

**POPULAR**  
profiles a loss of  
**Liberty**



**POPULAR Constituent:**

**Initials** - A.G.

**City, State** - Tarrant County, Texas

My name is Anita. I came to the realization of the apparent breakdown of the Texas Criminal Justice System when my 16 year old son JMA was charged with murder on May 14, 2005 and then with the aid of a juvenile detention officer on May 29, 2005 my son was let out. He was found on June 11, 2005 sitting on a bench at a High School in San Diego, California and was extradited back to Abilene, Texas two weeks later. He was certified to stand trial as an adult on December 19, 2005, his bail was set at \$200,000.00 and was transferred to a county jail and incarcerated among adult men and within a week was assaulted by adult males twice his age.

He was then put in solitary confinement for nearly 2 years while awaiting his trial. My nightmare began into a journey that enlightened me into the racial disparities of the Texas legal system. In 2005 there were three allegations of murder by minors in Abilene, TX. One was Caucasian 15, one African American MT 15 and a Hispanic youth JMA 16. The Caucasian youth was able to maintain his status as a minor, MT and JMA were certified to stand trial as adults. The Caucasian youth was convicted of manslaughter and is supposed to serve 20 years. He is currently (3 years later) in the process of being released from a TX Juvenile Facility. The two children of color MT and JMA were both sentenced to 30 year's in adult prison. The Caucasian's name was never made public, and his face was never shown in the Abilene news media. The other two had names and faces frequently and repeatedly shown on all local media stations. The Caucasian youth was found guilty of stealing from his neighbors, burning down a pet store, shooting and killing his father and shooting his stepmother. Far and away, the most egregious alleged crimes were attributed to the Caucasian youth, he was not certified as an adult and was sentenced to 10 years less than the children of color. The other two cases discussed were very problematic. In one case some of the evidence was inconsistent with the accused being the perpetrator, and the other case resembled self-defense rather than murder. Some familiar with the cases remain skeptical about the guilt of MT and JMA.

Over the last 5 years approximately 12 youths have been certified as adults in Taylor County - Abilene, TX, of which only 4 were Caucasian who were allegedly sent to "Mickey Mouse Prisons", a slang expression meaning small-time, amateurish or trivial minimum custody facilities. All the children of color were sent to hard core adult prisons throughout Texas. The disparity of incarceration of children of color (Black and Hispanic) is apparent and at odds with the statistical makeup of the population; we have an opportunity and responsibility to do better in our country. Placing juveniles in adult jails and prisons is an appalling injustice -- and it doesn't work to reduce crime. No child should be put in adult prisons regardless of race, or skin color.

I immediately sold what little possessions I owned to hire my son an attorney with prior experience in both a District Attorney's and state Attorney General's offices. Unknown to me at the time was that this attorney apparently had "problems" evidenced by several DWI's throughout Texas which arguably would have put any other citizen in jail. The District Attorney and staff were very much aware of the situation. This apparently violated ethical rules set by the State Bar of Texas placed on attorneys, but also created a possible risk to clients in the area. What is even more outrageous is that a Judge that sits on the Juvenile Board, who should have

known of these problems, signed an order in December of 2004 of this attorney's compliance with the orders of Attorneys' Standards Qualifications for representing the youth of the county. He apparently knowingly and willingly allowed this attorney to keep practicing law and represent my son, who later got another lawyer, in what I now feel has been an erroneous and possibly prejudicial court proceeding against not only my son but anyone that attorney would be representing.

There is much documentation of erroneous professional misconduct that runs deep throughout many Texas officials. Already my son's chances were slim to none in a county that is known for discrimination. For weeks I was in complete state of shock, scared of what my child was facing in a West Texas town that has many racist organizations just to name a few: The national spokesman of one that is based in Abilene has been quoted as saying "Mexicans are a piece of crap", which are the coincidentally the exact words a high law enforcement officer used against my son one day when talking to one of the jail's chaplains. He also failed to protect my son from a well known adversary soon after my son was transferred into the jail. Other well known extremists are a Ku Klux Klan group that has regular documented rallies within a 50 mile radius. Another Ku Klux Klan group is based in San Angelo, TX approximately 80 miles from Abilene and is said to regularly hold rallies and burn crosses. The deceased grandfather of a professor in Abilene founded a neo-confederate movement, and a research foundation that some liken to a hate group is located at in Abilene, TX .

Other misconduct in my son JMA's case was the fact that the Abilene Police Department only tested my son's hands for gun powder out of about approximately 20 people that were at or around the crime scene, the test results being inconclusive. The Abilene Police Department also admitted to failed standard procedures of vocal recording while at the crime scene. The biggest misconduct by the Abilene Police was the denial of what was apparently in the pocket of the deceased, which appeared to be a gun or box of bullets. Under oath it somehow came out there was nothing there, and any contents were also missing from discovery. A picture showed otherwise. In a state's case with apparent weaknesses, a Private Detective apparently hired by my son's attorney threatened him and bullied him into taking the witness stand, and that if he was any kind of man he would do it. He told him no lawsuit is going to help you now! Take the stand or I'll walk out on you right now! Trial preparation raises some questions. My son's later court appointed attorney withdrew from my son's appeal process and supposedly admitted to ineffective assistance of counsel for not requesting a jury instruction before the jury deliberations began that could have drastically changed my son's outcome. The withholding of exculpatory evidence is another matter raised in the appeals process now awaiting oral arguments.

The racism throughout Abilene, TX reaches deep into the lives of the poor and people of color. It is recognized daily through unequal economic opportunities and most importantly where the minorities are disproportionately incarcerated into Texas Prisons and Juvenile Detention Centers as well as purported bail for minorities disproportionately set. The prosecution withholding exculpatory evidence presents an interesting issue. On March 21, 2007 in an interesting case the Texas Court of Criminal Appeals (despite its name, the highest court in Texas where a criminal case can be appealed) found that the Abilene prosecutors twice withheld evidence tending to prove self-defense instead of murder and requested mistrial with the intent to avoid an acquittal. See *State v. Masonheimer*, 154 S.W.3d 247, 250 (Texas Crim. App. 2007). This may not be the

only time this happened. In light of that opinion and otherwise, I wonder how any minority can expect a fair trial in Taylor County.

Abilene, TX has a lengthy history and pattern of such practices, for example, a class action lawsuit filed on behalf of all Black and Mexican American Citizens of the City of Abilene, TX cites some interesting examples. Excerpts from the lawsuit stated that in 1910, the entire Mexican American population of Abilene consisted of some nine families that were forced to leave town. When a Black man appeared to vote it was reported in the local paper on January 31, 1909 that the last vote cast was by "a big shining black coon". Racial epithets, racist symbols, and racial slurs are still in existence in Abilene, TX to this day. Abilene, TX and Taylor County haven't quite outgrown their historical heritage.