



Winter 2003
Issue 3

State of GRACE



Gulf Region Advocacy Center (713) 869-4722

Special Announcements:

- GRACE is the recipient of Equal Justice Works Grant
- We are growing—4 new interns and 3 new staff

GRACE to Accept Matching Funds in '04

Bucking the recent trend among presidential front-runners, GRACE has decided to accept matching funds in the upcoming year. The decision stems from the news that Equal Justice Works has approved our proposal for a two-year fellowship to launch the Harris County Capital Pre-Trial Project. This initiative has been designed to improve the preparation and litigation that occurs before capital trials in Harris County. The Project will assist attorneys with record collection and the filing of pre-trial motions to safeguard the rights of Houstonians put on trial for their lives.

Law) helps fund a variety of programs dedicated to surmounting barriers to equal justice that affect millions of low-income individuals and families.

To receive the grant, GRACE must secure pledges totaling \$56,000, the amount equal to half the cost of a two-year fellowship, in matching funds by March 1, 2004. The donations are tax-deductible. For more information on how you can help,.....

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For example...(something about litigating regarding the lab)

The Project will also develop systemic litigation to address the biases that are often too costly or complex for defense counsel to litigate. This type of litigation has helped improve practices in Louisiana and elsewhere across the country.

Equal Justice Works (formerly the National Association for Public Interest

Fall From GRACE

This season's Fall From Grace award goes to the Texas Department of Criminal Justice for its observance of International Human Rights Day on December 10.

While cities around the world celebrate International Human Rights Day, commemorating the 55th anniversary of the Universal Declaration of Human Rights, the state of Texas plans to execute Billy Vickers, Kevin Zimmerman and Bobby Hines on December 9th, 10th and 11th.

It is a disturbingly fitting observance for a state that continues to disregard the world community's opinion that the death penalty violates fundamental human rights. The retention of the death penalty puts the United States in a class of countries that it routinely criticizes for human rights violations, including China, Cuba, Iran, Iraq, Saudi Arabia, and Syria. No western European countries currently retain the death penalty.



Intern and Staff News



Dinner at the Intern House. Seated L to R: Alica Orozes, Randi Chavez, Pep Buades, William Belford, Laura Rogers. Standing: Reid Pillifant and LCAC intern Ashley Halphen.

Sophie (not pictured) is from Melbourne, Australia. She has been at GRACE since mid-November. She is currently studying law at Monash University.

Pep is from Mallorca, Spain and went to Law School in Barcelona where he graduated in July 2003. Pep first encountered the American legal system in 2002 as an exchange student attending Tulane Law School, New Orleans for a semester.

Reid is from the ever-exotic Dallas, Texas but after four years at the University of Texas considers Austin his hometown. His indecision led to degrees in history, government and philosophy, and he hopes to be at GRACE for quite awhile.

Laura came to GRACE as a summer intern, but has decided to stay on as full-time staff before pursuing law school. Laura majored in women's studies at Agnes Scott College in Decatur, Georgia before coming to GRACE.

Gail (not pictured) is our newest addition to the full-time staff. She is a native Houstonian, but would someday like to reside in Tennessee.

Randi was introduced in the last newsletter, but we're proud to announce that she passed her licensing exam with flying colors and now has a few more letters following her name. She insists that the entire office always refer to her as Randi Wall Chavez, LMSW.

GRACE has changed its personnel considerably since the last newsletter. We have added four interns and three staff.

Pep Buades and Alicia Ozores became the first Spanish REPRIEVE interns to grace our shores. We have also been joined by Sophie Williams from Reprieve Australia and William Belford from Reprieve UK.

Alicia is from Barcelona, Spain. She studied law at ESADE, Faculty of law. She is an attorney in Barcelona and would like to specialize in criminal law. Alicia has been at GRACE since the beginning of October and she will leave us around Christmas.

William is from Belfast, Northern Ireland. Before joining us at GRACE, he completed a degree in...at Cambridge University. William will be with us for several more months and plans to pursue a degree in law when he returns.



