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VOICES FROM DEATH ROW

Reaching Out

Greetings to one and all,

We'd like to thank everyone for the kind words of encouragement and also for assisting us in reaching out to share ourselves with the world. A special acknowledgment to Caroline, who does all the hard work of bringing all of us to you! I, along with all the writers appreciate you.

This is our third issue and we hope you enjoy the thoughts expressed and are able to feel our message to the point that it compels you to reach out to someone and share what's within you: your experiences, your views, etc.! In this way we together can reach more and make an impact all across the globe.

Being that we're a small entity trying to reach out to a vast universe, we ask any and all who can to please contribute any donations to assist us in Reaching Out to a larger audience. You can do so by contacting our chair person at the above email address.

In conclusion, it is our goal to keep delivering thoughts and touch your hearts and produce greater thoughts in you, along with understanding of life through our eyes.

Enjoy this issue and those to come.

Christopher B. Coleman



All Death Row inmates at Polunsky Unit are kept in solitary confinement in their individual cell 23 hours a day, except for one hour of recreation, 5 times a week, spent alone in a day room or an outside courtyard. They are not allowed to participate in any work program and thus have no means of sustaining themselves, except through donations. If you would like to make a donation, please address it to:

Trace' Bell
 P.O. Box 69336
 Killeen, Texas, 76549-0336
 USA

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How can we continue?

By Ray Jasper

The entire pro-death penalty campaign and its advocates, the legislature, justices, the state of Texas, and its governor need to be ashamed of the death penalty. Only one in 600 murderers will receive the death penalty in America. But two thirds of all death row cases are later overturned on appeal.

In Texas, capital punishment is really a danger to society. Despite Texas executing almost 350 individuals, there have been over 200 reversals of the death sentence. Some individuals have faced numerous execution dates, even come within minutes of being killed before receiving a stay of execution and later a reversal.

It's widely known that defense attorneys are scarce and usually ineffective in capital cases. Even the president planned to increase funding for defense in cases where the death penalty is sought. It is a fact that many more people have been executed because of an attorney's failure to hire investigation, argue the case properly, or file legal writs on time. Supreme Court Justice Ruth Ginsburg said: "People who are well represented at trial do not get the death penalty."

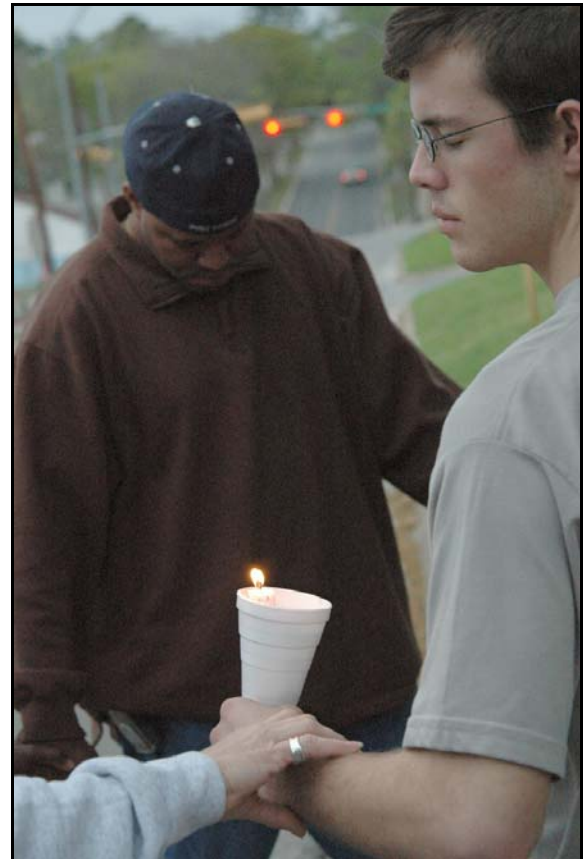
"People who are well represented at trial do not get the death penalty."

Pro-death advocates judge morally over legally that the death penalty is just. Not many understand the law they support. Why is a man sentenced to death in legal terms? The average answer of a Texan is because he killed someone. This is absolutely wrong.

Murder is not the same as capital murder. In Texas, murder is only punishable by 5 to 99 years in prison. A man is not eligible for the death sentence for committing murder.

Capital murder is murder and another felony in one act. Capital murder is punishable by life, life without parole (newly implemented in 2005) or death.

Pro-death advocates often say that it is closure for the victim's family to see the perpetrator executed. If this is true, all murderers would be put to death.



March 15, 2006. Outside the Walls during the execution of Tommie Hughes. Huntsville. (Photo C.P.)

Capital murderers are executed with no consideration given to the victim's family. In the case of Dominique Green, the victim's family strongly opposed his execution; they even visited Green to voice their support that his life be spared. The State ignored their pleas and executed Green.

Today we see a man pleading guilty to many murders and not receiving a death sentence. This is hurtful to know a man in America can plead guilty to 18 murders and not see a death sentence, but a man found guilty of capital murder under the law of parties in Texas, who did not even commit murder, will be sentenced to death.

The Texas law of parties has put a great number

of individuals on death row who have never committed murder. The State rules them “criminally responsible for the conduct” of someone else.

