

1

2

3

4

5

Office for Victims of Crime

6

7

Victims Roundtable Discussion

8

9

September 28, 2002

10

11

Houston, Texas

12

13

14

15

16

17

18

19

20

21

22

23

GORE, PERRY, GATEWAY & LIPA REPORTING COMPANY

24

515 OLIVE ST.

25

ST. LOUIS, MISSOURI 63101

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Office for Victims of Crime

Victims Roundtable Discussion

September 28, 2002

Houston, Texas

Attendees:

- Mr. John W. Gillis
- Ms. Jeannie M. Gregori
- Mr. Steve J. Twist
- Ms. Patsy Gillis
- Ms. Inez Robinson-Odom
- Ms. Jennifer Ford
- Mr. Lee P. Brown
- Mr. Don DeGabrielle
- Ms. Wendy Albright
- Mr. Keith Albright
- Ms. Meg Bakich
- Ms. Beverly Campos
- Ms. Irma Chavez
- Mr. Tony Chavez

1 Ms. Diane Clements
2 Mr. David Dalition
3 Ms. Jana Freelove
4 Ms. Carolyn Hardin
5 Ms. Janice Harris Lord
6 Ms. Lola Jurca
7 Mr. Andy Kahan
8 Ms. Ruth Marin-Eason
9 Ms. Diane Marino
10 Mr. Charles Marino
11 Ms. Judy Nesbit
12 Mr. Ric Nesbit
13 Ms. Brenda O'Quin
14 Ms. Madonna Pitrucha
15 Ms. Janice Sager
16 Ms. Darlene Sanchez
17 Ms. JoAnn Starkey
18 Ms. Patsy Teer
19 Ms. Sharon Wenze
20
21
22
23
24
25

1 MS. ODOM: It's my pleasure to introduce
2 Jeannie Gregori, the Chief of Staff with the Office
3 for Victims of Crime.

4 MS. GREGORI: Good morning. I'd like to
5 welcome you all here to Houston, Texas, to our Eighth
6 Victims Roundtable Discussion. And I'm actually going
7 to play the moderator role today. So we have a couple
8 people who are very important, as all of you are, but
9 we'd like to make their introductions first. And so
10 with that I'd first like to introduce Don DeGabrielle.
11 He is the First Assistant United States Attorney for
12 the U.S. Attorneys Office here in Houston, Texas, and
13 for those of you who might not know, the U.S.
14 Attorneys Offices are considered the highest law
15 enforcement agency that prosecutes cases in the
16 federal justice system. So I'd like to introduce the
17 FAUSA, which they usually call them for short, and he
18 can talk a little bit more about his office.

19 MR. DeGABRIELLE: Good morning to each of
20 you. I'd like to welcome you on behalf of Michael
21 Shelby, who is the presidentially-appointed United
22 States Attorney for Houston and the entire Southern
23 District of Texas, who is actually attending the
24 United States Attorneys Conference up in New York this
25 weekend and into the first part of the week. So he

1 sends his regrets. He wishes he could be here. He
2 was invited by the Office for Victims of Crimes to
3 speak to you this morning, and he was unable to do so.
4 So I get the honor of coming here to do this.

5 So I want to welcome those of you that are
6 not from Houston to Houston. I met Mr. Albright who
7 is a neighbor up the road, up 45 in Fort Worth.
8 He's -- Probably most of you have been to Houston at
9 one time or another, but if you haven't, welcome, and
10 I hope you enjoy your stay.

11 It is a rather melancholy occasion, of
12 course, that brings us all together. Most of you have
13 suffered losses that some of us can only imagine,
14 especially those of us that deal with the business of
15 trying to put bad people behind bars. That's what
16 I've made a career of. For 16 years I've been doing
17 what I do now as a federal prosecutor, a little bit of
18 time in private practice before that. I didn't like
19 that. But before that I was with the District
20 Attorney's Office in New Orleans. And I'm sure that
21 many of you have experiences, good for the most part I
22 hope, and I know sometimes not always so good with
23 local prosecution offices, and I did that for four
24 years, and that was when I came in contact with more
25 victims of crimes and family members that had suffered

1 losses even than I have here at the U.S. Attorneys
2 Office. And before that, I was an F.B.I. agent for
3 three years in New Orleans and then New York. So I
4 am -- This is a career for me. I make a living doing
5 what I think at the end of the day I can feel good
6 about. And so I want you to know that at least in our
7 office here, and the truth be known, throughout the
8 country, the people that make a career out of
9 prosecuting criminals and trying to redress societal
10 wrongs and harm to you as people, they fill the
11 prosecution offices across the country. If you end up
12 having an experience that is not so good therein, then
13 perhaps you may not think that is the case. You may
14 think that you were not given the attention you
15 deserved. And that may be true. You may not have
16 been. And I want to apologize on behalf of any
17 prosecutor in the country if that was the case. But
18 we are filled with dedicated professionals who
19 dedicate their livelihoods, indeed it's an avocation
20 for me and for most of my colleagues, and certainly my
21 colleagues within the Office for Victims of Crime
22 within the Justice Department. I know that they've
23 been in existence since 1984, and they have been
24 doing -- making concerted efforts to see to it that
25 whenever people like you are confronted with the

1 criminal justice system in the way that you are that
2 it will be as helpful and as sympathetic and empathic
3 as possible. Doesn't always seem like that, but that
4 is their goal, and so I commend what they do. They
5 get a lot of money, our tax dollars go to that office,
6 and they distribute it across this country, and
7 meetings, roundtable discussions like this one this
8 morning is one example of what they do with their
9 money.

10 So while I am sorry that the thing that
11 brings us here is a loss that some of you have
12 suffered, I am pleased to be a part of the healing
13 process with you. As we, the professionals that do
14 this for a living, prosecute people, learn more about
15 your issues and the needs and your concerns, we can
16 only be better at the end of the day. And so I am
17 hoping that at the end of this day that I will take
18 back what I learned from here to my office, and then
19 that little dedicated cadre of professionals will grow
20 from the experience that I get here. So I am pleased
21 to be a part of this healing process, a part of the
22 way forward that we are going. I will be around here
23 throughout most of the day. I'd love to speak with
24 some of you. If you have questions about the system
25 and you want to have a free shot at somebody that does

1 this for a living to maybe help you understand what
2 happened in your particular case, I'll be glad to do
3 that. I'm not a professional. Mr. Gillis and Miss
4 Gregori are professionals, and they know and will have
5 professionals talking to you, so I don't offer myself
6 in that vein, but just as a practitioner that's in the
7 system with you.

8 So, again, welcome to Houston. I look
9 forward to meeting most of you since it's a small
10 enough group throughout the morning, and I turn it
11 back over to Jeannie. Thank you.

