

# The Gulf Region Advocacy Center

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Friends of Social Justice,

On September 21, 2006, Juan Leonardo Quintero Perez, an undocumented Mexican national, made a tragic mistake that changed his own life and the lives of many others forever. Sitting handcuffed in the backseat of a police car about to be arrested for a minor infraction, he panicked and shot Houston police Officer Rodney Johnson seven times in the head and back. Particularly in Houston, the death penalty capital of the world, these facts “sounded like a foolproof recipe for a death sentence.”<sup>1</sup> As C.O. Bradford, Houston’s former police chief, said: “if [the death penalty] is going to be utilized in Texas, I can’t think of a more appropriate case.”<sup>2</sup>

However, on May 20, 2008, a Harris County jury stunned the city by returning a verdict of life without parole. The jurors agreed with the prosecution that Mr. Quintero posed a future danger in prison, but nonetheless explained that they chose life because they “believe he has value.”<sup>3</sup> You can watch that remarkable moment here: <http://www.khou.com/video/index.html?nvid=247050&shu=1> or read about it here: [http://www.chron.com/CDA/archives/archive.mpl?id=2008\\_4571828](http://www.chron.com/CDA/archives/archive.mpl?id=2008_4571828)

In the aftermath, journalists, lawyers and bloggers variously decried and saluted the verdict as “a victory,” “a travesty”, “sad”, “surprising” and “a shock.” The media debated whether the verdict was the result of good lawyering or an indication of the public’s “growing weariness with the death penalty, and [a] maturing acceptance of LWOP as an alternative to death.” Legendary Houston lawyer Richard ‘Racehorse’ Haynes opined that “the defense attorneys did a great job” and the Houston Press marked the significance of the verdict in its 2008 Best of Houston. Victims’ rights activists criticized the jury for having “made a mistake.” The jurors themselves explained simply that “[h]e’s loved by many of his family and friends...he has potential” and that even a “convicted cop killer . . . deserves mercy.”<sup>4</sup>



GRACE Staff and Juan Quintero’s Family Members

Whether one lamented or celebrated the verdict, all recognized that the fundamental assumptions of capital cases in Houston had changed. The verdict meant, at least, that there is no crime so despicable and no defendant so far beyond the pale that a jury, even in Harris County,

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<sup>1</sup> Tolson, Mike, *Quintero Sentence Baffling to Many*, Houston Chronicle, 05/21/2008

<sup>2</sup> Ruiz, Rosanna, *Quintero Didn’t Expect to be Spared*, Houston Chronicle, 05/22/2008

<sup>3</sup> Rogers, Brian et al., *Quintero’s Life Sentence Shocks Victim’s Family*, Houston Chronicle, 05/21/2008

<sup>4</sup> Ruiz, Rosanna et al., *Quintero Didn’t Expect to be Spared*, Houston Chronicle, 05/22/2008, Pg A1; *Comments*, <http://harriscountycriminaljustice.blogspot.com>, 05/20/2008; Rogers, Brian et al., *Quintero’s Life Sentence Shocks Victim’s Family*, Houston Chronicle, 05/21/2008, Pg A1; Tolson, Mike, *Quintero sentence baffling to many*, Houston Chronicle, 05/21/2008, Pg B1; Bennett, Mark, *Life for Quintero*, <http://bennettandbennett.com/blog>, 05/20/2008; Floyd, John T., [www.johntfloyd.com/comments/may08](http://www.johntfloyd.com/comments/may08), The Juan Leonardo Quintero Case, 05/30/2008; Carroll, Susan, *Quintero case a local battle cry*, Houston Chronicle, 05/21/2008

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will not choose to value life if they are given an opportunity to look beyond anger and grief to see the “diverse human frailties” of the man or woman whose life they hold in their hands.

However, that view – of Juan’s humanity – was made possible only by an independent defense team with resources beyond what are typically provided to capital defendants. The American Bar Association Guidelines for the Representation of Counsel emphasizes the importance of independence in the defense function. Virtually every study of indigent capital defense has likewise found that a defense independent of the judiciary is essential to real fairness. But, in Harris County, there is no public defender system and elected judges choose the attorneys who appear before them.

Juan Quintero was represented by the Gulf Region Advocacy Center (GRACE), a non-profit law firm founded in 2002 to provide high quality capital defense to indigents facing the death penalty in Texas and Louisiana. Thanks to private funding, Juan’s defense team had both the independence and the resources to mount systemic challenges to the Harris County process of selecting a jury pool and to lay bare the entrenched practice of racial discrimination in the exercise of peremptory challenges. We litigated to get the time and expert assistance necessary for the development and presentation of Juan’s life history and engaged in extensive and aggressive pretrial motions practice, atypical for Texas state courts. All of this created conditions that made the verdict possible – that allowed 12 citizens to walk a few steps in Juan’s shoes and decide for themselves if his life had value.

To give other clients that same chance, GRACE needs your help. To protect our independence and maintain our standard of care while expanding to serve more clients, GRACE is embarking upon an individual donor program with the goal of raising \$520,000.00 through 560 individual private donors over the next ten months.

GRACE began in 2002 when Calvin “Sleeping Lawyer” Burdine was returned to Harris County for retrial and Robert McGlasson, the habeas attorney who had fought for twenty years to overturn his unconstitutional conviction and sentence was denied appointment to represent him at trial. Ironically, the Texas Fair Defense Act, which had been passed in response to the revelation that Calvin’s original attorney slept through portions of his capital trial, was invoked to deny Calvin his attorney of choice at retrial. Calvin was adamant that he would not accept counsel chosen by the court. Robert asked me to help. I stepped in to represent Calvin on a *pro bono* basis, securing a life plea for him and founding the Gulf Region Advocacy Center (GRACE) in the process.



