

EXHIBIT L

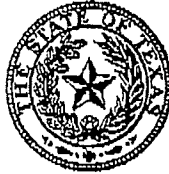
TEXAS ETHICS COMMISSION

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March 6, 2009

Mr. Charles L. Babcock, Esquire
Jackson Walker L.L.P.
1401 McKinney Street, Suite 1900
Houston, Texas 77010-4037

By Facsimile: 713-308-4110
and
E-mail: cbabcock@jw.com

RE: Opinion Request

Dear Mr. Babcock:

The Texas Ethics Commission received your letter dated March 3, 2009, in which you request an opinion about whether you may provide volunteer or discounted legal services to a judicial officeholder. As you know, the Commission recently entered a final order in a case involving the same subject matter. That case is currently under appeal. The Texas Ethics Commission may not issue an advisory opinion the subject matter of which involves pending litigation known to the Commission. § 8.3 Texas Ethics Commission Rules. Your request involves such subject matter. Therefore, at this time the Commission may not issue an advisory opinion in response to your request, and there is no existing advisory opinion on which you may rely to engage in the conduct set forth in your request.

Sincerely,

David A. Reisman
Executive Director

Ref: ID#27036

DAR:TS:my

Come visit our home page at <http://www.ethics.state.tx.us> on the Internet.

(512) 463-5800 • 1-800-325-8506 • FAX (512) 463-5777 • TDD 1-800-735-2989

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EXHIBIT M



GRAVES DOUGHERTY HEARON & MOODY
A PROFESSIONAL CORPORATION

John J. McKetta, III
512.480.5618
512.480.5818 (fax)
mmcketta@gdhm.com

MAILING ADDRESS:
P.O. Box 98
Austin, TX 78767

February 20, 2009

Via Facsimile Transmission

Chip Babcock
Jackson Walker, LLP
1401 McKinney Street, Suite 1900
Houston, Texas 77010

Re: *The Honorable Sharon Keller*

Dear Chip:

The Commission declines Judge Keller's request for the Commission to appoint Jackson Walker L.L.P as her counsel and to reimburse the law firm for the reasonable and necessary fees and expenses incurred in Judge Keller's defense.

You asked about the financial arrangement between the Commission and Graves, Dougherty, Hearon & Moody. The Commission has hired Graves, Dougherty, Hearon, & Moody to represent the Commission in this matter for \$1.00. This is the standard practice that the Commission has used to hire law firms for these types of proceedings.

You also asked to have until March 24, 2009 to file a responsive pleading on behalf of Judge Keller. The Commission has agreed to grant an extension until March 24, 2009. We look forward to receiving your response at that time.

Sincerely,

John J. McKetta, III

JJM:sm

EXHIBIT N

IN THE 197TH JUDICIAL DISTRICT COURT
OF CAMERON COUNTY, TEXAS
AND
IN THE COURT OF CRIMINAL APPEALS OF TEXAS
IN AUSTIN, TEXAS

EX JOSE ALFREDO RIVERA,

Applicant

CAUSE No. 27,065-03

Rec'd

6:25 pm

8.6.03

Tax Cr. App

REN

SUCCESSOR APPLICATION FOR A WRIT OF HABEAS CORPUS AND
STAY OF EXECUTION

THIS IS A DEATH PENALTY CASE

**MR. RIVERA'S EXECUTION IS SCHEDULED FOR
6:00 P.M., August 6, 2003**

TEXAS DEFENDER SERVICE
510 S. Congress, Suite 307
Austin, Texas 78704
(512)320-8300

SERGI & ASSOCIATES, P.L.L.C.
109 E. Hopkins, Suite 200
San Marcos, Texas 78666

EXHIBIT 21C-10

000413

EXHIBIT O

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HOUSTON CHRONICLE ARCHIVES

Paper: Houston Chronicle

Date: Mon 09/24/2007

Section: B

Page: 1 MetFront

Edition: 3 STAR

Slaying saga nears an end / Execution Tuesday to close two decades of legal battles

By MIKE TOLSON
Staff

Back in the bad old days of the 1980s, when the Texas prison system was bursting at the seams, a small-time crook named Michael Wayne Richard caught a break.