Can anyone declare this just?

Again, other individuals on death row have been the by-product of cruel and unusual punishment. Delma Banks has been on Texas death row for 26 years and has suffered 15 execution dates. How many times shall a man eat his last meal?

15 execution dates is cruel. 15 execution dates is unusual. The State of Texas is in violation of the 8th amendment of the United States Constitution.

Every individual who receives an execution date is given a limited time to prepare for his or her death. In this time, the person prepares their last words, last meal, last visit... they are asked how they want their body disposed (personal burial or prison burial), they are placed under surveillance known as “death watch” where guards and psychological doctors routinely check on them for the prevention of suicide. On the day of execution, they have the option of going peacefully or by force to the execution chamber. Some choose the peaceful path, some resist and are gassed, beaten and physically forced to the gurney. In the last hour, down to the injection, the finality of the case is decided. Sadly some have endured being strapped down with the needle in their arm before the execution is stopped.

To hear a man speak of this experience one time is undoubtedly shocking and leaves that person traumatized. Especially when they are within minutes of death.

The question posed is: how can this continue?



March 15, 2006. Protest for the execution of Tommie Hughes at The Walls, Huntsville. (Photo C.P.)

It was just a dream

By Kenneth Morris a.k.a. K9

I awake
Muscles aching
Teeth clinched
Sweat pouring from my body,
Screams ringing my ear's,
Am I dreaming?

A cell
Concrete walls,
Steel doors,
Can hear footsteps,
Falling in unison,
Like an army marching,
More scream's pore off the wall,
Am I dreaming?

A door slam's open,
Steel against steel,
The marching steps,
Draws even near,
The smell of gas,
Someone screams again,
Only this time I sense the fear,
Is this real?

I jump to my feet
Rush toward the door,
Can't see who it is,
Their in his cell,

He screams,
Their killing me,
Their killing me,
I yell out
To get them to stop,
No one hears me,

They drag him out,
From the cell,
I see his face,
What the hell!
I realize it's me,
Their dragging,
Can't be real.

Muscles tight,
Clinched teeth
Sweat poring from me,
Screams of children playing
Sunrays poring through
My bedroom window
Bathing me,

Footsteps,
Running toward me,
I can see,
The loving concern,
She holds for me,
Her gentle hands,
Console me,
As she tells me,
It was just a dream...

Texas Death Row

Amongst the dying
Are genuine bonds
That run immeasurably deep

Of brothers standing
And never bowing
Choosing to die on their feet

They are few in numbers but solidified
That's how resistance is born
All it takes is a rallying cry
From a daring voice of one

Sounds sweet and sorrowful

Ain't no sweeter sound
Than that of gentle rain
Beating softly against
My tiny windowpane

And none more agonizing
Than the unmistakable clang
Of prisoner shuffling pass
Bound with heavy chains

By Muenda

The Err of the Law of Parties

By Ray Jasper

One of the most underrated argument concerning Capital Punishment in Texas is the "Law of Parties" which permits the State to convict and sentence to death a person who has never taken another's life but is judged to be "criminally responsible for an offense committed by the conduct of another" (Texas penal Code 7.02). There are an estimated 80 individuals on Texas Death Row who have been convicted under the law of Parties who themselves did not commit murder. It's been said of the Law of Parties that "the Law unconstitutionally expands the pool of death-eligible defendants, instead of ensuring the ultimate punishment is reserved for the most heinous crimes." There have been numerous persons who have pleaded guilty to multiple murders and never had to face the death penalty. Even some of America's renown serial killers never faced execution but in Texas, there are cases where one person kills and under the Law of Parties, others share the same punishment, or greater punishment than the killer.

A major case many are advocating justice for is the case of Kenneth Foster Jr., who was convicted in 1997 for capital murder and sentenced to death. Foster had a joint trial with the main defendant, who attempted to

rob a man for his wallet and ended up shooting him. Foster was in a car parked 80 feet away when the shooting occurred. Two others were also in the car, Foster was the driver. One of the passengers made a deal with the State to testify at the joint trial. The last passenger was not tried in the case. Foster was found guilty under the Law of Parties and sentenced to death.



One juror stated that Foster was "guilty by association", another juror stated "he should have gotten out of there", another stated "Foster was guilty because he let him back in the car". Yet these were not legally sufficient reasons for a conviction. Mere presence at the scene of a crime does not prove guilt in the crime itself.

Foster's death sentence was recently commuted to life after a federal judge ruled there was no evidence Foster had any intent in the murder. Foster does not accept the ruling because he is looking to spend life in prison

"There are an estimated 80 individuals on Texas Death Row who have been convicted under the law of Parties who themselves did not commit murder."

for nothing more than negligence which is the least of all crimes. Foster believes he is innocent of capital murder. The error is the Texas Penal Code 7.02 (B) which leads to unjust conviction or punishment for “tangential involvement in a crime, indeed, for being at the wrong place at the wrong time.”