Calvin Burdine

Because there is no statewide public defender system in Texas, GRACE became the first office here devoted to capital trial work, with the goal of bringing the successful methods of the Louisiana Capital Assistance Center and other capital defender offices to Houston.

In the early days, GRACE was, as Sister Helen Prejean has said, just a “scrappy little group of volunteers” working out of the crowded attic apartment above my home. We had no funding or resources to start, but capital defenders around the country chipped in to keep us afloat and local friends supported GRACE by donating computers, office furniture and supplies.

We staffed the office largely with interns who volunteered three to twelve months of time through the international internship program, Reprieve. These young folks continue to bring their energy and passion for justice here because, although Texas makes up only 6.4% of the US population, it has been responsible for 37% of the executions carried out since the reinstatement of the death penalty in 1976. There are currently 393 men and women on death row in Texas, 12% of the national total.

And, Houston is the eye of that storm. Harris County alone accounts for more executions than any *state* except Texas. The rate of capital crimes does not account for this enormous disparity. Rather, Texas is the capital of capital punishment due to a deadly combination of the twenty-year delay in implementing Supreme Court doctrine as to the development, admission and application of mitigating evidence, the historic lack of training for capital defense counsel, and the lack of any state-wide infrastructure for systemically correcting these problems.

For decades, Texas defied the constitutional principle of individualized sentencing with procedures that virtually guaranteed a death sentence for capital murder. As a consequence, Texas judges, prosecutors and defense counsel developed practices and procedures for capital cases that were completely at odds with the rest of the nation. And Texas never developed a pool of mitigation specialists, nor a pool of attorneys who specialize in penalty phase work. Once the Texas legislature finally began to address the constitutional infirmities of the state capital sentencing statute, Texas had a lot of catching up to do.

*GRACE has consistently and successfully provided free, high quality representation to men and woman facing capital charges in Harris County*

GRACE has addressed these problems through the creation of our Harris County Capital Pretrial Project, a program funded by the Sisters of Charity, the Texas Bar Foundation and Equal Justice Works to provide consulting and assistance to appointed capital trial counsel. As part of this program, we wrote the Texas Capital Trial Manual, which is now distributed to capital defenders around the state by the Texas Criminal Defense Lawyers Association and developed the only skills-based training for mitigation specialists in Texas. Thanks to donations and volunteers, we have been able to contribute to every major development in capital defense since 2002. We facilitated the neuropsychological evaluations of the juveniles on Texas death row for use in the Supreme Court litigation that ended the juvenile death penalty and we collaborated with mitigators all over the country in the development of the Mitigation Supplement to the ABA Guidelines. We also helped craft Mexico's lawsuit against the U.S. that revolutionized the representation of foreign national defendants and provided consultation to attorneys appointed to represent Mexican nationals at trial.

Alongside these developments, GRACE has consistently and successfully provided free, high quality representation to men and woman facing capital charges in Harris County. In six years, GRACE has logged more than our fair share of victories, and mercifully few defeats. Along the way, we have grown and changed and adapted to meet the opportunities generated by our successes and to fill the changing needs of capital defendants. When we outgrew our little attic, private donors helped us raise the down payment for a home of our own, and volunteers from church groups and social justice organizations scraped, sanded, scrubbed and painted for weeks until we could move in.



Volunteers Paint the New Offices

Today GRACE pursues our mission of improving the quality of capital defense through four programming areas – direct representation, mitigation services, consulting and training. Against all odds, we survived those first five years critical to any non-profit and expanded steadily year after year from a rag-tag crew of four volunteers to a staff of 12 full-time employees and four to six interns. We defied the predictions of those who said appointed attorneys would never file the motions we wrote, that Texas judges would never fund our mitigation work, and that Harris County jurors would never choose life for an “illegal alien cop-killer”.

Now we have come to another critical juncture in GRACE’s development, another crossroads where our path meets a great opportunity to make an impact of critical strategic importance in the lives of all capital defendants through the representation of a few.

Thanks to the amazing work of the professors and students of the University of Texas Capital Punishment Clinic, the number of retrial/resentencing clients has recently outpaced our capacity to represent them on a *pro bono* basis. In the past two years, we have found other ways to serve them – as appointed mitigation specialists to Johnny Paul Penry, Theodore Goynes and others; and as *pro bono* consulting counsel to assist appointed attorneys in negotiating settlements for Thomas Miller-El, LaRoyce Smith and others. Thanks to grants from the Texas Bar Foundation and the Public Interest Law Foundation, we have been able to shift the focus of GRACE to serve a greater number of these clients. But, the pace of reversals in the wake of *Tennard v. Dretke* continues to outstrip our capacity to provide even consulting services.

To meet this increasing need, we have developed a ten month plan to expand our Retrial Project through the addition of two new attorneys and a mitigation specialist, requiring an additional \$18,300.00 per month in addition to the \$11,700.00 per month that we must raise from private sources to maintain our current level of *pro bono* representation. Housing these new staffers will require us to complete the expansion of our building at a cost of \$160,000.00.

Thus, we are launching a new individual donor funding drive. We are seeking 560 individuals willing to make a commitment to sustain GRACE as an independent, client-centered, non-profit capital defense office providing the highest standard of care to indigent defendants, especially those in “the capital of capital punishment”.

Enclosed you will find an outline of our plan and the goals of this funding drive. Please give what you can and please help us to build our community by introducing us to new friends.

With gratitude,



Danalynn Recer  
Executive Director  
Gulf Region Advocacy Center

“Starting with virtually no resources and no support, this scrappy little group of volunteers and underpaid defenders have changed ‘the capital of capital punishment’ in ways no one believed possible. I encourage you to support the life-saving work of GRACE. Their compassion and energy will multiply the impact of your gift many times over.”

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