

## State of GRACE



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### Growing GRACEfully

This past year has been one of incredible growth for GRACE. Come to our office any day of the week and you'll find anywhere between two and twelve people writing motions, making phone calls and working to change the way capital defense is done in Texas. If she's not in court or out training other lawyers, you'll find Danalynn Recer working long hours behind mounds of documents on her desk. You'll find Aimee Solway in the next building, (as you all know, we own [two houses](#) now), writing motions and corresponding with lawyers as part of our successful [Harris County Pretrial Project](#). And when she's not out interviewing witnesses to uncover that last key piece of information that could save a client's life, you might find Liz Vartkessian, our lead mitigation specialist, collecting records and creating a theory for her case. Not to mention our administrative staff, working to keep our growing organization afloat, the interns processing documents and all of our [new staff](#). It's a far cry from Danalynn and three interns in a rented attic space.



Now that we have grown to a permanent [staff of nine](#), and, with the help of many generous friends, purchased our own office space, we are firmly rooted in the Houston capital defense community. The [Harris County Project continues](#) to successfully reach out to lawyers and clients in Houston and we have begun to expand our involvement in the Mexican Capital Legal Assistance Program with the [Golden Hour Project](#). In April the GRACE staff completed the [Capital Defender Manual](#) that we hope will influence the way

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### Eric Matthews' Plea

This year GRACE played an instrumental role in the long and hard-fought battle to save the life of Eric Matthews, a young schizophrenic Louisiana man charged with murdering his wife and young step-son who awaited trial for over eight years despite the fact that he had confessed, fully cooperated with officials, and was willing to plead guilty in exchange for life without parole. Eric was represented by the Louisiana Capital Assistance Center, our sister office where Danalynn Recer worked prior to founding GRACE, and where she remains of counsel. Along with LCAC Director Neal Walker and mitigation specialist Melanie Carr (now the Director of A Fighting Chance, or AFC), Danalynn represented Eric for most of those eight years, during which the elected DA of Tangipahoa Parish ignored the wishes of the victims' family, ignored overwhelming evidence of Eric's severe mental illness, ignored Eric's profound remorse and his willingness to accept responsibility for his actions, and pressed for a death penalty that no one impacted by the crime actually wanted. After extraordinary pre-trial litigation, numerous hearings, and an extensive mitigation investigation conducted by staff from LCAC, AFC and GRACE, the DA finally relented, and Eric entered a plea in exchange for a sentence of life without parole on August 30, 2006.

capital defense is done throughout Texas. While the executions of [Greg Summers](#) and Angel Resendiz remind us that there is still much work to be done, we are encouraged by the reduction in death sentences in Texas and rest of the country. Our hope is that in 2007, with the [support](#) of this community, we will continue grow and contribute to improving the quality of capital representation in Harris County, as well as successfully representing an increasing number of our own clients.



One of the houses that we use as our offices

## Success in Harris County

### Harris County Pretrial Project

The goal of the Harris County Pretrial Project, begun in 2004 with a grant from Equal Justice Works, is to introduce attorneys and investigators in Harris County to capital trial methodologies that have proven successful elsewhere and provide advice and support, including research, motions, and mitigation services. 2006 marked the second year of the project and we have met with continued success. We have worked with over a dozen lawyers and as many cases. There have been only two new death sentences in Harris County in 2006, down from 8 in 2004. Of course, GRACE cannot claim sole credit for the reduced number of death sentences this year, most of which goes to the appointed lawyers and investigators. It is evidence, however that the quality of capital defense is improving in Harris County, and we are proud to be a part of that change. Although the EJW grant that funded the project beginning in 2004 has ended, the project itself is still going strong. GRACE is now involved in three cases; providing legal advice, meeting with clients and attorneys and providing mitigation services. This past year we have provided varying levels of support in 7 other capital cases, from consultation to drafting motions to providing sample motions.