Upcoming Arguments in the World Court

In January of this year, the World Court at The Hague ruled that the United States should delay the execution of three Mexican nationals facing the death penalty in the U.S. while the Court investigates whether the more than 50 Mexicans on death row in America were denied the right to timely consular notification. Mexico's foreign relations department alleges that municipal and state governments in the United States have violated the 1963 Vienna Convention of Consular Relations, which mandates that detained foreign nationals be notified that they have the right to legal assistance from their home countries.

The issue has been a contentious one between the two countries; Mexican President Vicente Fox canceled a meeting with President Bush in 2002 after Bush refused to pardon Javier Suarez Medina, a Mexican national who was never told he could obtain help

from the Mexican consulate after his 1988 arrest.

One of the three Mexican nationals identified as most immediately threatened by the state of Texas is Osbaldo Torres. Torres was 18 when he was arrested in Oklahoma City and charged with capital murder. Mexican officials were never contacted at any point in the proceedings against Osbaldo, not even when his first trial ended in a dead-locked jury. Osbaldo's family notified the Mexican government after his second trial ended in a death sentence. Currently, social worker Randi Chavez is in Oklahoma City working on this case.

A weeklong hearing to discuss the violations of the Vienna Convention in the World Court has been scheduled for [date](#).



112 Foreign nationals on death row in the U.S.

51 Mexican nationals on death row in the U.S.

25 Foreign nationals on death row in Texas

8 Foreign nationals executed in Texas since 1993, the most of any state in the U.S.

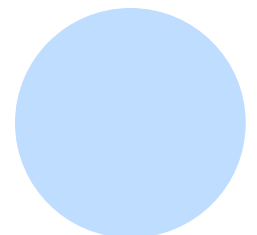


Spanish Film Crew Visits GRACE

In November, we were visited by Spanish filmmakers Grau Serra and Roger Sogues. Grau and Roger are part of Milana Bonita, an independent film company in Barcelona. They are making a documentary called "Hopes and Fears" about the work that interns from Reprive Espana are doing in Houston, Texas. They spent about ten days in Houston filming at GRACE, the Harris County courthouse, and the County Jail. Plans are for the documentary to be shown next year at various film festivals in Spain, and for an abbreviated version to air on Spanish television.



Film star and GRACE intern Alicia Ozares, showing she's not too famous to carry a few tripods.





Update on Calvin Burdine

In our last newsletter, we wrote that Calvin Burdine's "sleeping lawyer" case had been put to rest, but we were wrong. In October, the Texas Court of Criminal Appeals rejected Harris County prosecutors' legal brief attempting to prevent the Texas Department of Criminal Justice from classifying Calvin as eligible for parole.

Because the State of Texas held Calvin for 20 years on an illegal conviction and sentence before finally being forced to provide him some semblance of justice, the plea he entered in 2003 was governed by the law in effect in 1983. That law allowed

parole "eligibility" on a life sentence after 20 years. Currently, one sentenced to life for a capital crime is eligible only after 40 years. The District Attorney's office mistakenly believed that the three life sentences Calvin accepted in his plea would keep him ineligible for parole until he had served 60 years. ...

While Calvin is eligible for parole, it will be the Texas Board of Pardons and Paroles, who has never paroled anyone convicted of capital murder, who will decide whether or not Calvin will go free.

Update on Mitigation Steering Committee

GRACE has joined with a team of mitigation experts from around the country to improve the quality of mitigation investigation in Texas, and eventually across the nation.

Comprehensive mitigation investigations compile the life history of a defendant, helping to put crimes that often seem capricious into an understandable context. The Supreme Court recently ruled that mitigation is an indispensable part of a capital trial. This decision has created a need for well-trained

mitigation specialists in Texas, where mitigating factors have often been excluded by the courts.

By working with some of the most experienced mitigation specialists in the country, GRACE hopes to raise the bar for mitigation investigations by developing a training curriculum for investigators, to be used in Texas and then exported to other states. GRACE is awaiting word from the TIDES Foundation regarding funding for this project.

"A mitigation specialist is an indispensable member of the defense team throughout all capital proceedings."
American Bar Association

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Thanks to the American Bar Association for funding trips to the Federal Habeas Seminar in Chicago, Illinois and the Making the Case for Life Conference in Memphis, Tennessee.