12 MS. GREGORI: Thank you, Mr. DeGabrielle.
13 Now I'd like to introduce the Director of the Office
14 for Victims of Crime. He is also a presidential
15 political appointee, Senate confirmed, and he actually
16 got to Washington, D.C., on September 10th to start
17 his confirmation hearings, and so a few days later
18 they did confirm him as the new Director for the
19 Office for Victims of Crime. I'd like to introduce
20 the Honorable John Gillis.

21 MR. GILLIS: Thanks, Jeannie, and good
22 morning, everyone. First of all, let me thank you for
23 taking the time out of your busy schedule to come here
24 today. This is something that's very important to us
25 and to other crime victims, and your input will

1 certainly be invaluable to us.

2 The purpose for these meetings, I -- When
3 I first came to D.C., I wanted to find out whether or
4 not what we're doing in the Beltway is really
5 important to you and whether we're doing the things
6 that we need to do and how helpful or not so helpful
7 are we being to crime victims. And one of the things
8 that they have a tendency to do in Washington is sit
9 around inside the Beltway and talk to each other, and
10 they try and figure out what it is that they're doing
11 and whether they're helping you, and I thought the
12 best way to do that is get out and talk to the victims
13 and find out whether or not we are meeting your needs,
14 whether there is something that the Office can do that
15 we're not doing, so that's the purpose of asking you
16 here today.

17 This is our eighth roundtable, as Jeannie
18 mentioned. We started off in California, did the
19 first one there. Then we moved to several other
20 states. And we've always had more than one state
21 involved in the roundtable, but when we got to Texas,
22 we said, "Well, Texas is so proactive in victims'
23 issues" until we really wanted to talk to you, just
24 those of you from Texas, so that we can see what it is
25 that we're doing and how we can help. We try to keep

1 the numbers small. We try to keep it below 30,
2 somewhere around 25, because we figure that's the best
3 way that we can have interaction among the victims and
4 get the feedback from you as to whether or not what
5 we're doing is helping you. I think we have 20
6 something. Yeah. 22. Okay. Good. So that's a good
7 group.

8 A little bit about me. Jeannie mentioned
9 that I'm a presidential appointee, but she didn't
10 mention that most of my career has been spent in law
11 enforcement. I was a member of the Los Angeles Police
12 Department for 26 years, and during -- It was
13 somewhere around my seventeenth year my daughter was
14 murdered by a gang member who wanted to move up in the
15 hierarchy of the gang, and that's how I became active
16 in crime victims' issues.

17 I retired from the police department and
18 had continuously been active in victims issues, and
19 the Governor of California appointed me to the Board
20 of Prison Terms. The Board of Prison Terms in
21 California makes the determination as to whether or
22 not prisoners that are sentenced to life should be
23 released on parole. Just so turns out that at the
24 time I was appointed to the board, my daughter's
25 murderer was due to come up for a hearing, and I spent

1 nine years on the Board of Prison Terms, and he
2 decided during those nine years that he didn't want to
3 come up for a hearing, so I thought, "Gee, that's
4 great!" But he's still in prison. We're due to have
5 another hearing I think sometime next year.

6 I'd also like to introduce my wife, Patsy,
7 who's here. She's sitting in the back. The one thing
8 that we will do after we finish all of these
9 hearings -- Again, this is the eighth one. We expect
10 to have maybe two more. You'll notice that everything
11 is being filmed. We intend to produce some training
12 videos, videos that will help crime victims, law
13 enforcement, judiciary, prosecution. Whatever
14 information we can glean from these that will be
15 helpful to others, we will do that.

16 With that -- Oh, I do have a couple
17 letters that I would like to read, and this one is
18 dated September 12th, 2002. It says, "Dear Fellow
19 Texans. It is a pleasure to send greetings and best
20 wishes to all attendees of the Eighth Victims
21 Roundtable Discussion being held on September 28th in
22 Houston, Texas. I hope you enjoy your time together
23 in Texas's largest city.

24 While there are those in America who feel
25 that society is to blame for crime, I believe that

1 criminals should be held responsible for their actions
2 and punished appropriately for their wrongdoings. I
3 also believe our criminal justice system should show
4 as much concern for the rights of victims as it does
5 for the rights of the criminal. Throughout my tenure
6 in Congress, I have sought to close the loopholes in
7 our criminal justice system, and I support legislation
8 pending in Congress that would establish a
9 Constitutional Amendment to insure that victims of
10 violent crime are afforded the fairness, dignity, and
11 respect they deserve.

12 I commend each of you for having the
13 strength and courage to come together to share your
14 personal experiences, and you have my best wishes for
15 a most productive and successful roundtable
16 discussion.

17 Yours truly, Phil Graham, United States
18 Senator. "

19 And one other letter dated September 28th.
20 "Dear Friends. I was pleased to learn that the Office
21 for Victims of Crime (OVC) and the Department of
22 Justice has chosen Houston as the site for the Eighth
23 Victims Roundtable Discussion. It is rewarding to
24 know that the OVC has hosted similar roundtable
25 discussions around the nation, and that Director John

1 W. Gillis is here today to conduct the meeting.

2 Houston's well-known hospitality provides
3 a warm welcome to all our visitors from around the
4 state. I commend the participants for your
5 willingness to share the personal accounts of your
6 experiences with your fellow citizens. Your courage
7 and determination will provide inspiration for others
8 under similar circumstances and renew our commitment
9 to assist the victims of crime through our compassion
10 and legislative initiatives. What better way than
11 through the difficult experiences you have had to work
12 to insure that others in our society do not meet with
13 a similar fate.

14 Throughout my public service career, I
15 have been actively involved with legislation to
16 protect victims. As an example, in 1996 I introduced
17 legislation in the U.S. Congress to strengthen the
18 protection we offer stalking victims, many of whose
19 stories we so often hear about only after they end in
20 tragedy. The law was passed, and it makes it a felony
21 for a stalker to cross state lines to place a stalking
22 victim in fear of death or serious injury in violation
23 of a protective order by such travel, and it extends
24 that protection of law to members of a victim's
25 immediate family.

1 Thank you for the opportunity to be
2 included in the roundtable discussion through my
3 message of support. All ideas and suggestions for
4 future action will be given the highest priority
5 within my office.

6 With Best Wishes, Kay Bailey Hutchinson."
7 Thank you.

8 MS. GREGORI: Just as a side note, we will
9 be sending out notes of this meeting, and with those
10 notes we will send each copy of the letter, one from
11 Senator Phil Graham and then the other from Senator
12 Kay Bailey Hutchinson. So for those of you who would
13 like a copy, you will be receiving one.

