



# Gulf Region Advocacy Center

## Happy Holidays from GRACE!

State of GRACE  
Winter 2012

Dear Friends of GRACE,

The holiday season is upon us and with its cheery chaos comes the reminder to stop and reflect on the past year's experiences. It has certainly been a busy twelve months for all of us here at GRACE. We have welcomed new members to our staff, further expanded our office and continued to house a rotating band of energetic interns. Hard battles were fought, some lost, most won. All in all, it has been a fruitful year and we are eager to share few highlights.

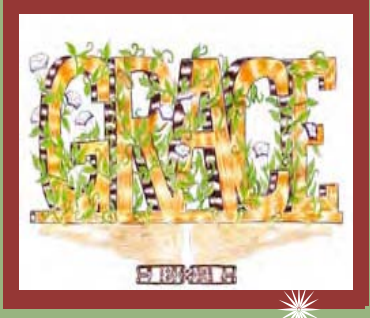
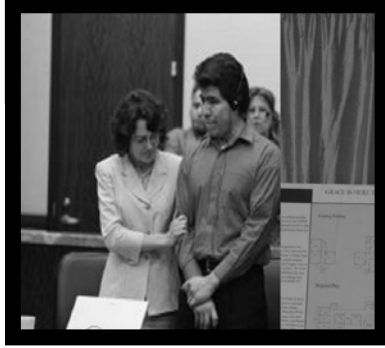
### A Word from Our Director

2012 has been a year of reflecting back while planning the future. Its hard to believe it has been 10 years since Calvin Burdine got sent back to Houston for a new trial and I jumped in to represent him pro bono with no funding, no staff and no office. On that day in 2002, when we took that leap of faith to incorporate a new non-profit, few would have guessed that GRACE would still be standing today. But, with the help of many of you, GRACE has grown from what Sister Helen called "a scrappy little group of volunteers and underpaid staff" crammed into a tiny attic apartment with donated computers, discarded furniture, big plans and empty wallets into an organization of lawyers and mitigation specialists that has contributed to strategic victories and innovations in capital defense while saving individual lives in jurisdictions and under conditions that many had deemed impossible.

But, even as we have grown, GRACE has remained a scrappy, nimble, little group with the flexibility to meet the needs of capital defendants against the constantly-evolving backdrop of legal, forensic and mental health developments and in the context of changing political, social and economic realities. Because we are independent and donor-funded, GRACE has maintained the flexibility to jump first and worry later about how to pay for it.

More than a dozen former Texas death row inmates who together served over 300 years on death row, woke up this morning without the specter of death hanging over them -- now serving sentences of life or better negotiated and hard-won by GRACE's donor-funded Retrial/Resentencing Project.

In our first ten years, GRACE has: provided direct representation to more than two dozen capital pre-trial defendants in Texas (all but one of these on a *pro bono* basis) and successfully secured a life sentence or better for each; provided mitigation services to over sixty capital



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Delma Banks & his family

*"I pray you enjoy the pictures for this is a Miracle in my sight. I thank you all for all that you did to make this happen."*

- Dellessa Smith, Delma Bank's sister



Jason Baldwin

*“Had I known about GRACE and if they had been practicing in Arkansas, maybe I had a tougher, stronger legal team; someone who was more experienced to go out and find those people [alibi witnesses], someone who would have been wise enough and had the funding to hire another medical examiner to examine cause of death, that would have prove Jesse’s confession was false [...] Damien would have never went to death row & I wouldn’t have spent 18 years in prison and Jesse wouldn’t have either. So GRACE is definitely a good thing, and something worth donating money and time for.”*

*- Jason Baldwin of the West Memphis Three at GRACE’s 10<sup>th</sup> Anniversary Gala*



Steve Earle

defendants at all stages in state and federal courts around the US, with life-saving results in 95% of our trial level cases; engaged in intensive, case-specific, legal consultation to capital defense teams representing more than 100 capital defendants; facilitated the neuropsychological evaluations of juveniles on Texas death row for use in the Supreme Court litigation that ended the juvenile death penalty; participated in the development of the national Mitigation Guidelines; were core participants in the reinvestigation of several wrongful executions; provided *pro bono* legal representation and investigative services to death row inmates returned for hearings on mental retardation; helped craft the government of Mexico’s lawsuit against the U.S. that revolutionized the representation of foreign nationals; engaged in ground-breaking litigation on behalf of surviving victims and victim’s families seeking victim-offender mediation; successfully challenged trial court attempts to limit capital defendants counsel of choice; successfully challenged trial court attempts to unreasonably limit investigative and expert funds; represented the Mexican government in 74 cases where Mexican nationals faced capital charges, securing life-saving pleas or getting death excluded prior to trial in 73 and taking one case to trial ourselves, winning a life verdict; authored the current edition of the Texas Criminal Defense Lawyers’ Association Capital Trial Manual; provided hundreds of hours of free training to capital defenders around the U.S. each year, and, in the process, become a national leader in developing and implementing best practices in capital defense.

