without much sleep to get me where I am today.

I know theres many more wonderful people that spent many hours investigating this case and I owe you a great big hug, because if it weren't for your time and effort, I wouldn't be where

I am today.

My friends, Grace is a wonderful organization full of dedicated and loyal individuals that take to heart the very seriousness of a capital situation and work tirelessly to bring to light the honest facts and hopefully get an individual a life sentence.

In the most part, this work & investigation can not be done without your help and financial donations and contributions.

Capital cases are extremely expensive my friends - think of it this way, it only takes a grain of sand to make a mountain over time - think how your dimes, nickels and Dollars could really make a difference in someones life?

If you're concerned deeply about Capital Punishment and would like to help, then send those dollars to a very worthy and capable organization - Grace will make each and every dollar count towards ending this miserable monster called the Texas Death Penalty.

Please Send to : GULF Region Advocacy Center
809 Henderson Str.
Houston, TEXAS 77007
(713) 869-4222 (713) 980-3811
FAX

My very special thanks to all of you for your love, support and encouragement throughout this last year. May God Bless and be with you and yours always and forever.

With Love and Friendship
Calvin Burdine

Mexico sues the United States in

Mexico has asked the International Court of Justice at The Hague to stop the United States from executing dozens of Mexicans held on death row. Mexico argues that communication with consular officials, which is a right of Mexican nationals under the Vienna Convention, could make the difference between life and death for Mexicans facing capital punishment. Mexican officials are seeking an injunction to stop the U.S. from executing any Mexicans while the court considers the arguments on both sides.

GRACE has become involved in the Mexican government's fight for the U.S. to recognize her citizens' rights. In September 2000, the Mexican Capital Legal Assistance Program (MCLAP) was established to allow the Mexican government to monitor capital cases around the country and develop a long-term strategy for addressing the needs of its nationals on who are facing execution.

Ten U.S. lawyers, including GRACE director Danalynn Recer, have been contacted to assist in carrying out MCLAP's objectives. GRACE does consulting in capital cases in Texas and Oklahoma, with a focus on Houston pre-trial cases. We work closely with the consulates to represent Mexico's position on the death penalty and to help Mexico protect her citizen from execution.

Currently, GRACE intern George Blom-Cooper is in south Texas working on a case for the Mexican government. His Spanish language skills allow him to communicate with the client's family and conduct investigation within the Hispanic community.

MCLAP's goals include:

- ◆ Increasing the quality of defense provided to Mexican nationals facing the death penalty in the U.S.;
- ◆ Improving quality of consular assistance program in capital case;
- ◆ Increasing awareness of, and compliance with article 36 of the Vienna Convention on Consular Relations;
- ◆ Improving communication with defense lawyers and educating them on the function of consular officials and the use of relevant international law; and
- ◆ Averting the use of the death penalty in future cases and preventing the execution of Mexican nationals already condemned to death.

Article 36 of the Vienna Convention mandates, in part, that "the competent authorities of the receiving state shall, without delay, inform the consular post of the sending state" of the detention of one of its citizens upon his or her request, and that the "said authorities shall inform the person concerned without delay of his rights" to communicate with officials and receive consular aid.

"You don't measure the satisfaction that you get in monetary terms but in personal terms. The proof is that many of the volunteers that come for 3 months, decide to stay longer. It is a tough job but very rewarding." - Irene Aguilar to El Punt, May 19th, 2003.

Repreive Espana

GRACE wouldn't exist if it weren't for the dedication and hard work of Reprieve interns like Rachel, James, Jen, Claudia and George (see bios, below). Because Texas is the home of six million Spanish-speakers, and GRACE has joined the Mexican Capital Legal Assistance Program (see story above), we are in need of Spanish-speaking interns. Irene Aguilar, who joined our staff this past January as an international legal consultant, and works with the MCLAP program, is now working through her alma mater in her native Espana to expand Reprieve. Andie Lambe, of Reprieve UK (<http://www.reprieve.org.uk>), joined Irene in Barcelona this past April to meet with students and faculty of ESADE- Ramón Llull University, (<http://www.esade.es/>).

The trip was a great success, with five students applying for internships. The Spanish press was also very responsive, with a full page article in El Periódico de Cataluña on a Sunday, an article in La Vanguardia and a report in El Punt. Irene appeared on Spanish National Radio and Spanish National Television (the equivalent of NPR and CNN). Back in Houston, "The Human Rights Show" from Amnesty International on Pacifica Radio, KPFT 90.1 FM, dedicated a program to GRACE & Reprieve.