Sentenced to a five-year prison term for auto theft, he was released after serving less than 18 months, the second time in a decade he had his sentence cut well short because of crowding.

His parole did not seem like much of a risk at the time. Richard, whose name is pronounced in the French style because of Louisiana roots, was a nonviolent offender.

Two months after getting out, however, Richard made a huge jump in class, in so doing, pointing out the danger of assuming that nonviolent criminals stay that way.

On Aug. 18, 1986, he broke into the Hockley home of 53-year-old Marguerite Dixon, raped and shot her, then stole two television sets and a van parked in the driveway. He was arrested two days later and eventually convicted of capital murder and sentenced to die.

After most of two decades, one retrial and a lengthy bout of appeals, Richard, 48, finally faces execution in Huntsville on Tuesday evening.

It is little consolation to Dixon's family that crimes like his helped spur public outrage over mandatory releases, which, along with federal court intervention, led to the construction of more Texas prisons.

"This was a guy who wanted to not work, to rob and steal, do drugs and live an irresponsible life," said Steve Dixon, the victim's son.

"He didn't have to kill her. There were numerous other things he could have done other than kill her."

Dixon is the only family member who will witness the execution, though his aunt, Mary E. Chance, wishes she could.

"I'm 79 years old, and I have prayed every day that I would live long enough to see that man die," said Chance, Marguerite's sister.

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HOUSTON CHRONICLE
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Dixon, a registered nurse, was the mother of seven children. She often worked at night, which is why she was at home when Richard broke in.

Though Richard gave police a confession during interrogation, he now denies having killed her, saying a detective tricked him into signing a document he could not read.

"I was a thief - I ain't gonna lie to you - because that's what I was taught by my father," Richard said in an interview last week. "But I've been trying to tell everybody I didn't break in that house or kill that woman."

Plea refused

The prosecutor in his first trial, Lee Coffee, scoffed at Richard's comments.

"There never was an issue of identity or culpability, never a question of innocence," said Coffee, who is now a judge in Memphis, Tenn. "He never said he didn't do it. There was more than enough evidence. It was just a brutal, nasty killing."

Despite that, Coffee offered Richard a life sentence at the request of Dixon's family. Richard said he accepted and Coffee reneged. Coffee said it was always on the table.

"He just flat-out refused the plea," Coffee said. "I told him point blank you have an indefensible case. We offered him life because the family did not want to go through the trial. He said he wasn't pleading to anything. He said the death penalty is the last, ultimate high."

IQ questions

Richard's appeals have centered on the issue of his intelligence. His attorneys in his first trial argued that his low IQ, measured in the low to mid-60s, made him incapable of understanding the Miranda warnings given to him by police.

Richard's conviction was reversed in 1992 for an error made in the jury instructions. He was convicted again three years later, with the arguments concerning his limited intellect failing to convince a jury that his life should be spared.

When the U.S. Supreme Court banned the execution of the mentally retarded in 2002, Richard's chances of a permanent reprieve improved, especially after a psychologist for the state, George Denkowski, reviewed tests performed on him and declared him to be retarded.

That led to a hearing last December in which Harris County prosecutor Lynn Hardaway submitted additional information to Denkowski, who then changed his opinion and said Richard did not meet the state's criteria for retardation.

"We gave him a great deal of records regarding Mr. Richard," Hardaway said. "A woman testified in his retrial about being a pen pal with him. We had photographs of his cell showing books. There was evidence of chess playing. He had had a typewriter at one time. He had stamps and writing paper. There never was any indication from early years that he had been diagnosed as retarded."

She said the low IQ test by itself was not conclusive of retardation.

Covering up?

"A lot of these guys have a low IQ, and that is partly the result of a poor education," Hardaway said. "They can have ADHD. They are not good students, and consequently they are not going to do well on IQ tests."

Richard said he had others write the letters for him and he just copied them. As for the books and stamps, they were items he traded with other inmates for favors, he said.