This has been made possible by young lawyers coming to GRACE to work long hours for little pay, by graduates who come for unpaid on-the-job training as mitigation specialists, many who stayed to build GRACE’s staff of nationally-renown mitigators, by almost 200 volunteers who donated three months to a year of their lives, and by almost 700 individual private donors around the world. And, thanks to all of you, we’ve continued those successes this year, securing life-saving pleas for three clients, winning a stay of execution, providing expert affidavits to five capital defense teams and donating hundreds of hours of staff time to train attorneys and mitigation specialists in virtually every death penalty state in the U.S..

My own journey has come full circle in 2012 with the case of Delma Banks. I came to capital defense work in 1990 when, as a graduate student in the African American Studies department at UT Austin, I was consulted about the history of racial violence in Bowie County, Texas by lawyers defending a black man sentenced to die for the murder of a white man in a racially-inflamed setting. I had spent almost five years collecting records on over a century of lynching and racial violence in East Texas. So, I took my data to the offices of the fledgling Texas Resource Center, where I heard the name Delma Banks for the first time. The meeting evolved into a much broader discussion and I left with piles of transcripts, a changed Thesis, and – to a degree I did not yet realize – a changed life. Within a year I had joined that office and almost exactly 22 years later, I and GRACE had the privilege of being on the team, lead by George Kendall, that secured a life-saving plea for Delma Banks. And, last month, Delma hugged his parents and sister for the first time in 32 years (see photo on p. 1).

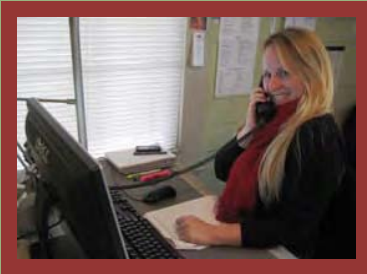
2012 has also been a year of reorganizing and looking forward. We have created new positions for a Deputy Director as well as Communications and Development, and devoted some much-needed attention to improving our operations and administration. GRACE continues to squeeze every penny for the benefit of our clients and spend as little as possible on overhead. Check out photos of our little wooden houses online to see how we put your dollars to work for life!

So, all you friends of GRACE should be proud of yourselves for the incredible progress you have made and I invite you to become or remain our Steadfast Friends for the next ten years by signing up to make automatic monthly donations. We cannot do this without you.

With gratitude, Danalynn Recer

# The State of GRACE

## Welcome to the New Staff!



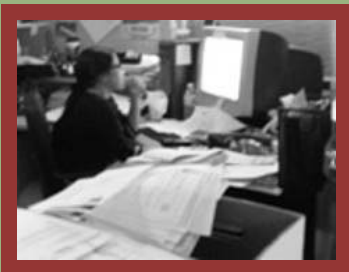
Kirsty Davis, Mitigation Specialist



Matt Silverman, Mitigation Specialist



Tonia Sanders, Mitigation Specialist



Trang Tran, Bookkeeper

### **Cortney Busch, Deputy Executive Director**

Cortney is GRACE's new Deputy Executive Director. Cortney holds a law degree and a Legal Practice L.L.M. concentrating in criminal legal aid from City University Law School, London. Before joining GRACE, Cortney worked for Reprise in London for four years, specializing in the cases of Guantanamo Bay detainees.



### **Coty Meibeyer, Staff Attorney**

Coty is a staff attorney focusing on the Retrial/Resentencing Project. Before coming to GRACE, she worked as a trial-level public defender in Kentucky. She received her J.D. from the University of Michigan Law School and her B.A. from Pomona College. She is licensed to practice in Kentucky and Tennessee.



### *Special Thank You to Our 2012 Volunteers & Interns*

An extra special thank you to Kate Janse van Rensburg, Kara McClain, Jon Tilbury, and Gemma West for your commitment and hard work. We couldn't do it without you!

We would also like to thank David Barda, Sarah Black, Andrew Colford, Charlie Forrest, Victoria Hajba, Andrew Kendall, Tom Mayne, Michael Robson, Dan Sheales, Nina Simons, Katerina Stevenson, Lucy Sweetland.