14 And Mr. Gillis did mention about the
15 filming, so I'd like to introduce Inez Odom. She
16 works with our office. She's a producer, and she can
17 tell you a little bit more about the videoing.

18 MS. ODOM: Well, good morning, everyone.
19 Basically, we're a video production company based in
20 San Diego, and we are working with the Office for
21 Victims of Crime, the Department of Justice, going
22 around the country videotaping the roundtables. Some
23 of you may have seen as you were signing in a little
24 VCR that was running one of the roundtables, and that
25 was an edited version of the roundtable that we filmed

1 in Boston. And so we'll be doing something comparable
2 with this roundtable.

3 And my role here today is simply to
4 facilitate your discussion, and so I'll be going
5 around with hand-held microphones, and we'll be simply
6 having an opportunity to hear from everyone. And what
7 we're going to initially is I'm going to need a
8 hand-held, and we're going to be going around, and I'm
9 going to be having you give a very brief introduction.
10 I really just need your name and where you're from and
11 just a quick thumbnail because you really will have
12 ample time to not only share your ideas, but things
13 that you think are important for the Office for
14 Victims of Crime to know.

15 So with that said, I'm also responsible
16 for your bathroom breaks and all that good stuff, so
17 I'll be mindful of that in making sure that we keep
18 the day paced. As you see, we have an agenda up here,
19 and one of the things that's not on there, which I
20 know I always look for, is lunch. What's happening
21 with that? So the plan is is that at lunchtime we'll
22 be breaking and going right outside of this door.
23 They're going to set up a buffet lunch for us. And
24 we'll probably take somewhere between 45 minutes to an
25 hour to have lunch, although we make these working

1 lunches because what we try to do is I'm going to be
2 giving you some assignments, some things to be
3 thinking about during that lunch so that when we come
4 back we can address some of those issues.

5 I also wanted to acknowledge that we have
6 Steve Twist with us today. Some of you know Steve.
7 Wave your hand, Steve. How many folks know Steve
8 Twist? Okay. Well, so not a lot of folks. Anyway,
9 Steve probably a little later in the day will be
10 talking with you as well about the Constitutional
11 Amendment and some other issues.

12 So with that said, I'm going to walk
13 around and pass you the microphone. If I could
14 lovingly ask if cell phones and beepers and pagers
15 could be turned off, that would be -- That would be --
16 I know. I know. It's like thanks. Okay. So I'm
17 going to start on this side of the room if that's all
18 right. Does that work for you? Okay. Hello. And
19 this is Smiling Pete. Very good. I'm going to start
20 right here with you if that's all right. And the
21 trick -- This is sort of like your MTV moment, you
22 know. You want to hold your microphone right about
23 here. Okay. And if I feel that you're not holding it
24 appropriately, I'm going to lovingly come over and
25 move it, but I just need to be able to hear you well.

1 Sure. Do you need Jeannie to move a little bit?

2 Jeannie, could you scootch this way just a little bit?

3 MS. CAMPOS: Okay. My name is Beverly

4 Campos, and my 17-year-old son was murdered by a

5 14-year-old boy on July 4th of 1992. His son was

6 three weeks old, and -- Well, we miss Jason a lot.

7 MR. CAMPOS: I'm her son, and she told the

8 story.

9 MS. LORD: I'm Janice Harris Lord, and I'm

10 a consultant in crime victim issues. I spent 14 years

11 as National Director of Victims Services for Mothers

12 Against Drunk Driving, and since then have done quite

13 a number of projects with OVC as well as with the

14 Attorney General's Office here in the Texas Victim

15 Assistance Academy, and I guess another important

16 umbrella for me is the National Institute of Victims

17 Studies at Sam Houston State University. And I've

18 worked with Steve on the Constitutional Amendment

19 since day one.

20 MR. TWIST: Day one, that's right. I'll

21 pass.

22 MS. SAGER: My name is Janice Sager. I'm

23 founder of an organization called Texans for Equal

24 Justice. In '78, my father and one of my brothers

25 were murdered, and that was back when there were no

1 victims' rights at all, so I'm very encouraged,
2 though, at what I've seen happen in the last 23 years.

3 MS. SANCHEZ: Hi. My name is Darlene
4 Sanchez. My husband was murdered in March of '97. I
5 have come to work with Janice and help her in all the
6 stuff that she needs to.

7 MR. KAHAN: Hi, I'm Andy Kahan. I'm the
8 Mayor's Crime Victims Director for the City of Houston
9 and a board member of the Houston Chapter of Parents
10 of Murdered Children and a committee chairperson for
11 Justice for All. The Mayor's office in the City of
12 Houston is the only position of its kind in the
13 country that has a crime victim advocate staffed out
14 of the Mayor's office, and I've been doing this for
15 the last ten years, and we have been successful in
16 numerous legislative initiatives to better enhance the
17 system on behalf of crime victims.

18 MS. JURCA: I'm Lola Jurca. My son, John
19 Jensen, was murdered March 15th, 1995, and I'm a
20 contact person for Parents of Murdered Children.

21 MS. STARKEY: Hello. I'm JoAnn Starkey
22 from -- Stand up? I'm JoAnn Starkey from Duncanville,
23 Texas, which is a suburb of Dallas. My son, Brian
24 Higgins, 21 years old, was murdered May 23rd of 1994.
25 I'm the Dallas contact for Parents of Murdered

1 Children, excuse me, and I work very actively with
2 Victims Outreach also in Dallas.

3 MS. NESBIT: Actually, you can't tell when
4 I'm standing up. I'm Judy Nesbit. I'm from Fort
5 Worth. I have been part of the beginnings of the
6 Parents of Murdered Children in that city, served on
7 the board briefly. My daughter, Katy Nesbit, was 16
8 and murdered along with Brenda O'Quin's son August of
9 '95, and this is my spouse.

10 MS. WENZE: My name is Sharon Wenze. I'm
11 from Arlington, Texas. My son, Roderick Wenze, was
12 murdered May 6th, 1997. Roderick was 20, and the case
13 remains unsolved, and it's very difficult not knowing
14 who or whom.

15 MR. CHAVEZ: My name is Tony Chavez. I'm
16 from San Antonio, Texas. My 22-year-old son was
17 car-jacked and abducted in a parking lot of a north
18 side restaurant by two 17-year-olds who subsequently
19 robbed him and shot him in the back of the head and
20 left him to die on a country road in a separate
21 county. And the two murderers have been subsequently
22 adjudicated or have -- We've gone through two capital
23 murder cases, and one 17-year-old is on death row and
24 the other one received Capital Life or Capital Murder
25 Life. We've gone through two appeals and are possibly

1 going through a third, and we're just waiting the
2 outcome of that third one.