Our "Coalition of the Forgiving"

Jennifer Oliver Jen came to Texas through Reprieve UK last February, with plans to stay for three months. Lucky for us, she has decided to stay for another three months. Jen is a graduate of the London School of Economics, and heard about Reprieve at a Human Rights presentation in London, where previous interns shared their experience. At GRACE, Jen has emerged as a real star. In one case, Jen found and interviewed key witnesses whom previous defenders had failed to locate.

James Sullivan James has become an indispensable fixture at GRACE. He arrived in November of 2002 for a three month internship, but found the life of a Texan capital defender to be so compelling that plans to travel the world have been put on the back burner.

At GRACE, James has applied his considerable legal skills to writing a series of creative and compelling motions for Calvin Burdine's case. His innovative work will now be featured by the Capital Defense Project of the Texas Criminal Defense Lawyers' Association so that it may benefit as many clients as possible.

George Blom-Cooper ironically, our first Reprieve Espana intern is a Brit. Four months interning at LCAC in New Orleans was enough to persuade George that a life in Astrophysics was not the right course to take.

George comes to Texas to assist in the cases of Spanish-speaking capital defendants, and to identify the systemic problems they face. On completion of the project, he will travel to Spain to share his experiences with students there and recruit more bilingual interns.

Laura Rogers A recent grad of Agnes Scott College, Laura has joined us for the summer to help with organizational development and some case work. She will be funded over the summer by Steve Bright, with the possibility that we will find a way to keep her for longer, since she is taking a year off between college and law school.

Scott Roskilly Scott is a TDS social work intern and recent Master's graduate of the UT Austin School of Social Work program. He worked alongside Naomi Terr, MSW, to prepare the mitigation for Calvin Burdine's retrial.

Claudia Hendrichske Sadly, Claudia finished her three month internship and has returned to England to further her studies on International Human Rights at Oxford University. Claudia worked on several cases and projects while at GRACE, and filled the office with a buzz of enthusiasm during her 3-month internship. We miss her already.



Our "Coalition of the Forgiving"
Above: Scott Roskilly, James Sullivan, Laura Rogers, George Blom-Cooper, and Jen Oliver.



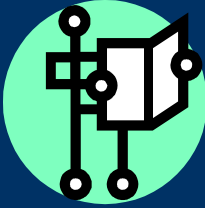
Reprieve provides legal representation and humanitarian assistance to people facing the death penalty in the US and the Caribbean. Reprieve's internship program allows volunteers to spend 3 months or longer in death penalty law offices such as GRACE.

Because GRACE is so heavily dependent on volunteer labor, the chance to host Reprieve interns has been a great opportunity for us. We have been lucky enough to have worked with three interns from Reprieve UK and two from Reprieve Australia.

Visit Reprieve UK on the web at www.reprieve.org.uk or

ReprieveAustralia at www.reprieve.org.au

Fall from Grace



Our Fall from Grace award is given for the most disgraceful behavior in law enforcement, and this summer the award goes to the Harris County Police Department Crime Lab.

The former director of HPD's DNA testing unit said that the lab was an underfunded "train wreck," and he was right. After a Houston television news program questioned some of the DNA lab's conclusions, officials ordered an outside audit that showed major deficiencies. Among the problems found at the lab were insufficiently trained examiners and a leaky roof that could have contaminated DNA samples and compromised testing. In addition, examiners have been found to have misrepresented the statistical strength of DNA matches, failed to analyze all available evidence in a capital murder case, and compiled sloppy paperwork. The problems with the lab have called into question the results of tests conducted in more than 1300 cases. Already, one man convicted for rape has been released pending formal exoneration.

Most frightening is the fact that the lab is used by Harris County prosecutors, who have sent 69 people to their deaths since Texas resumed executions in 1976. Currently, 159 people sit on death row in Harris County. In a county that sends more convicts to death row than any other in the nation, this kind of behavior by the HPD crime lab is a deadly disgrace.

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We're on the Web!

See us at:

www.gracelaw.org

How to Make a

If you would like to make a donation to GRACE, send a check or money order made payable to The Gulf Region Advocacy Center to:

809 Henderson Street
Houston, Texas 77007.

A Call for

GRACE wouldn't exist if it weren't for the many folks who have volunteered to do everything from assemble furniture to design our web page. Even if you have only a few hours to spare on the weekends, we could use your help!

Please call (713) 869-4722.

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