

By: Deshotel

H.C.R. No. 177

CONCURRENT RESOLUTION

1 WHEREAS, Michael "Ricky" Spencer and Mary Walker, both
2 individually and as next friend for their son, Michael Walker,
3 allege that:

4 (1) Michael Walker was a 20-year-old inmate at the
5 Ferguson Unit, a low-security facility for first offenders, located
6 in Midway, Texas, under the jurisdiction of the Texas Department of
7 Criminal Justice;

8 (2) Michael Walker was placed in a cell with Wilbert
9 James Hamilton, a 35-year-old man who was serving time at the
10 Ferguson Unit and whose criminal record shows convictions for
11 voluntary manslaughter, arson, and aggravated assault;

12 (3) on or about July 13, 2006, Michael Walker had been
13 at the Ferguson Unit for approximately two months when he was found
14 dead in his cell, strangled and beaten so badly that it took 16
15 hours to "put him back together" for an open casket funeral;

16 (4) Wilbert James Hamilton is the only suspect, since
17 he was the only other person in the cell with Michael Walker;

18 (5) the Texas Department of Criminal Justice is
19 responsible for the safety of the prisoners in its system, and
20 Michael Walker should not have been placed in a cell with a violent
21 inmate such as Wilbert James Hamilton;

22 (6) defects in the Texas Department of Criminal
23 Justice housing and classification systems, facility overcrowding,
24 understaffing, lack of oversight, and failure to exercise timely

1 intervention contributed to the death of Michael Walker; and

2 (7) Michael "Ricky" Spencer and Mary Walker are
3 entitled to an award of damages, court costs, attorney's fees, and
4 prejudgment and postjudgment interest at the highest rate allowable
5 by law, the total of which may not exceed \$1.2 million; now,
6 therefore, be it

7 RESOLVED by the Legislature of the State of Texas, That
8 Michael "Ricky" Spencer and Mary Walker, both individually and as
9 next friend for their son, Michael Walker, are granted permission
10 to sue the State of Texas and the Texas Department of Criminal
11 Justice for any applicable cause of action subject to Chapter 107,
12 Civil Practice and Remedies Code; and, be it further

13 RESOLVED, That the payment of any amount awarded in a suit
14 authorized by this resolution is contingent upon appropriations for
15 that purpose; and, be it further

16 RESOLVED, That the executive director of the Texas Department
17 of Criminal Justice and the attorney general be served process as
18 provided by Section 107.002(a)(3), Civil Practice and Remedies
19 Code.