3 MS. CHAVEZ: I'm Irma Chavez, and I'm
4 Chris's mom.

5 MS. TEER: I'm Patsy Teer. My son was 26
6 years old. He was a DPS officer. He had stopped a
7 man who they suspected -- Can you hear me? Okay.
8 Patsy Teer. My son was 26-year-old Trooper II Mark
9 Alan Frederick. He stopped a man who was suspected of
10 having a stolen credit card in Austin County, and this
11 man had been convicted of federal crimes. He was
12 caught at the same time that we were burying my son.
13 He languished on death row for 24 years, and he was
14 given a lethal injection in January of 2000.

15 So I have worked -- tried to work with all
16 the organizations and Andy Kahan to get bills passed
17 to help victims, and I think we've done a great job.
18 Thank you.

19 MS. PITRUCHA: My name is Madonna
20 Pitrucha. In 1953 my father was murdered, and in 1987
21 my 24-year-old son-in-law was murdered, and I found
22 out -- I'd always believed in the justice system, and,
23 unfortunately, that put a damper on me big time when I
24 found out it wasn't there for us, it was for the
25 criminal. So like Pat, I was with Parents of Murdered

1 Children in 1989, and since then in Justice for All,
2 and we're trying to work hard to get legislation to
3 make it fair for victims and not always just the
4 perpetrator.

5 MS. HARDIN: Hello. My name is Carolyn
6 Hardin, and my son, Steven, was murdered April 17th of
7 '98. We went to trial July of '98. The man got
8 convicted of First Degree Murder, and the jury gave
9 him probation. With Andy's help and Diane Clements'
10 with Justice for All, we went to two legislations and
11 tried to get the law passed that when you're convicted
12 of First Degree Murder you need to spend some jail
13 time. It hasn't passed yet, but as the old saying
14 goes, it ain't through till the fat lady sings, and
15 this lady ain't through singing yet.

16 MS. MARIN-EASON: My name is Ruth Marin,
17 and I go by Ruth Marin-Eason. My son, Raul, was a
18 Staff Sergeant in the Air Force in San Antonio, and he
19 was brutally murdered on August 5th, 1998, and his
20 wife was the one that had planned it for about three
21 years before the murder occurred. They caught the
22 guy, and he got 35 years because he plea bargained.
23 My daughter-in-law came to testify against the
24 murderer, and they arrested her. And I am upset
25 because she had given my grandkids to her mother. So

1 she killed him for money, and they still got the money
2 because her mother's got custody of my grandkids.

3 MS. BAKICH: My name is Meg Bakich, and my
4 sister was murdered February 11th, 2000. She was
5 poisoned of selenium.

6 MR. DALITION: My name is David Dalition.
7 I'm Meg's brother. And as Meg said, Linda Adenine
8 (phonetic) was murdered on February 11th, 2000. The
9 perpendicular has not been arrested yet. We continue
10 to strive for justice and move the case forward.
11 However, it languishes.

12 I'm grateful for OVC, for the invitation
13 today, and all the work that's being done on behalf of
14 victims and victim survivors.

15 MS. O'QUIN: I'm Brenda O'Quin with the
16 North Texas Chapter of Parents of Murdered Children.
17 The Nesbit family and my family actually started the
18 chapter in 1996 after my son, Michael McEachern, and
19 their daughter, Katy Nesbit, were murdered in 1995.
20 The chapter -- Several of our chapter members are here
21 today, and we appreciate the opportunity.

22 MS. FREELove: I'm Jana Freelove. My
23 19-year-old daughter was murdered in 1993 on her
24 nineteenth birthday with her best friend, Melanie, and
25 I'm co-chapter leader of Parents of Murdered Children.

1 North Texas Chapter.

2 MR. ALBRIGHT: My name is Keith Albright
3 from Fort Worth, Texas. My -- Our infant son, Hunter
4 Albright, was murdered by his nanny on November 12th,
5 1999. She was arrested, charged. We waited 18 months
6 for a trial. And during the two-week trial, we were
7 revictimized by a defense attorney who managed to
8 confuse an illiterate jury, and she was acquitted.

9 MS. MARINO: My name is Diane Marino, and
10 I'm a member of the Houston Chapter of Parents of
11 Murdered Children, and our son was murdered in 1985,
12 and the man that killed him was given the death
13 penalty, and we seen it happen last year on October
14 22nd, seen him get the injection. His name is
15 Charles.

16 MS. ODOM: Thank you.

17 MS. CLEMENTS: My name is Diane Clements,
18 and our son, Zachary Ryan Clements, was 13 years old
19 when he was shot and killed August 16th of 1991 by a
20 13-year-old neighbor child who eventually got one year
21 probation only because I was able to advocate for
22 Zachary at the District Attorney's Office. It took
23 six months before charges were filed. This was before
24 Columbine and would be treated very differently today,
25 but it happened, and we miss him, and thanks for being

1 here.

2 MS. ODOM: Thank you all very much. So at
3 this point, Jeannie, did you want to come back up? I
4 know that all of you should have received information
5 packets. Does everyone have an information packet?
6 Raise your hand if you don't have an information
7 packet. You don't have an information packet. Okay.
8 But you got your name tags, and you still need one.
9 Okay. And we have some paperwork and literature and
10 whatnot we just have to get back from you and so we'll
11 go over all of that. So I know Jeannie is going to
12 talk to you a little bit. Jeannie.

13 MS. GREGORI: I just wanted to briefly go
14 over some of the resources that you have in front of
15 you.

16 First, I'd like to take a look at this
17 booklet that you have. This booklet is actually done
18 by a volunteer who volunteers her time. She's not
19 here today. But her name is Collene Campbell. So
20 what -- I'm sorry. Is there a question in the back?
21 Okay. They're out in the front if you didn't get one,
22 and if we run out, we will send them to you. And I
23 know a couple of people are not in here, and that's
24 because the booklet was completed when we got your
25 Victim Information Form. But don't worry. We will

1 update this. So if you're not in the booklet or if
2 for some reason there's a mistake, please make sure
3 you complete a new Victim Information Form and either
4 make sure that I receive it or that Inez gets that,
5 and then what we'll do is go ahead and update this
6 booklet and resend it out. And, of course, if you
7 didn't get one, we'll send you one, but there are some
8 out at the resource table. Okay. And then all of you
9 should have been able to pick up your resource packet,
10 and that would have included your name tag, and they
11 are out at the front.

12 Now, I'd like to just turn briefly to some
13 of the resources in the packet so you can kind of
14 understand a little bit more about the Office for
15 Victims of Crime.