## *A Word from a GRACE Volunteer: Nina Simons*



*“GRACE has dramatically reduced death sentences in Houston, Texas, the former capitol of capital punishment”*  
*“Grace has made a huge impact in the quality of representation in capital trials in TX. Their work is the best in the field.”*

*- Philanthropedia*



I worked on the ‘Batson research project’ for Dallas County. The research made me really aware of the fact that racial inequality is, unfortunately, not an ancient history. On the contrary, this inequality is embedded in the Texan criminal justice system of today.

I also took part in the ‘Mitigation Boot camp’; a three day training program GRACE organizes biannually to raise the standards among mitigators in the United States. The Boot camp was very instructive, due to the focus on both theoretical knowledge and learning practical skills. In one of her lectures, for example, Danalynn Recer explained ‘love’ is probably the most important theme of the defense team in a capital case. The client’s capacity to love and the extent to which the client is loved by others, are the most important factors for a jury to choose life imprisonment instead of the death penalty.

As an intern at GRACE, you have the opportunity to share a house with other GRACE interns. Besides the hard work, there is enough time left to discover Houston and visit other interesting cities like Austin and San Antonio. All the people at GRACE make you feel very welcome. They are more than willing to share their own experiences – regarding both work and leisure – with interns to make sure you learn and see a lot during your stay. For example, I went to a pumpkin patch with a few colleagues to get in the mood for Halloween, which was really nice! I strongly recommend an internship at GRACE. I consider it a privilege, having been part of such a nice, dedicated group of people and having been able to learn so much from everyone in the office. I would like to thank everyone very much for the great summer in Houston. Keep up the good work GRACE does!

## *Texas Resentencing/Retrial Project*



While GRACE’s mission, providing quality representation to indigent persons charged with capital crimes, remains the same, the tools and methods we utilize evolve. However, since our inception, our donor funded pro-bono work has included representing those death row inmates who have been granted a new trial, and/or a new sentencing hearing.

GRACE’s Retrial and Resentencing Project has now found life-saving solutions in multiple cases, saving our clients life, allowing the victims’ family and friends to find closure, and sparing all from the retraumatization of a second trial. Specifically, GRACE has secured life-saving plea bargain agreements for over a dozen former death row inmates facing retrial and/or resentencing, and is currently providing *pro bono* representation to four former death row inmates. However, there are approximately two dozen people awaiting resentencing on Tennard/Penry issues alone. Often the system is a revolving door. Of the eight capital defendants that faced a retrial/resentencing in Harris County, all eight returned to death row. Further, as is evident from GRACE’s Dallas case, in which the District Attorney refused the client’s offers for a plea bargain, the judge removed his second chair counsel and refused to fund his mitigation services and fact investigation, taking on these retrials and resentencing cases is no small task. GRACE zealously and aggressively represents clients in these critically important retrial and resentencing cases through conducting systemic litigation, intensive investigations, and negotiations.

In some cases GRACE mitigators are court appointed but in every case our attorneys provided legal services for free – funded entirely by private donations and grants. We cannot do this life saving work without your help.

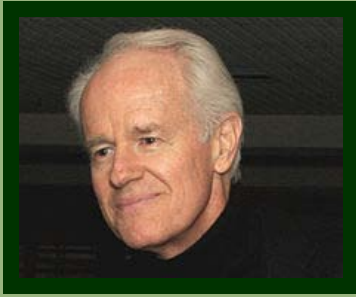
Please spread the word to your friends and family & ask them to contribute to GRACE’s vital work. Don’t forget to tell them that their **donations will be doubled by a matching grant through February!**

## 10th Anniversary Celebrations

GRACE celebrated ten years of life & life-saving work at our 10th Anniversary Awards Events, on November 15th, 16th, and 17th. Our celebration included an intimate luncheon with GRACE Ambassadors' and Sister Helen Prejean, a book panel and discussion, a film screening, and our 10th Anniversary Awards Dinner Gala. Our book panel, "Telling the Narrative: Life is a Story," included thought-provoking readings, storytelling, and discussions with Sister Helen Prejean (author of *Dead Man Walking*), Jody Madiera (author of *Killing McVeigh: The Myth of Closure*), Rais Bhuiyan (of World without Hate) and Chris Castillo (of Murder Victims' Families For Reconciliation). Our film screening of *Paradise Lost 3: Purgatory*, a brand new film about the West Memphis 3, inspired the audience & was followed by a powerful question and answer session with Jason Baldwin of the West Memphis 3. Finally, our 10th Anniversary Awards Gala featured a live performance by Steve Earle, an appearance by Shelley Fabares, speeches by Mike Farrell, Robert McGlasson, Jason Baldwin, Rais Bhuiyan, and Richard Burr, videos made by Sister Helen Prejean, past GRACE interns, lawyers, and mitigators from across the country, and the presentation of the Fragile Gavel Award by Texas exoneree Anthony Graves. All of us here at GRACE would like to thank everyone who donated and contributed to our 10th Anniversary Events. We would like to especially thank our Board, our Gala Host Committee (Archbishop Fiorenza, Jason Baldwin, Anthony Graves, Sissy Farenthold, Craig Washington, Sam Dunning, & Dave Atwood) and our Special Guests. Our Anniversary was a major success and we couldn't have done it without the many generous donations, contributions, and the support of all of our friends.