"The psychiatrist (sic) man changed all those numbers and he never came back and talked to me," Richard said. "There's a lot of things I can't do, but if I sit and watch you I can learn to do a little."

After a weeklong hearing, State District Judge Mary Bacon ruled that Richard was not retarded. Les Ribnik, Richard's attorney at the hearing, said the DA's office pressured Denkowski into changing his opinion.

"We had (psychologist) Jerome Brown testify, and he said you can't re-score the test results without going back to the subject and asking the questions again," Ribnik said. "If you have been around the high functioning retarded, they are good at covering up. Richard is a talker - he is very verbose. That's how he gets by."

Bacon's ruling was a relief to some of Marguerite Dixon's children, but not all. Celeste Dixon, 43, said that she has changed her views on the death penalty over the years.

"After it happened, I spent a lot of time really angry," she said. "Finally, I reached a point where I realized that if I let it go, my life would be a lot better. I was actively wishing for another person to die, and I don't like that feeling. I think that people who grab onto execution as a way of dealing with their grief get stuck in their anger."

...

TIMELINE

Aug. 18, 1986: Broke into Hockley home of 53-year-old Marguerite Dixon, raped and shot her, then stole two television sets and a van.

Aug. 20, 1986: Arrested in case.

1992: Conviction was reversed for an error made in the jury instructions.

1995: Convicted again with arguments concerning his limited intellect failing to convince a jury that his life should be spared.

2002: U.S. Supreme Court banned the execution of the mentally retarded

December 2006: Hearing determined that Richard did not meet the state's criteria for retardation.

Tuesday: Scheduled for execution.

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EXHIBIT P



HOMework

When is a little help too much? Experts say parents eager to assist Junior with his lessons need to exercise some restraint instead. **PAGE G1**

OUTLOOK

CREATE 'CAT FUND' TO SPEED RECOVERY

Help for injured cats

HOUSTON CHRONICLE

chron.com

SUNDAY, MARCH 22, 2009

VOL. 108 • NO. 160 • \$1.75



Receiver finding rough reception

Lawyer toiling on Stanford case hit from all sides

BY KRISTEN HAVS
HOUSTON CHRONICLE

The court-appointed receiver in the Stanford financial mess won't win any popularity contests. But that's not what Ralph Janvey is about.

He's on a mission to squeeze every penny from what's left of Texas native R. Allen Stanford's Houston-based empire and distribute

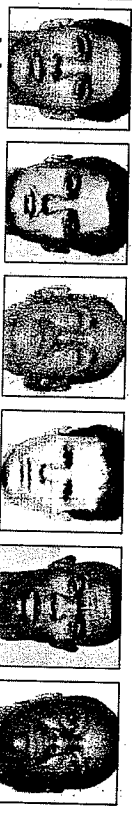
it to victims of Stanford's alleged \$8 billion fraud.

"We want them to know that we are aware of their hardship. We know that in many cases their needs are urgent, and we are trying to address them as quickly and completely as we can," Janvey wrote in response to a series of written questions from the Chronicle as part of his first media interview.

The 58-year-old Dallas lawyer is the target of anger for thousands of Stanford investors who see him as a man in the shadows with ultimate

power. *Please see STANFORD, Page A8*

TEXAS DEATH ROW



- Andrew Cantu**
Executed 02/16/1999
- Spencer Corey Goodman**
Executed 01/18/2000
- Leonard Uresti Rojas**
Executed 12/4/2002
- Robert Andrew Lookinbill**
Executed 01/22/2003
- Willie Marcel Shannon**
Executed 11/8/2005
- Johnny Ray Johnson**
Executed 02/12/2009