### Our Own Harris County Clients

Apart from the Harris County Pretrial Project, GRACE is also directly representing three Harris County clients, two of them on a pro-bono bases, and has been appointed to provide mitigation services for four others. If you would like to provide financial support for the Harris County Project and our pro-bono representation, please click the link below.



### Caroline Meyer Joins HCCPP



Caroline Meyer joined GRACE in June to work with Aimee Solway as a client liaison for the Harris County Pretrial Project with the goal of addressing the complex ways in which race impacts the fairness of legal proceedings where the death penalty is being sought. She is currently involved in the pretrial capital cases of three African-American men, and has begun to make a difference in the quality of information collected by the defense. Two of these clients have expressed to her that they were relieved that a person of color would be assisting their defense, explaining how resistant their families and friends would be to talking to a white person. Over time she has established relationships with the clients and built bridges with their families, building a picture of their lives to present to a jury. This mitigating evidence is absolutely essential to saving lives, but is impossible to gather without first establishing a relationship of trust between the client and his defenders. Caroline meets regularly with clients and lawyers to prevent the kind of breakdown in client/attorney relationships that is one of the greatest stumbling blocks to the successful resolution of capital cases. Caroline has also begun the long process of opening doors to greater racial diversity in the capital defense community. Beginning Funded partially by a grant from Reprieve UK, Caroline is in the process of establishing institutional relationships the students of the traditionally black Thurgood Marshall School of Law. She is now in the process of interviewing students in order to bring them to GRACE as interns so that they can see the work of capital defenders and begin to imagine themselves choosing such work as a career.

## New Staff

Our staff continues to grow to meet the needs of the capital defense community. In the past few months GRACE has welcomed three new staff members onto our team.

### Courtney Queen



The need for mitigation specialists in Houston is great. Fortunately, Courtney Queen joined GRACE in October to help meet that need. Courtney is currently working part time until she completes her PhD. dissertation in sociology. She has been a small & Medium-Sized Enterprise and Non-Governmental Organization Development Consultant for the United States Peace Corps in Latvia. Courtney has a history of working with vulnerable populations, doing both research and practical work. She is looking forward to living in Houston and working at the field level regarding democracy, justice, human and civil rights.

### Matthew Silverman



Matt Silverman was hired in June as administrative staff. He has done such a great job helping Jeremy, our office manager, organize the office and completing every task that comes his way that he has recently taken on new duties collecting records as part of the [Golden Hour Project](#), interviewing Spanish speaking clients and their families, and corresponding with lawyers and investigators. Matt graduated from the University of Texas in 2001 with a degree in Anthropology. A native Houstonian, he is happy to be back in the Bayou City after teaching English in Japan, Spain, and Argentina.

### John Fox



John Fox, previously employed by GRACE as a Jesuit Volunteer, is now working full time for GRACE from

## Grace Writes the Book on Capital Defense



The GRACE staff recently produced Eighth Edition of the Losch's Texas Capital Defender Manual (TCDLA Manual). The manual (over 600 pages in length) places an emphasis on practical trial skills and is a valuable resource to defense attorneys working on Texas death penalty cases. The staff and numerous interns worked hard for months redesigning the manual and updating it with a new emphasis on mitigation, incorporating what our staff has learned from years of working on capital cases, and compiling important motions for use in capital trials. GRACE was not paid for this effort, but rather struck a deal in which they would provide the text and a disc of sample motions to TCDLA free of charge and, in exchange, TCDLA would provide free copies of the book (normally \$85) to any Texas lawyer appointed to a capital trial case. If you haven't received a manual and need one, please email Phil Wischkaemper at [pwisch@tdcla.com](mailto:pwisch@tdcla.com).