16 MS. ODOM: How many people need this?
17 Raise your hand. How many need this? Quite a few.
18 All right. Very good.

19 MS. GREGORI: Okay. It looks like we need
20 more booklets. We will -- Okay. We will look for
21 more booklets. Okay. Meanwhile, while everybody's
22 looking for booklets, we'll go over the resources
23 really quickly.

24 The Office for Victims of Crime, we are
25 part of an umbrella agency called the Office of

1 Justice Program, and that is part of the office --
2 excuse me -- the Department of Justice, and so our
3 main fact sheet is in there. It talks about the
4 Victims of Crime, the Victims Fund.

5 The Victims Fund is our main funding
6 source, and actually the money that comes into that
7 fund, it's not taxpayers' money. It's nonappropriated
8 money, and it actually comes each year through
9 criminal fines from convicted federal offenders, from
10 forfeited bail bonds, penalties and special
11 assessments collected by the U.S. Attorney's Offices,
12 and there's 94 districts throughout the United States.
13 It also comes from the Federal United States Courts
14 and the Federal Bureau of Prisons. And so each year
15 we do have a congressional cap that's put on that
16 money. And for fiscal year 2002, it was capped at
17 \$550 million.

18 And so from that cap we do have a main
19 formula grant that we disburse that you probably have
20 heard, and there's two brochures in your packet on it.
21 The formula grant goes to support what's called
22 compensation for crime victims or your state comp
23 program, and it also supports your state victim
24 assistance programs.

25 And so briefly I just want to talk about

1 the state compensation program, which is the blue
2 brochure. And what that means, it's a direct payment
3 to eligible crime victims for related crime-related
4 expenses. And so, for example, Texas in 2001 in these
5 reports, they are on-line under our website, they had
6 over 9,706 claims plus an additional 2,048 that were
7 domestic violence related. And so the local victim
8 assistance center ideally works with the victim to
9 make sure that they fill out this application, and
10 then it's a direct reimbursement to the crime victim.
11 And so Texas reported that it paid over \$41 million
12 last year directly to crime victims.

13 The second program that OVC funds, it's in
14 your purple brochure, and that's called your state
15 victim assistance programs, and what that is, OVC
16 gives money to the state who, in turn, subgrants it
17 out to various direct service providers. So this is
18 where you could see your domestic violence shelters,
19 emergency transportation to court, counselors, other
20 types of direct services for crime victims. And for
21 Texas, there were 287 agencies that received money
22 from the state, and, in turn, out of those agencies
23 there were 357 subgrants. And so a certain agency
24 could be in charge of one or two subgrants. And so
25 OVC funds that, and those are our main formula grant

1 programs.

2 We also have what's called discretionary
3 monies left over from the fund. And so that does such
4 things as support special interest projects like these
5 roundtables. It also goes to fund different things
6 for the federal criminal justice system. And one of
7 those, you'll notice this booklet in your packet
8 called "The Attorney General Guidelines for Victim and
9 Witness Assistance, the 2000 Edition," and when you
10 have time, there's tabs in it, if you wanted to pull
11 out the tabs. What this booklet is, it's based on
12 federal law, and it's all the federal statutes and DOJ
13 policy on what the federal prosecutors and federal law
14 enforcement agencies are mandated to do if you are
15 involved in a federal crime. And so OVC put together
16 this publication and does provide training and
17 technical assistance to the various federal agencies
18 on this. Now, if you're in the state system, of
19 course, your state laws would apply and not this
20 booklet.

21 You'll also notice in your packet that
22 there's this grant program application kit, and I urge
23 all of you to look at it. This is called Helping
24 Outreach Programs to Expand or Project HOPE, as we
25 call it, and this actually is the first application

1 kit of its kind put together by Director Gillis, and
2 what it is is grants of money up to \$5,000 that you
3 can apply for, and it's a very simplified process that
4 if you're either a nonprofit or if you have not
5 attained your nonprofit status, you can get this
6 money. And so right now I know a lot of the POMC
7 chapters are putting in for these types of grants as
8 are the MADD Chapters. And, you know, it can do such
9 things as support a newsletter or mailings or things
10 of that type to help your outreach. And so you should
11 all take a look at this because the funding is ongoing
12 on that.

13 The final thing that's in your resource
14 packet, it's a little Rolodex card that if you open it
15 you can see the Rolodex card, and any of these
16 publications that I've just talked about, you can call
17 the OVC Resource Center, you can get them mailed to
18 you for free. If you're putting on a conference and
19 wanted other types of resources, again, you could call
20 the Resource Center and they would send you
21 information, and it also puts out our website, and a
22 lot of these publications are available on the
23 website.

24 And with that, I just wanted to give you
25 kind of a brief overview of the Office for Victims of

1 Crime. If you have specific questions, I could answer
2 those for you. Does anybody have any comments or
3 concerns?

4 MS. ODOM: And you need to have a
5 microphone in order to ask your comment or your
6 concern, so I can bring that to you if you want to
7 raise your hand. Any questions or concerns at this
8 point? I see a hand. This is working, working
9 beautiful. Here's Madonna. No. This is Madonna, but
10 Judy gets it first.

11 MS. NESBIT: I'm not standing up yet.
12 That took a few minutes, and with my lack of focus I
13 forgot what my question was. I'm Judy Nesbit again,
14 and I spent the first few months after the murder of
15 my daughter involved in support of other families, and
16 after months of realizing that this outpouring was --
17 It was certainly comforting and helpful to me to
18 support someone else, but when I got through my shock,
19 I realized I was a victim and needed some assistance.
20 And when I finally called victims assistance, the
21 first thing that was said to me by the person that
22 answered was, "Ma'am, do you realize how long ago that
23 was?" And I was offended by that because, of course,
24 I knew exactly when it happened and how long ago it
25 was. But I applied for some help with counseling and

1 am not receiving that. It was approved, and there's
2 been sporadic response, but not what it said in that
3 initial letter. And I'm wondering -- I've talked to a
4 number of people, and I'm wondering what needs to --
5 who I need to be in contact with that might actually
6 respond.

7 MS. GREGORI: Actually, those are the
8 types of concerns and issues we want to hear about
9 when we get into the longer discussion, but right --
10 To answer your question right now directly, it would
11 sound like the person who administers the compensation
12 program for Texas should be contacted, and that might
13 be something, too, that OVC would want to work on. So
14 maybe at a break you could come up separately and talk
15 to me. But thank you for your question.