LAWYERS' LATE FILINGS DEADLY TO INMATES

Tardy paperwork denies final appeals for 9 men, 6 of whom have been executed

ANIMAL ER

NCAA TOURNAMENT

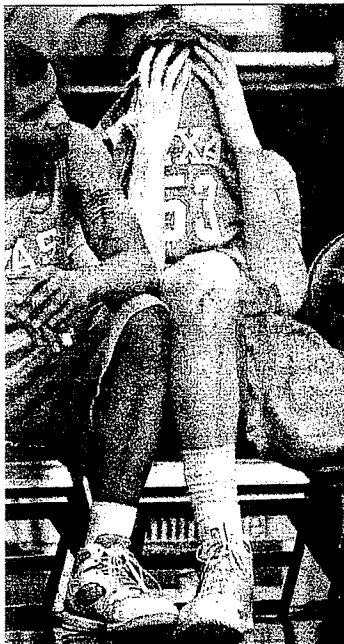
BY LISE OLSEN
HOUSTON CHRONICLE

about. The 38-year-old Dallas lawyer is the target of anger from thousands of Stanford investors who see him as a man in the shadows with ultimate influence. Please see **STANFORD**, Page A8

Tardy paperwork denies final appeals for 9 men, 6 of whom have been executed

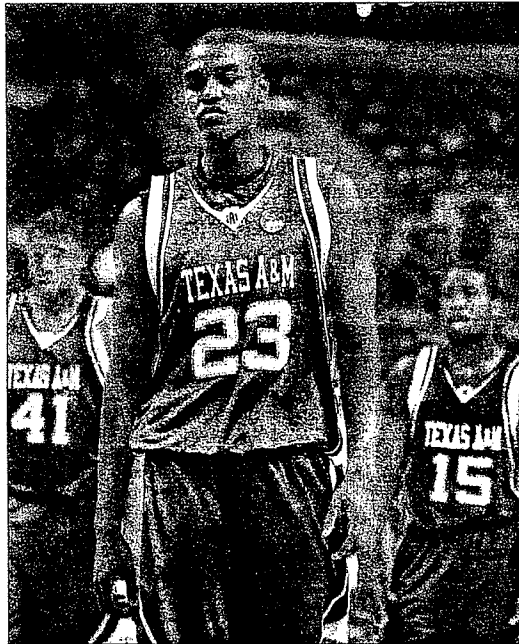
NCAA TOURNAMENT

Longhorns, Aggies bow out



STREETER LECKA: GETTY IMAGES

Clint Mason, left, and Clint Chapman of Texas A&M as the clock runs out in the Longhorns' second-round game Saturday night.



JIM MCISAAC: GETTY IMAGES

... OF DEFEAT: Aggie senior Josh Carter, center, trudges off the court with teammates Chinemelu Elonu, left, and Donald Sloan after Texas A&M lost to Connecticut on Saturday.

By LISE OLSEN
HOUSTON CHRONICLE

Three men on Texas' death row — and six others already executed — lost their federal appeals because attorneys failed to meet life-or-death deadlines, essentially waiving the last constitutionally required review before a death sentence is carried out.

Johnny Johnson, executed in February for a Houston murder, was the most recent: His lawyers missed a federally mandated filing deadline by 24 hours.

One of his attorneys made the same mistake in the case of death row inmate Keith Steven Thurmond, a former Montgomery County mechanic now on death row awaiting execution, according to case records.

In both cases, the lawyer waited until after business hours on the last day an appeal could be filed and then blamed a malfunctioning filing machine for his tardiness, according to a 5th Circuit Court of Appeals opinion issued last week. The court chastised the attorney for using the same excuse twice.

The opinion pointed out that based on the problems in the previous capital case, the lawyer already knew the machine was broken and could have easily filed electronically by using his computer.

Most of the late filings came in death row cases overseen by federal judges in the Southern District of Texas. In an interview, U.S. District Judge Hayden Head, the Corpus Christi-based chief judge of the Southern District, said he was unaware of the problem and could not comment.