## The Golden Hour Project

As part of the [MCLAP](#), GRACE has begun a new project designed to provide services directly to local defense attorneys defending Mexican citizens in capital cases during the "Golden Hour" - the period between arrest and the state's decision to seek death in a capital case. During this critical period many appointed defenders are not otherwise provided with resources to develop mitigation. The aim of the project is to insure that defenders are able to present the state with reasons against seeking death. These services are often not currently fully funded by the courts, though they can completely change the picture of the case and are sometimes lifesaving. We have hired John Fox, formerly a Jesuit Volunteer here at GRACE, to begin implementing this project. John now works as a record collection specialist, requesting and reviewing records for capital cases, a vital task that can make a huge difference in capital cases. Matthew Silverman, one of our newest employees, has also begun work on the project;

Boston as a record collection specialist, and has begun work for the Golden Hour Project. Although he now lives and works far away, we are happy that he has remained part of the GRACE team.

### Daniel Burke



Daniel Burke has taken John's place as our Jesuit Volunteer. Daniel graduated from the University of North Carolina in May of 2006 and will be interning with us for the next year, helping us process documents, collect records, write motions, and stay in touch with our clients. He was born in New Orleans, but grew up and spent most of his life in North Carolina. As an undergraduate majoring in history and psychology, he was active in the movement to attempt to institute a moratorium on the death penalty in North Carolina. Eventually Daniel plans to return to school to work on a graduate degree in psychology.

### Jeremy Sierra



Thanks to a generous donation from an anonymous donor, Jeremy Sierra, our office manager, will also be taking on a new role in the coming year. He will be taking on development duties writing grants, organizing volunteers and reaching out to the community.

collecting records, interviewing clients, and communicating with lawyers and investigators.

### New Intern



Sheirly Lugito, currently the sole intern in our office, arrived at GRACE in October through Reprieve Australia. She is completing her law degree at the University of Melbourne once she finds time between her hours at GRACE to complete her paper. She will be undertaking practical legal training at Leo Cussen Institute when she returns to Melbourne in January. She wishes to continue to be involved in Reprieve Australia after her three months internship at GRACE.

## Remembering Our Friends

### Greg Summers



Greg, our client and friend was executed on October 25<sup>th</sup>. Those who knew Greg and worked on his case grieve the

loss of Greg's life. Greg had a passion for others. He befriended people from all over the world and touched the lives of many. His death is a terrible reminder of the hideousness of the death penalty. Greg always maintained that he had no part in the crime for which he was executed. In fact, Greg was convicted and subsequently executed based on tenuous circumstantial evidence and hearsay.

Most of the facts of Greg's case were undisputed. In June of 1990, Andrew Cantu, Paul Flores, and Raymond Gonzalez crawled in the window of Greg's childhood home, stabbed to death Greg's mother, father, and uncle, set his home ablaze, and fled. Greg was arrested based on tips from Crimestoppers offering dubious information in hopes of a reward. From that day until his death, Greg grieved the loss of his family and steadfastly denied any involvement in their deaths.

It is clear that Greg did not participate in the murders of his family. The state claimed that Greg hired Cantu to kill his family to collect insurance money, a claim based solely on unsworn, out-of-court statements made by Cantu to Paul Flores and Raymond Gonzalez, neither of whom was charged with the murders. Greg's conviction rested mainly on the unreliable evidence of a jailhouse informant who testified that Greg confessed to participating in the murder of his father, but only testified to a portion of his conversation with Greg. He did not testify to the fact that Greg recanted immediately after "admitting" that he was involved. Over the years this man repeatedly reached out to attorneys to talk about Greg's innocence. Indeed, in the weeks before Greg's execution he called our office repeatedly to find out the status of the Greg's case, concerned for a man whom he believed to be innocent.

Greg's body now rests in Tuscany, Italy. He was buried in a coffin signed by a class of sixth graders that had been following his case from Italy through

### Angel Resendiz

Earlier this year we also lost our friend, Angel Maturino Resendiz. Angel was executed in June of this year.

