

JUSTICE TEXAS STYLE

In Texas a high number of people are being propelled through the state appeals process with unqualified attorneys and all this in a indifferent Texas Court of Criminal Appeals (TxCCA). The current capital appeals process in Texas -resulting from new legislation and laws that went into effect in 1995, has sped up the very process that was to be a safety net. Instead innocent and those undeserving of the death penalty are the very failing experiment - with unreliable deadly results.

No concern surrounding the death penalty is more pervasive and troubling than the systems history and continued potential to convict the innocent. Recent polls report that 94% of Americans believe that innocent people are wrongly convicted of murder. Nowhere is the issue more true than in Texas. A script Howard poll of Texans found that 66% polled believe that Texas has executed an innocent person. This has increased by 9% over the past years.

Texas is responsible for one third of all executions in the USA since 1976 and more than half of all executions in the U.S. over the past decade. Most recent stats indicate a clear rise in Texas numbers, as national numbers fell. Texas now is solely responsible for 1/2 of executions 3 years in a row, nationwide. This will only continue to increase with the upcoming End of the Line appeals due to the 1995 anti terrorism effective death penalty act (AEDPA). Passed under the guise of terrorism thanks to Tim McVeigh's bombing of The Oklahoma Federal Building.

The Writ of habeas Corpus, also known as the great writ, is usually all that stands between the innocent or undeserving and his/her execution. With good attorneys actually working - uncovering and presenting evidence of innocence, prosecutorial misconduct, ineffective representation, mistaken ID, perjured testimony by state witnesses, junk science by expert witnesses these along with constitutional violations are the meat & potato's of capital litigation. Death row inmates today face a one in three chance of being executed without having the case properly investigated by competent attorney, or fairly brought in the proper venue in court.

The test of quality representation is whether or not appropriate claims are filed in the State habeas appeal. Claims based on evidence newly discovered. The first appeal is based solely on the trial records. The first and only bite at the appeal is in a (second) state habeas appeal. Its imperative that good attorneys investigate and dig for new evidence. Clearly the law even says the attorney must conduct a complete investigation of the case - Sadly most don't! Many of the state appointed attorneys in Texas are grossly under-qualified, irresponsible, overworked, under paid and do little meaningful work for these indigent clients. Often new lawyers appointed to the federal habeas appeals, The third appeal - discover new evidence, relieving a mess that's unable to be undone. As aforementioned ONE BITE AT THE APPLE rule, defendants are procedurally barred by law from raising anything not raised in State level appeals!

Forever barring unique circumstances, the federal courts cannot consider claims that were not raised and argued in state level appeals. Help often comes too late as human lives slip through the cracks of the systems legalities.

The state writ mill factories - become all too evidently clear once new fresh minds review the cases in the federal arena. Texas gives new meaning to Lady Justice wears a blindfold. As she holds the scales of justice. Meanwhile Texas continues to dispatch souls to the death house without fair review.

The US Supreme Court Justice Sandra Day O'Connor (retired) acknowledged "serious questions are being raised about whether the death penalty is being fairly applied in this country... If statistics are any indication, the system may well be allowing some innocent defendants to be executed."

I have just entered the federal arena of appeals... the clock ticks on my life... Funds are needed for new experts, investigator, scientific review of evidence. Having fought the good fight thus far, I humbly ask for support. All donations add up & could make the difference in my future. At the crossroads of a prisoner's life on the row. Yogi Berra said take the fork in the road - I have.

In Struggle, Charles Thompson #999306