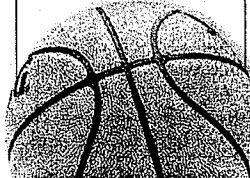
The Houston Chronicle reviewed records in nine appeals that were filed too late. In some cases, lawyers or judges appear to have miscalculated or misunderstood the dates of the deadlines, which generally fall one year after

Please see **CASES**, Page A8

Devils Duke just short

Close to being a master, but the Blue Devils were on late to grab a victory. STORY ON PAGE C1

MARCH MADNESS



Huskies torch A&M early, often

CONNECTICUT easily reached the Sweet 16 as it never trailed in a 92-66 rout of Texas A&M. STORY ON PAGE C1

chron.com THE ROAD TO THE FINAL FOUR: Keep up with your favorite teams and your brackets in the Chronicle's coverage of the NCAA Tournament. Go to chron.com/sports

Siege by gangsters, rural Mexican villages dig moats

It doesn't always deter raids, but the moats can't be spared

It has never seemed truer than in this gangster-besieged village and a neighboring one in the bean fields and desert scrub a long day's drive south of the Rio Grande.

MEXICO—
Without tur-
nunities

Since right before Christ-

mas, armed raiders repeatedly have swept into both villages to carry away local men. Government help arrived too late, or not at all.

Terrified villagers — at the urging of army officers who couldn't be there around the clock — have clawed moats across every access road but one into their communities,

hoping to repel the raids.

"This was a means of preservation," said Ruben Solis, 47, a farmers' leader in Cuauhtemoc, a collection of adobe and concrete houses called home by 3,700 people. "It's better to struggle this way than to face the consequences."

But shortly after midnight

last Sunday, villagers said, as many as 15 SUVs loaded with pistoleros attacked nearby San Angel, population 250, and kidnapped five people. Four victims were returned unharmed a few days later. The fifth hostage, a teenage boy, was held to exchange for the intended target the raid-

Please see **MOATS**, Page A23

Justice Prices

The Way You Live





MAYRA BELTRÁN: CHRONICLE

D: Dallas attorney Ralph Janvey has conducted four bankruptcies, but none was as large as Stanford Financial.

JANVEY

Age: 58
 Birthplace: Mineola, N.Y.
 Education: LL.M., University of Texas at Dallas
 Degrees: Law degree, Southern Methodist University
 Career: Assistant vice president, securities, Comptroller, private equity since 1980
 Notable: Ben Krage, appointed trustee of Stanford Financial

With SEC investigator's knowledge of Stanford Financial's books

Janvey, Stanford Financial's chief financial officer, has a resume that includes all the usual suspects: six corporate law firms, the silver tea service at the company's headquarters, Janvey's personal assistant, Stanford, Dagest-Holt. Janvey conducted four bankruptcies in Dallas close to the Stanford Financial. The bankruptcy involves an New York Bernard Madoff swindle. But Janvey, with more than 30 years stretching to work and numerous cases, mainly in the Caribbean and Latin America, Janvey will diversify his assets he says. He aims. He may be selling real estate property in hopes of a better life when the crisis hits. Janvey includes two other attorneys and a night — plus restructuring ad-

viser, a forensic accounting and information technology expert, a brokerage specialist, a security consultant and a public relations firm.

Within days of the freeze, Janvey set up a Web site, www.stanfordfinancialreceiver.com, and an e-mail address, info@stanfordfinancialreceivership.com.

Some investors take little comfort in that.

"My family and I have suffered the pain, stress, and hardship only you have caused. I have had bounced checks for my mortgage, semi-annual car insurance, heating bill, and various medical bills while you have been protecting me," North Carolina investor William Allen wrote in an e-mail last week that he shared with the Chronicle.

'Just an impossible task'

Michael Goldberg, a Florida attorney who specializes in receiverships, said the lifting of the freeze on most investor accounts shows that Janvey is trying to move quickly, but communication is key for frightened investors.

"All of a sudden he appears, the money stops flowing and they take their emotions out on the receiver...," Goldberg said. "I'm sure he would love to have the ability to speak to everybody, but that's just an impossible task."

Alan Bromberg, a law professor at Southern Methodist University who once had Janvey as a student, said Janvey carefully considers problems and makes tough decisions.

In the Stanford case, Bromberg said, money Janvey is trying to recover likely has changed hands many times, and all who touched it might have claims. "I think he's got the brains, and he's got the intelligence to work away at it," he said.