Our involvement with Angel's case officially began in January 2006, just as Harris County issued Angel a death warrant. GRACE represented the government of Mexico protecting Angels' interests, along with Angel's defense counsel, and mitigation specialists at A Fighting Chance in New Orleans. GRACE fought to demonstrate that Angels severe delusional schizophrenia rendered him incompetent to be executed. Following several months of litigation and mitigation work, we were able to obtain a stay on Angel's initial execution date in May. Furthermore, the presiding Harris County judge ordered that a hearing take place in June to determine if Angel was competent to be executed.

Sadly, the judge ruled that Angel was competent to be executed, despite overwhelming evidence that Angel believed that he was half-man, half-angel who could not die and would be transported to the middle east to fight in defense of Isreal upon his execution. Angel was executed by the State of Texas only a few days later on June 27, 2006.



Those of us who had the opportunity to meet with Angel regularly remember someone who had a profound love and respect for his family and friends. He always had a large smile across his face when conversing about his young daughter, as well as his nieces and nephews. He also took pride and joy in telling people about the various animals he raised as a boy on his farm in Mexico. He often incorporated these animals into his drawings, which he gave as gifts to people he met. Some of his drawings hang on our office walls today.

Angel is survived by his wife and young daughter.

a Catholic Magazine. Their principal, Maria Carmela Carretta, made the offer to bring his body to Tuscany after reading about Greg's case. Greg now rests far from Texas, but he is not far from our thoughts.



Greg's coffin, signed by school children following his case in a magazine

## Fall from GRACE

### Help Wanted

#### Volunteers Needed

The walls need painting, the yard needs trimming, and papers need filing. There's lots to do at our office, and we need your help. If you don't mind doing some manual labor or administrative work for a good cause, we'd love to have you come by and help us out. We especially need people with wood working skills and computer skills.

#### Donations Appreciated

And, as always, we need financial support. A large portion of the work we do is completely pro-bono, and much of the work we do for the courts is not paid in full. Aimee's EJW grant, which was supporting her salary to work on the Harris County Project has run out. This completely pro-bono project takes time and money, and is making an important impact on the quality of capital defense in Harris County. We are also planning to complete the renovation and expansion of our offices to accommodate our growing staff. Please support these projects with whatever donation you can provide.



Our 2006 Fall from GRACE Award goes to Susan Reed, the Bexar County District Attorney, for her investigation into the execution of Ruben Cantu. After a [Houston Chronicle investigation](#) revealed that Ruben Cantu, executed in 1993, was most likely innocent, the DA's office has begun an investigation. Despite the fact that she ruled against Mr. Cantu as a judge and set his execution date, Ms. Reed is leading the investigation. She refuses to recuse herself because of her role in the case, despite an obvious conflict of interest. The sincerity and objectivity of the investigation were called into question. Her staff was taped mocking the notion that Mr. Cantu may be innocent. Ms. Reed has threatened to charge the surviving victim with "murder by perjury." Therefore we award Susan Reed our highest dishonor.

Read the [Chronicle Report](#) and [NAACP story](#) on Ruben Cantu

### Help from Colorado

Most students spend their spring break relaxing, but a group of dedicated law students from University of Colorado Law School decided to spend their week off from classes helping GRACE. Kate Black (a former intern at GRACE) along with David Lipka (a long-time mitigation specialist with LCAC), Sarah Quicksall, Lucy Boyd, Edward Volpe, and Gregory Petner flew to Houston to spend their break relieving our staff of some of its workload. These students are also interns at the Colorado Public Defenders Office. We set them to work summarizing transcripts, collecting records, and doing legal research and interviews. After a brief training, Dave led and some of the more experienced students in traveling across Texas interviewing witnesses and jurors for several of our cases. It was a big help to have some talented young law students working with us. They were funded by the University of Colorado's Law school and a generous donation from the law firm Hoffner, Reilly and Pozner. We greatly appreciate their hard work and their willingness to use one of their few breaks to travel across the country and help us.



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