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April 22, 2011

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### Judge rules Dallas County prosecutors can't seek death penalty in third trial for man in 1978 slaying

By Jennifer Emily/Reporter  
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A state district judge has ruled that the Dallas County District Attorney's Office cannot seek the death penalty against a man facing trial in the slaying of a flight attendant because evidence has been destroyed and witnesses have died since the crime occurred more than 30 years ago.

The ruling by state District Judge John Creuzot, which can be appealed, comes after weeks of jury selection in the third trial to seek death for Jonathan Bruce Reed. The judge's decision does not mean Reed cannot be retried, but it prohibits death for his alleged crime.

He has twice won a new trial because of problems in jury selection in his case.

In a written ruling, Creuzot blamed the district attorney's office for the lack of evidence the defense would need to have a fair opportunity to persuade jurors not to send Reed to the death chamber.

Because prosecutors spent decades fighting Reed's claims that they purposely kept blacks off his jury, evidence that could be used in the punishment phase of his trial has been destroyed or gone missing. Family members who could testify about his upbringing and other factors that juries may consider during the punishment phases of a capital murder trial have died.

Creuzot wrote that prosecutors have long known that Dallas County "had long engaged in discriminatory and unconstitutional jury selection practices" and yet still fought against a new trial in the slaying of Braniff Airlines flight attendant Wanda Jean Wadle.

"It is the state who chose to fight the defendant's ... claim for 26 years. And it is the state that has chose to seek the death penalty in the defendant's retrial," Creuzot wrote in a 52-page ruling he made Thursday.

"The court concludes that it is the state's actions that have led to the current constitutional impasse in which the defendant must be afforded the opportunity to conduct a constitutionally adequate investigation, yet is wholly without the means to do so," he wrote.

It is not clear whether prosecutors will appeal the judge's ruling.

There is a gag order in the case. Dallas County District Attorney Craig Watkins, who took office in 2007, declined to comment, as did one of Reed's attorneys, Brad Lollar.

See a more complete version of the story in tomorrow's paper or on our website.

The entry "Judge rules Dallas County prosecutors can't seek death penalty in third trial for man in 1978 slaying" is tagged: Brad Lollar, Craig Watkins, death penalty, John Creuzot, Jonathan Bruce Reed, retrial, Wanda Jean Wadle

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