"But receiverships never come out making everyone happy."

kristen.hays@chron.com

CASES: Reasons vary for missing deadline

CONTINUED FROM PAGE A1

state appeals are concluded. In others, computer failures or human foibles are blamed, records show.

"Any decent judges would be deeply ashamed of the quality of legal representation in most capital cases in Texas," said Stephen Bright, a leading specialist in capital case law and who directs the Southern Center for Human Rights in Atlanta. "The very least they could do about it would be to prohibit lawyers who miss the statute of limitations from taking another case and referring them to the Bar for disciplinary proceedings."

One last chance

A federal writ of habeas corpus — a right guaranteed by the Constitution — usually gives an inmate a last chance to have the courts review errors or overlooked evidence that could invalidate a conviction or death sentence.

Jerome Godinich, the attorney in both Johnson and Thurmond's cases, appears to be the only Texas attorney to have filed too late in more than one recent death row appeal, based on the nine cases reviewed. He also filed late in a third Texas death row case, records show.

In the third case, however, a Houston-based U.S. district judge took so long to appoint Godinich that the appellate deadline already had lapsed. Court records show Godinich requested more time but took 162 days to file the appeal. The judge then ruled that it, too, was too late to be considered, records show.

Godinich did not respond to several telephone and e-mail requests for an interview. He has faced no fines or other public penalties from the Houston-based federal judges who both appointed and paid him to represent the three men.

Late appeals not tracked

In the case of Johnson, the inmate executed in February for a 1995 rape and murder, Harris County Assistant District Attorney Roe Wilson said the federal district judge considered other legal arguments, though the appeal ultimately was rejected for being filed too late. She said such mistakes were rare in Harris County cases.

The Texas Attorney General's Office, which handles federal appeals, has moved aggressively in several cases to get late filings dismissed on behalf of the state. But



JULIO CORTEZ: CHRONICLE

SPEAKING OUT: Texas death row inmate Keith Steven Thurmond talks from the Polunsky Unit in Livingston on Wednesday about his lawyer, who blamed a malfunctioning machine for his failure to file Thurmond's final appeal in time.

DEADLINES MISSED IN CAPITAL CASES

Six men have been executed who lost final federal appeals because of blown deadlines:

- **Johnny Ray Johnson:** Executed Feb. 12, 2009, for the rape murder of a Houston woman.
 - **Willie Marcel Shannon:** Executed Nov. 8, 2006, for a carjacking killing at a Houston shopping center.
 - **Robert Andrew Lookingbill:** Executed Jan. 22, 2003, for the beating death of his grandmother in Hidalgo County.
 - **Leonard Uresti Rojas:** Executed Dec. 4, 2002, for the shooting deaths of his common-law wife and his brother in Alvarado.
 - **Spencer Corey Goodman:** Executed Jan. 18, 2000, for the abduction murder of a woman in Fort Bend County.
 - **Andrew Cantu Tzin:** Executed Feb. 16, 1999, for the stabbing deaths of three people in Abilene.
- At least three living death row inmates' lawyers also filed federal appeals late:
- **Keith Steven Thurmond:** sentenced to death in 2002 for the murders of his estranged wife and a neighbor in Montgomery County.
 - **Quintin Philippe Jones:** sentenced to death in 2001 in Tarrant County for killing his great-aunt.
 - **Marlin Enos Nelson:** sentenced to death for a 1987 murder.

— FROM STAFF REPORTS

Thurmond, who had no previous criminal history, shot and killed his wife and neighbor in 2001, the same day that his wife sought a protective order and took their son to live with the neighbor.

Thurmond says he is innocent. But the only issues raised by his lawyer in his appeal, filed too late, were that his trial attorney failed to investigate allegations that Thurmond was abused as a child and a jury might have spared his life because of it.

James Marcus, an expert in capital case law who teaches in the Capital Punishment Clinic at the University of Texas School of Law, said

missing the deadline for a federal writ of habeas corpus — thereby waiving all federal review — is the equivalent of "sleeping through the trial."