## Fragile Gavel Award

In 2012 we are proud to award the Fragile Gavel to two courageous jurists – **Kevin Fine** of Houston and **Teresa Hawthorne** of Dallas – both of whom had the integrity to faithfully and strictly follow the spirit and letter of the Constitution with disregard for their own political fortunes to issue orders prohibiting the State of Texas from seeking the death penalty against capital defendants, finding in light of evidence of wrongful convictions, biased processes, junk science and failed justice, that the State could not provide sufficient guarantees of fairness and reliability to satisfy the 8th Amendment. In both instances, the prosecution moved to remove the judges from these cases.



Mike Farrell

*"GRACE leaves no stone unturned in developing mitigation. The devoted, extraordinary staff of GRACE uses that approach to save lives facing the death penalty, the killing fields of the United States."*

*-Mike Farrell,  
star of "M\*A\*S\*H"  
and Director of Death  
Penalty Focus*



Rais Bhuiyan



Judge Kevin Fine



Judge Teresa Hawthorne

## How We Can Do This Together

### Taking Part in GRACE

GRACE depends upon private individual donors to maintain our standard of care. Against all odds, we have survived and expanded steadily year after year from a rag-tag crew of four volunteers to a staff of--- full-time employees and four to six interns. With the help of individuals from around the world, GRACE has saved dozens of lives and helped insure that no capital defendant will ever again face a jury with his lawyer asleep beside him.

If you have not yet become a **Steadfast Friend** of GRACE by setting up an automatic monthly donation (of any amount), please do so now at [www.gracelaw.org/donate](http://www.gracelaw.org/donate), and your 2013 GRACE calendar will be on its way. New and returning automatic donors will receive our GRACE keepsake, signed by Jason Baldwin, Rais Bhuiyan, Chris Castillo, Steve Earle, Shelley Fabares, Mike Farrell, Judge Kevin Fine, Anthony Graves, Jody Madiera,

If you are already a Steadfast Friend, there are **three simple ways** you can also help GRACE continue to save lives & ensure no capital defendant will ever again face a jury with his lawyer asleep beside him:

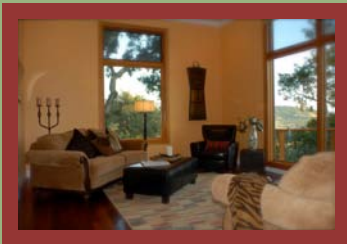
1. Make a tax-deductible donation to GRACE, which will be **doubled by a matching grant!**
2. Do your holiday shopping with retailers like BestBuy, Macy's, Neiman Marcus, Target, BrooksBrothers, Amazon, Expedia, and others online through GoodShop ([www.GoodShop.com](http://www.GoodShop.com)) and iGive ([www.igive.com](http://www.igive.com)), choosing Gulf Region Advocacy Center as your charity. Vendors donate anywhere from 1% to 15% to the charity of your choice if you purchase through this website. It costs you nothing, but adds up for GRACE!
3. Post a link to our website ([www.gracelaw.org](http://www.gracelaw.org)) on your blog, website, etc., "Like" us on Facebook, and email your friends and colleagues encouraging them to consider GRACE when making their donations this year.

Finally, consider becoming an ambassador for GRACE, to help us to meet our goals in recruiting automatic monthly donors. Email us at [staff@gracelaw.org](mailto:staff@gracelaw.org) for details.



*Starting with virtually no resources and no support, this scrappy little group of volunteers and underpaid defenders have changed the 'capitol of capital punishment in ways no one believed possible. I encourage you to support the life saving work of GRACE."*

*- Sister Helen Prejean, Activist and Author of "Dead Man Walking"*



"Escape to Napa Valley"  
Just one example of GRACE's silent auction items – place your bids now through New Year's Eve!

GRACE is also hosting a silent auction, including three wonderful trips. The items will be auctioned online now through New Year's Eve. Go to <https://www.facebook.com/GulfRegionAdvocacyCenter> or email [cortney@gracelaw.org](mailto:cortney@gracelaw.org) for a full list of items and for online bidding!

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