16 MS. PITRUCHA: What I'd like to ask is
17 like one of the Parents of Murdered Children, last
18 year when she pulled up in her driveway, her and her
19 husband, her husband went into the house, she was
20 viciously attacked by two thugs, who -- I think the
21 intent was more than just rob her because they drug
22 her all the way down her driveway, but they ended up
23 stealing her purse with her keys to the house and her
24 car keys. And we checked to see if there was any
25 compensation to help pay for the locks and that

1 because they are seniors, you know, and to see if they
2 could get any help at paying for the locks on her
3 house and her car for their own safety, and they said
4 there is none for that when I called Austin, and I
5 just wished there would be some kind of grant or
6 monies for things like that because now these same
7 criminals have the keys to her home. Well, their son
8 came over and replaced two of the locks, but that's
9 not all of the locks.

10 MS. GREGORI: Right. And that's a good
11 concern because OVC, we put out broad guidelines.
12 Each state can tailor the guidelines, and I see
13 Mr. Gillis wants to say something.

14 MS. ODOM: John, here I am. Here I am
15 with the microphone.

16 MR. GILLIS: And you had mentioned it
17 already, but those are the kind of things that we will
18 get into once we do the brief overview, and then we'll
19 start going around the table, and we'll start talking
20 about problems and how do we solve those and what we
21 can do to help. Because that's really what this is
22 all about. But we wanted to briefly let you know
23 what's available to you, and then we want to hear from
24 you about the things that you think need changing and
25 how we can go about making those changes. So the

1 questions are good, but as soon as she finishes her
2 overview, then we'll get into those. So thank you.

3 MS. ODOM: And we had one more question
4 back here.

5 MS. MARIN-EASON: My question is within
6 -- going to court for two weeks, is there any funds --
7 Like we have to park, eat, everything, just to support
8 other families, and sometimes, you know, they've told
9 us three days, and it's almost three weeks that we've
10 been in the courts, and the family wants us there, so
11 we kind of sometimes sacrifice like when you don't
12 have income, I'm on a limited income, and our
13 chapters, some of them have the money to do it, and
14 some don't, and I was just wondering if there was any
15 permit or anything that they can have for especially
16 people that go in and assist, you know, be there for
17 support for people, you know.

18 MS. GREGORI: Right. That actually
19 depends on how your state has set up the program. I
20 have heard of states where they do put aside money for
21 that. The best thing -- Are you in contact with an
22 advocate in a victim witness program?

23 MS. MARIN-EASON: No.

24 MS. GREGORI: Okay. We'll have to get you
25 that contact information because they would be the

1 ones to tell you what you're eligible for and what
2 monies they have set aside for that.

3 MS. MARIN-EASON: Okay.

4 MS. ODOM: Thank you. I see another
5 question. And one thing if I could ask you when
6 you -- as you ask your question, if you would just
7 give us your name because this will also be
8 transcribed, so it's helpful for the transcriber to
9 know who's making the statement. Thank you.

10 MR. CHAVEZ: It's not much of a question,
11 but it's basically a reply to Miss Marino's question
12 is that the local chapter of the San Antonio Parents
13 of Murdered Children will provide with assistance in
14 parking up to \$5 a day. In our newsletter, we have a
15 list of about ten or 12 friends that will assist in
16 joining and being there present with you with a phone
17 call. But the newsletter has the phone numbers of all
18 the board members and those that are available to
19 assist in joining, and also I think the limit is \$5 a
20 day for parking.

21 MS. ODOM: Thank you. Okay. And,
22 Jeannie, continue with your overview.

23 MS. GREGORI: Okay. Just very briefly.
24 I just wanted to highlight, too, that OVC, we do have
25 earmarks that come out of the fund, and those earmarks

1 support -- If you're ever in the federal criminal
2 justice system, in each U.S. Attorney's Office there
3 are Victim/Witness Coordinators, and so monies to the
4 fund, about 17 million, supports those positions. So
5 those would be your contacts to help you through the
6 system and to tell you what resources are available.

7 And also if the case is being investigated
8 and has not been indicted, then there's a counterpart
9 for the F.B.I., which we also support, and they are
10 called Victim Specialists, and those would be your
11 contacts.

12 Now, the federal people also refer any
13 crime victims to what's called the state/local victim
14 assistance centers, and that's where the forms are for
15 your victim compensation and also for the victim
16 assistance programs. And so, ideally, if the system
17 is working, and we've heard through the roundtables
18 that sometimes it's not, that these contacts are being
19 made. And so if it's not and you're having a problem
20 in your state, we do have some contact information for
21 like, you know, the State of Texas and who runs the
22 comp program and the assistance program, and we also
23 know in the local counties who runs the victim
24 assistance centers. And, of course, if you're in the
25 federal justice system, we know who those contacts

1 are, too, and they are up on our website. But, you
2 know, we're certainly here to help you or to give you
3 that information so you know where it is.

4 And so that's pretty much all I wanted to
5 talk about because it sounds like we're ready to jump
6 into discussing what the problems really are. And so
7 with that, I'll open it back to the floor and start
8 hearing from all of you here.

9 MS. ODOM: And actually one method that
10 has worked fairly well for us has been that we've
11 basically gone around the room so that -- I know that
12 typically when people come to something like this,
13 they might have a chief concern or a chief message
14 that they wanted to make sure got communicated, sort
15 of like, "Well, if they hear anything, they're going
16 to hear this." So I want to make sure everyone gets
17 their opportunity to be heard.

18 I would like to mention that apparently
19 the Mayor of Houston is going to be coming in to say
20 hello to you possibly. It's not for sure. Pardon me?
21 What? Well, I won't even say. All right. Salty
22 things are being said. I feel the vibe. Anyway,
23 suffice to say that if he comes, if you'd be kind
24 enough, he will just need to interrupt, come in, make
25 his remarks and leave. I have fruit in the back, you

1 know, whatever. All right. Face up front. Okay. I
2 would like to start with you if that's all right if
3 there were a chief concern or a chief thought that you
4 wanted to make sure got communicated. Does that sound
5 like an equitable way to do this? Okay.

6 MR. CHAVEZ: I feel like with some of the
7 members of the Parents of Murdered Children in San
8 Antonio, some of the basic issues are primarily
9 communication between the police departments, the
10 investigation, due process, the District Attorney's
11 endeavors on what areas of pursuit they are going to
12 obtain, educating the victims and/or their surviving
13 siblings and/or parents and/or husbands or wives of
14 the due process, of the prosecution process, what they
15 can experience, what they can expect, provide them a
16 worst case scenario, a best case scenario. Basically
17 education.