In another capital case scenario, Ray Jasper was convicted of capital murder in 2000 under the Law of Parties and sentenced to death. Jasper was the only of three defendants to be sentenced to death. In an attempted robbery the victim was killed, a homicide due to multiple stab wounds. Of 27 wounds afflicted to the victim, one was attributed to Jasper. But it was excluded from being fatal. A co-defendant had confessed to the main witness that he did “everything” the same night the victim was found slain. Jasper was the first to go to trial. The prosecutor announced that Jasper was a cold-blooded killer at the beginning of the trial, yet during the course of the trial state prosecution never said that Jasper killed the victim. The State put on evidence of the co-defendants bloody clothes and shoes he attempted to burn, along with the weapon he admitted to using, but neither said that the co-defendant killed the victim. In a capital murder case, the State simply said that both Jasper and the co-defendant “hurt” the victim. Jasper took the stand after he was found guilty and made the distinction that he did not kill the victim. After Jasper was sentenced to death, the co-defendant pleaded guilty in exchange for a life sentence.

The error of the application of the Law of Parties is that Jasper could not be convicted of capital murder apart from the Law of Parties. The co-defendant did not need to be convicted under the Law of Parties. Jasper’s conviction was not in proper order and procedure. Under *Stroman v. State*, it cites “in order to find a defendant guilty as a party, the State must first establish the guilt of another person as a primary actor”. 69 S. W 20 325.

The co-defendant bore responsibility for the victim’s death and attempted to exonerate Jasper of the murder. Jasper said the prosecution withheld evidence that would have exonerated him and purposely made it appear to the jury that he was the killer. Had the Law

of Parties been properly applied and the primary actor’s guilt been established first, there would have never been any confusion about the murder. In a recent ineffective assistance of counsel hearing Jasper’s trial attorney said he thought Jasper had killed the victim. When Jasper said on the stand he did not kill the victim, the trial attorney retorted “What exactly do you mean you did not kill him?” The trial attorney possessed evidence Jasper could not have killed the victim, but the greater mishap could have resulted from the prosecution’s withheld evidence. Jasper believes he should receive a new trial.

In another capital case in which the death penalty was not sought, lies a great example of the misuse of the Law of Parties. In 2005, Derek Pena was charged with capital murder with five other defendants. The murderer in the case pleaded guilty to a lesser charge of murder and received 50 years. Three other co-defendants pleaded guilty to aggravated robbery. Pena held his innocence and went to trial. Pena was accused of being a look-out and was not on the premises of the crime scene. Pena was convicted of capital murder and received a mandatory life sentence. Pena was convicted under the Law of Parties. The error is there is no such thing as being a party to a crime no one else has been convicted of. A party is tried based on “the first as to avoid error in order and procedure”. Dallas court judge Bonnie Goldstein said “it is disgusting and contrary to justice... when an accomplice is punished more harshly”. Pena who did not even commit a violent act received a greater conviction and sentence than the killer in the case. The State justifies the conviction under the Law of Parties, yet this does not make sense to the common judgment of men.

The Texas Law of Parties is an undeniable injustice and has turned lawbreakers into victims of oppression. The statute of the Law of Parties must not be ignored but challenged until it submits to justice. The entrapment it has produced is almost lawless in itself. The State is to seek justice over the convictions of men accused of crimes. Murder is the most abhorred crime of the State, but it is a curse to the government to be oppressive and punish men as murderers who have not killed, especially to put them to death.

“The Texas Law of Parties is an undeniable injustice and has turned lawbreakers into victims of oppression.”

The Belly of the Beast

By Obie Weathers

My surroundings of absolute darkness
Appeal to my soul asking, "become less"
Chaos is this vile world of mine here now
For many refuse to stand, instead bow

The appeals continue, yet no reprieve
And there will be none as long as I'm alive
So keep your calling you pitiful beast
You shall never catch me not on my feet

My days are eternally cold and hot
Meaning that I feel neither here or not
In my dream I experience freedom
Freedom that from my knee I pray to come

But for now I ambush through the darkness
Eternally refusing to be less.



Drawing by Kenneth Morris

Readers' comments -

[Please do not hesitate to email us your comments about this newsletter.]

"I think the accomplishment broadly of the issue is one that will be hard for many to appreciate, that while those on death row (who are not wrongly committed) have done horrible things and may be capable of more, they are also human with many of the motivations and suffering we all share. That in many ways they are like us, and that often we at our worst could have been like them is not something many wish to acknowledge, but it is an important part of appreciating the human condition."

J.B. Colson

"Well done, Caroline.
Magnificent, humbling stuff.
Here in South Africa we are interested in an effective African Restorative Justice program

no death penalty here any longer, of course.
The mind boggles...

These human beings whom you grant a voice
are the ultimate victims of **Retributive** (as
opposed to Restorative) justice - and thereby of
INjustice.....

Keep documenting!

Yours against the wrongful futility of retribution
and for the restorative fruits of human
regeneration."

Burgert Roberts

"I was so immediately impressed. However, I
think that there is perhaps a taboo around the
issue of death row and frankly, I think that many
people try to push the issue away and see death
row inmates as non-human, because it seems too
painful otherwise. Still, it's too bad, because just
because you are in prison doesn't mean you
should lose your identity or your ability to
express yourself!"

Anita Crofts