Federal courts, he noted, have overturned several recent Texas death cases for errors overlooked by state judges, including one involving allegations of discriminatory jury selection by Harris County prosecutors. Federal judges also awarded a new trial to another Montgomery County death row inmate this year based on new evidence presented about forensic errors in his case.

Sought new attorney

Quintin Philippe Jones, another Texas death row inmate who also recently lost

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The Texas Attorney General's Office, which handles federal appeals, has moved aggressively in several cases to get late filings dismissed on behalf of the state. But spokesman Jerry Strickland said the office does not keep track of how often or how many federal appeals have been filed too late.

Thurmond, a Montgomery County mechanic on death row for the murders of his estranged wife and his neighbor, said Wednesday he had never been told that his federal appeals had been denied both by the U.S. District Court in Houston last year and by the 5th Circuit last week.

He said he hadn't seen or heard from his attorney in more than a year.

"So what am I supposed to do now?" he asked.

A jury concluded that

At least three living death row inmates' lawyers also filed federal appeals late:

■ **Keith Steven Thurmond:** sentenced to death in 2002 for the murders of his estranged wife and a neighbor in Montgomery County.

■ **Quintin Philippe Jones:** sentenced to death in 2001 in Tarrant County for killing his great-aunt.

■ **Marlin Enos Nelson:** sentenced to death for a 1987 murder.

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Sought new attorney

Quintin Philippe Jones, another Texas death row inmate who also recently lost his federal appeal because of an attorney's tardiness, said he did everything he could to alert the federal courts to report problems months before his Fort Worth attorney blew his federal deadline. Jones wrote letters to the judge, filed two motions with the help of other prisoners in an attempt to get another attorney, and even sent two separate complaints to the state bar. Nothing worked.

"I heard he didn't file (on time) through another lawyer," Jones said. "I'm the one who pays for his mistake. It cost a lot, and I'm paying for it."

lise.olsen@chron.com



JULIO CORTEZ: CHRONICLE

LOSING OUT: Texas death row inmate Quintin Philippe Jones, shown Wednesday, says he's the one paying for his attorney's failure to file on time.

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N.D. city braces for record flooding

■ Fargo fills 1.5 million sandbags as river rises

By **DAVE KOLPACK**
ASSOCIATED PRESS

FARGO, N.D. — The city of Fargo is racing to fill 1.5 million sandbags to prepare for record flooding as a nearby river is expected to crest more than 20 feet above flood stage.

Volunteers were being bused to a city utility building the size of a football field where they will fill sandbags, officials said. The city also bought two machines that resemble large spiders and can produce about 5,000 sandbags an hour.

"It looks a little *Star Wars* in here," said Bruce Grubb, Fargo's enterprise director.

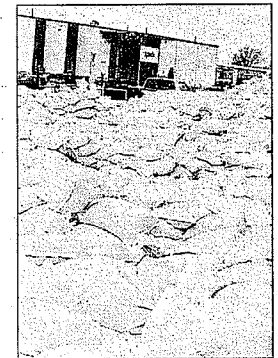
The National Weather Ser-

vice projected that the Red River would crest between 37 and 40 feet between March 28 and April 1. That's about 22 feet above flood stage and about a half-foot higher than the 1997 spring flood that swamped several homes. A storm also was expected to drop one or two inches of rain in the Red River Valley starting today.

"If we go to 40 feet, we're going to be tested," Fargo Mayor Dennis Walaker said Saturday after touring sandbagging operations with North Dakota Gov. John Hoeven and other officials.

Officials said it would be difficult to predict the extent of flooding. Walaker said an aerial tour of the river basin indicated the situation "didn't look as threatening as we've been hearing."

City officials said 225 National Guard soldiers have



DAVE KOLPACK: AP

READY: Sandbags are lined up outside a city utility building in Fargo, N.D., on Saturday.

been called in ahead of the flooding, and the mayor said the North Dakota State University football team was scheduled to help with the sandbagging process.