18 When my wife and I experienced our
19 tragedy, it happened so suddenly with a phone call,
20 and that was the basic response that most of the
21 friends in San Antonio who are surviving victims and
22 who are perpetual victims have apparently sensed is
23 that the shocking experience that they have initially
24 is mummifying, so to speak. They can't think. They
25 can't reason. They can't see straight. They suffer

1 physically and emotionally, mentally. So, therefore,
2 their basic rationale as a normal human being no
3 longer exists. What are the next steps? There's no
4 direction. Every case is unique. And my heart goes
5 out to everyone that is present here today.

6 The basic matter is where do we go now and
7 why do you withhold information, why are we not
8 updated and informed in a manner that would be
9 satisfying to a certain degree and upbuilding and give
10 us a ray of hope.

11 So those are some of the basic issues that
12 we have. My wife and I pursued those matters
13 intently. We concentrated on those areas. We visited
14 with the homicide department, with the investigating
15 officers. We made concerted efforts to be educated by
16 the District Attorney's Office, the prosecutor. We
17 were befriended by the entire homicide division that
18 was handling our case, including the prosecutor and
19 the investigators for the D.A.'s office.

20 And I sat through two capital murder cases
21 prior to attending the two that were for our son, so
22 by the time that we were going to be present at our
23 trial, which was 12 months later, to a certain degree
24 we were prepared to expect the worst, including
25 sitting in on both trials through three weeks of voir

1 dres that we never missed from nine o'clock in the
2 morning till five, six, seven o'clock in the evening,
3 sitting at a table exactly across from the defendant
4 and his defense attorneys, bailiffs, the judge, the
5 court reporter. So we spent three prior weeks, two
6 weeks in a capital murder, six months later went
7 through the same routine, and I think that that
8 assisted us tremendously in being able to cope with
9 the tremendous loss that we had already suffered for
10 the last year.

11 Communication and education I feel by all
12 those segments that were there to support the issue of
13 trying to resolve this capital murder case is
14 something that benefitted us more so than others
15 because they were left out of the loop and being left
16 out of the loop just is an additional stress factor
17 that we shouldn't have to bear.

18 MS. ODOM: Thank you very much. And let
19 me mention, I didn't introduce Jennifer Ford.
20 Jennifer works with me at IMO Productions in San
21 Diego, and she is not transcribing. What she's going
22 to try to do is basically kind of keep up with the key
23 points that you may raise, and then during breaks
24 we're going to summarize those, and then we can all
25 come back to them. So I just wanted to let you know

1 if you say fudge and she says hard, sweet candy, don't
2 gets upset. You know, we'll get it right. So thank
3 you. Okay. And please, John.

4 MR. GILLIS: You mentioned the
5 notifications, and that's something that Steve Twist
6 is going to talk about later on today, which is a part
7 of the Constitutional Amendment, so it's a very good
8 point that you brought up, and I'm sure Steve is going
9 to cover that when he talks this afternoon.

10 MS. CHAVEZ: Yes. I want to mention that
11 the victim advocate that was there throughout the
12 trials, they're very helpful. They call us back
13 immediately, any question. If she doesn't answer the
14 phone, we have dealt with two different ones, and we
15 left a message. They were always very quick about
16 calling us back, and we really appreciate their help.

17 The forms, the application to help crime
18 victims, I don't remember how we got them or exactly
19 who gave them to us, but almost by the end of the week
20 after the crime we had about ten applications. So I
21 think we got one from the funeral home, one from one
22 of the detectives, and I don't know who else gave us
23 one, but just the information that was handed to us
24 and phone numbers was made so available, so when the
25 time came it was there for us.

1 MS. ODOM: And, Patsy, it's your turn,
2 Patsy Teer. And, again, just a reminder that I want
3 folks thinking about what are the chief concerns then
4 that you want to make sure you communicated.

5 MS. TEER: I've been in the system so
6 long. My son was murdered two years after the death
7 penalty was voted back by 80 percent of the people,
8 but it took ten years for the first execution because
9 it went through the courts for ten years before
10 justice started even having a hint of surviving. But
11 I feel very good about the programs that I have seen.
12 There were none at first, and when it went out of one
13 court I didn't know what next court was going to come
14 about. But there have been -- This is one of the
15 victims assistance out of the state that it gives
16 every court that -- the justice system in review, and
17 you know where you're going next. We have -- My case
18 was lost in the system for seven years, and I wrote a
19 judge that had given a stay, and he rescinded that
20 stay that had gotten lost, and it got back in. So now
21 we have a lady in Austin that keeps up with that, and
22 she calls you and lets you know when the courts are
23 going to convene on your case next.

24 We have Andy Kahan, and we have many
25 things in our state. I'm concerned about laws to help

1 all the victims, and I just wish that we would be able
2 to meet with you people maybe every year, whether it's
3 in this city or another city, because it seems like
4 that that would help a great deal.

5 MS. ODOM: Thank you, Patsy. Thank you.
6 Okay. Ten seconds to change tape. And what I thought
7 I'd do is I'd like you to -- We're going to have the
8 inner circle talk, and then I think we'll take a
9 little bit of a break, and then we'll have the outer
10 circle talk. Just so you know. And, again, if you
11 could just say your name, your full name, before you
12 begin to speak, that will just help the transcriber.
13 I could sing for you during the ten second break. Oh,
14 shucks! They're ready. All right. Yeah. Go ahead.
15 Go ahead.

16 (Tape change.)

17 MS. PITRUCHA: Okay. Madonna Pitrucha.
18 One of the things that I found out being in Parents of
19 Murdered Children for so many years is a lot of our
20 education comes through conferences because that is
21 such a world of knowledge. Not only that, it helps us
22 through our grief, because there is so many different
23 classes on grief, and as we all know, each person is
24 an individual, handles their grief different, which we
25 need the different types of grief deal. Like the one

1 that always helped me was on anger deal, and it's
2 fantastic. But, unfortunately, a lot of people does
3 not have the money to attend these conferences, and I
4 wish there was some kind of way that the OVC could
5 help on people that doesn't have the money, give some
6 grants to allow these people to go to conferences if
7 they can prove their income is not allowing them to
8 go, because they do -- time has no reference to pain
9 or anything else. When people say, "Well, you have
10 closure," you know, you close the door, but the room's
11 still on the other side, and it's still with you
12 there. So that doesn't help. But they do need the
13 conferences.

14 MR. GILLIS: And thank you for bringing
15 that up because that's one of the things that I found
16 that we need to change. As you know, the POMC
17 conference in Cincinnati, I attended that one. We did
18 not offer any funding for that. We will be offering
19 funding in the future. There will be -- I don't know
20 if we're going to do it in the form of scholarships or
21 if we're just going to give the money directly to POMC
22 to assist victims to get to those conferences. But we
23 will be doing that next year.

