

By: Dutton

H.R. No. 829

R E S O L U T I O N

1 WHEREAS, Six former death row inmates who have been
2 exonerated of the crime for which they were convicted are visiting
3 the State Capitol on March 16, 2011, the Day of Innocence, in
4 support of a moratorium on executions and other related measures;
5 and

6 WHEREAS, These men are among the 138 individuals who have
7 been released from death row since 1973, either because their
8 convictions were overturned and they then won acquittal at retrial
9 or had the charges against them dropped, or because they were given
10 an absolute pardon by the governor based on new evidence of their
11 innocence; their lives forever changed by their wrongful
12 conviction, these six individuals are now working to reform the
13 criminal justice system; and

14 WHEREAS, Convicted of murder in Texas in 1981, Clarence
15 Brandley was just weeks away from his scheduled execution when
16 evidence of coerced testimony and blatant racism in his first two
17 trials prompted the FBI to intervene; three years later, the
18 charges against him were dismissed; Mr. Brandley subsequently
19 married, apprenticed as an electrician, and became a Baptist
20 minister; his life became the subject of a book, *White Lies*, and a
21 cable TV movie, *Whitewash: The Clarence Brandley Story*; and

22 WHEREAS, Sentenced to death in Louisiana in 1987, Albert
23 Burrell was 17 days away from execution in 1996 when his attorneys
24 won a stay; the attorney general's office dismissed the charges

1 against him in 2000, citing "a total lack of credible evidence," and
2 later DNA analysis reinforced that assessment; Albert Burrell
3 currently lives and works in Center; and

4 WHEREAS, Gary Drinkard was convicted in Alabama in 1995; in
5 2000, the state supreme court ordered a retrial on the basis of
6 prosecutorial misconduct, and the following year a second jury
7 found him innocent; Mr. Drinkard's case was subsequently presented
8 to the U.S. Senate Judiciary Committee to illustrate the critical
9 need that those facing the death penalty have for competent legal
10 representation; and

11 WHEREAS, Framed for murder, Shujaa Graham was sentenced in
12 California in 1976; the state supreme court overturned his
13 conviction because the district attorney had systematically
14 excluded African American jurors in his first trial; Mr. Graham was
15 ultimately acquitted in 1981, and since then he has played a leading
16 role in the anti-death penalty and human rights movements; and

17 WHEREAS, Ron Keine was sentenced to death in New Mexico in
18 1974 after a witness, under intense pressure from prosecutors,
19 fabricated a story about his guilt; the following year, the real
20 killer turned himself in, and a new trial for Mr. Keine and his
21 codefendants was eventually ordered; before the trial could be
22 held, though, a judge threw out the murder indictment on the grounds
23 that ballistic tests conclusively linked the confessed killer to
24 the murder weapon; freed in 1976, Mr. Keine now owns a business in
25 Michigan and is a leader in the campaign to abolish the death
26 penalty; and

27 WHEREAS, Anthony Graves of Brenham was arrested in 1992 and

1 convicted in Texas in 1994, primarily on the testimony of one
2 witness who later recanted his story; the Fifth Circuit Court of
3 Appeals ultimately overturned Mr. Graves's conviction in 2006, and
4 he was then sent to the Burleson County jail to await his new trial,
5 which would be four years in coming; during that time, he was kept
6 in solitary confinement; finally, in 2010, 18 years after Mr.
7 Graves was first imprisoned, a special prosecutor determined that
8 no case against him had ever existed, and the charges against him
9 were dropped; and

10 WHEREAS, There is no way to restore to these men the years
11 they have lost, or to compensate them for the mental and emotional
12 anguish they have suffered; notwithstanding the immeasurable pain
13 they have endured, however, they have found the resilience to take a
14 terrible ordeal and channel their response into constructive
15 endeavor; their strength and purposefulness are a testament to
16 their remarkable spirit and a continuing inspiration to countless
17 fellow citizens; now, therefore, be it

18 RESOLVED, That the House of Representatives of the 82nd Texas
19 Legislature hereby honor Clarence Brandley, Albert Burrell, Gary
20 Drinkard, Shujaa Graham, Ron Keine, and Anthony Graves for their
21 tenacity in the pursuit of justice and for their significant
22 contributions to the debate over an issue of paramount public
23 concern; and, be it further

24 RESOLVED, That official copies of this resolution be prepared
25 for these gentlemen as an expression of high regard by the Texas
26 House of Representatives.