

## **BREAKING: DIVIDED COURT DENIES CASE WHERE RACE IMPACTED DEATH SENTENCE (DUANE BUCK CASE)**

For Immediate Release  
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*Today, the Texas Court of Criminal Appeals denied Duane Buck's appeal for a new sentencing hearing free from racial bias. A statement from Mr. Buck's attorneys is below, followed by background on the case. Please do not hesitate to let me know if you would like to speak with Mr. Buck's attorneys or one of his many supporters calling for a new, fair sentencing hearing.*

### **Statement from Attorneys for Duane Buck in Response to Today's Ruling by the Texas Court of Criminal Appeals**

“We are gravely disappointed that the Texas Court of Criminal Appeals has dismissed Duane Buck’s appeal and failed to recognize that his death sentence is the unconstitutional product of racial discrimination. As noted by three members of the Court, ‘[t]he record in this case reveals a chronicle of inadequate representation at every stage of the proceedings, the integrity of which is further called into question by the admission of racist and inflammatory testimony from an expert witness at the punishment stage.’ These judges recognized that this outcome ‘jeopardizes both the integrity of the underlying conviction and of this Court’s judicial processes’ and deprives Mr. Buck of ‘one full and fair opportunity to present his claims.’

“With today’s decision, Texas has once again reneged on its promise to ensure that Mr. Buck would not be executed pursuant to

a death sentence that was the unfair product of a prosecutorial appeal to racial bias and stereotype. For this reason, more than one hundred civil rights leaders, clergy of various faiths, former judges, former prosecutors, and thousands of individuals in Texas and across the world, have joined our call for a new, fair, and colorblind sentencing for Duane Buck. We now urge the Harris County District Attorney's Office to respect these calls and refrain from seeking an execution date for Mr. Buck. We will ask the U.S. Supreme Court to review the important due process and equal protection issues at stake in Mr. Buck's case, and we are hopeful that the Supreme Court will intervene to right this unequivocal wrong."

*- Attorney Kate Black, Christina Swarns, Director of the Criminal Justice Practice at NAACP Legal Defense & Educational Fund, and Kathryn Kase, Executive Director of Texas Defender Service*

*November 20, 2013*

Link to the dissent:

<http://www.cca.courts.state.tx.us/OPINIONS/HTML/OPINIONINF0.ASP?OPINIONID=24847>

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**CASE BACKGROUND:**

At Mr. Buck's 1997 capital sentencing hearing in Harris County, Texas, the trial prosecutor elicited testimony from a psychologist that Mr. Buck posed a future danger because he is black. The prosecutor relied on this testimony in arguing in favor of a death sentence. The jury then found Mr. Buck would be a future danger and sentenced him to death.

In 2000, three years after Mr. Buck's capital trial, then-Texas

Attorney General (now U.S. Senator) John Cornyn identified seven cases in which the State of Texas impermissibly relied on testimony linking race to future dangerousness, including Mr. Buck's. The Attorney General promised not to oppose attempts to get new sentencing hearings for the seven identified defendants. All have received new sentencing hearings – *except for Mr. Buck*.

New research shows that at the time of Mr. Buck's trial, the Harris County District Attorney's Office was over three times more likely to seek the death penalty against African American defendants than against similarly-situated white defendants in cases like Mr. Buck's and Harris County juries were more than twice as likely to impose death sentences on African American defendants in cases like Mr. Buck's.

Mr. Buck's case has sparked outrage from the civil rights community and other prominent individuals in Harris County and across the country. More than 100 civil rights leaders, elected officials, former prosecutors, former Governor Mark White and faith leaders agree that Mr. Buck must be granted a new sentencing hearing where race is not a consideration. One of the trial prosecutors, Linda Geffin, and the surviving victim, Phyllis Taylor, are among those urging the State to give Mr. Buck a new sentencing hearing. Ms. Taylor has explained, "I have forgiven Duane and could not bear to see him executed. I pray that his life be spared."

In addition, over 50,000 people from Texas and around the country have signed a petition calling on Texas officials to grant Mr. Buck a new sentencing hearing.

<https://www.change.org/petitions/sentenced-to-death-because-he-is-black-grant-duane-buck-a-new-hearing>

Mr. Buck's life was spared by the U.S. Supreme Court before his September 2011 scheduled execution. Two U.S. Supreme Court

justices agreed that Mr. Buck's death sentence requires review because "our criminal justice system should not tolerate" a death sentence "marred by racial overtones."

For more information about Mr. Buck's case, please go to: <http://www.naacpldf.org/case-issue/duane-buck-sentenced-death-because-he-black> or call Laura Burstein at: 202-626-6868 (o) or 202-669-3411 (c).

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