24 The other thing that happened, there's the
25 NOVA conference or National Organization of Victim

1 Assistance. Each of you have a conference every year,
2 and at the NOVA conference we had all of the service
3 providers, and at the POMC conference we had all of
4 the victims, and the two aren't talking to each other.
5 So one of the things that I'm looking at for next year
6 is seeing that we kind of combine those conferences
7 and then do something together, and I notice that the
8 Mayor is here.

9 MS. ODOM: Mayor has arrived. Beautiful.
10 If I could invite him to the podium, please. Sir, you
11 can just walk right through here. I give you the
12 Mayor of Houston, and we're up. Beautiful. Thank
13 you, sir.

14 MAYOR BROWN: Good morning. Let me
15 welcome you to our city. Those who are not from
16 Houston, we're happy that you're here. Welcome our
17 visitor from Washington. We appreciate you're being
18 here.

19 What you are discussing, the whole issue
20 of focusing on victims is a very important one and
21 often over-neglected. I've been involved in
22 addressing this issue for a long time. I revert back
23 to the time I was a sheriff out in Multnomah County in
24 Oregon. We started addressing the issue then. It
25 occurred to me even when I was a police officer that

1 we spent a lot of our time focusing on those who
2 victimized people, but what about those who are
3 victimized. And so I certainly want to wish that you
4 have very profitable deliberations here.

5 We're very proud here with what we've been
6 able to do. I have in the Mayor's office an Office
7 for Victims, and Andy Kahan is doing an outstanding
8 job. We appreciate what he does. He represents those
9 who are victims in a very forceful way, not only
10 locally, working with the different organizations that
11 do such a good job here, but representing victims in
12 Austin, Washington, assisting in getting legislation
13 that is beneficial. So, again, I want to just drop by
14 and say hey.

15 MS. ODOM: I think it would make a
16 splendid time for a bathroom break; don't you? "Yes,
17 Inez, we agree." All right. So then why don't we
18 just take a nice five-minute bathroom break? And,
19 gang, when I say five minutes, what do I mean? I mean
20 five. I mean five minutes. I mean four minutes and
21 59 seconds. Okay. Truly. Ticking.

22 (Brief recess.)

23 MS. HARDIN: I'm sorry I'm late. My name
24 is Carolyn Hardin, and my concern is my case is over
25 with and to help get over my case and everything it's

1 like I want to help victims. I don't want victims to
2 have to go through what I had to go through. We have
3 put together, Ruth and I, a victims information
4 booklet. I don't know how you all were. If it hadn't
5 been for my daughter being very, very organized, I
6 wouldn't have known when my next court date was. We
7 put together this little information booklet. We've
8 got it in the victims assistance office in Houston.
9 Ruth, how many have we put out so far at the judges'
10 offices? We have put out about 450 so far, just
11 Ruth's poor little old printer, and my copy machine is
12 just about gone, but we want to put these everywhere.
13 And it's just a little booklet. We brought enough for
14 everybody to look through it. This is just geared for
15 Texas, but it can be geared for any state.

16 We do a lot of court accompaniment. The
17 families seem to think that, you know, just to go out
18 and have a cigarette, because some of them do smoke, a
19 cup of coffee, just to find out what's going on
20 because a lot of people don't know what's going on in
21 the system. We've been in a trial this last two
22 weeks.

23 And my goal now is to help the next
24 victim. I've got to make a phone call in a few
25 minutes. I had a call last night. I had people there

1 when I was there, Andy Kahan, Woody Clements. They
2 were there with me during the whole trial. I was new
3 in POMC, so I didn't know a lot of the other people in
4 POMC at that time. The group has helped my life, and
5 my goal is just to see if I can help the next victim
6 along.

7 MR. GILLIS: Let me mention Project HOPE
8 again, and it's the --

9 (Inaudible comment from audience.)

10 Okay. So that the rest of you know what
11 it's all about, it's for the grass-roots
12 organizations. When my wife and I many years ago
13 started a small organization and funding was very
14 difficult to come by, \$5,000 in those days probably
15 would have ran our organization for a lot of years,
16 and I know that there are a lot of grass-roots
17 organizations out there, and especially the POMC
18 chapters that are doing a lot of good work who get no
19 funding. So although \$5,000 is not a lot, I think it
20 will help do some of the things that you're talking
21 about. Also, the MADD Chapters are taking advantage
22 of it, and they are making applications.

23 The money is going to be handled by
24 national -- The money will be handled by us. The
25 applications will be handled by your national POMC.

1 They're going to take the applications. They'll
2 process, they'll come to us, and we'll approve and
3 disburse -- have the funds disbursed. But it is a
4 national organization to help grass-roots
5 organizations continue to do the kind of good work
6 that they've been doing, and they've been doing it for
7 all the right reasons, not because they were getting
8 funded. You know, you don't have your POMC chapters
9 because you're getting funded; you have them because
10 you want to help victims. And that's the intent of
11 the HOPE Project is to keep you doing what you've been
12 doing for nothing but now give you a little financial
13 assistance.

14 MS. MARIN-EASON: Okay. I'm going to kind
15 of touch base like Tony said, you know, on the
16 communication. I feel that the State of Texas let me
17 down on the communication because I had a court order
18 that my grandkids were only visiting. If I had known
19 that they were going to arrest my daughter-in-law that
20 day, the children would have been here in Texas.
21 Oklahoma does not honor another state's court order.
22 So I ended up spending about \$45,000 just to continue
23 visitation with my grandkids. And I feel the State of
24 Texas just handed them over to Oklahoma when they were
25 kidnapped three weeks before the murder.

1 So, you know, I am very disappointed with
2 the State of Texas, and I represent the State of Texas
3 with Parents of Murdered Children, and I have to tell
4 people that they have funds that help them, and I'm
5 not talking about my -- losing my grandkids. That was
6 out of my pocket. But on the -- My daughter-in-law
7 took my son's body to Oklahoma. Me and my two
8 daughters flew up there. Well, they tell me because
9 it was -- I attended the funeral, I don't get
10 reimbursed for that, and I have to tell people, "Oh,
11 yeah, we have funds to help victims," but yet mine has
12 been four years, and I got reimbursed about \$600
13 because I took my grandkids to San Antonio to a
14 psychiatrist because they were blaming me for their
15 mother being arrested.

16 So my case has been closed, they opened
17 it, and they are still telling me that they're
18 investigating it. I had to attend my son's funeral,
19 but they told me it was my choice. If my son had been
20 buried here in Houston or San Antonio or between here
21 and Oklahoma, I wouldn't have had to fly, but she took
22 him to the other side of Oklahoma. So communication
23 has a lot to do with this, and I am very disappointed,
24 and when they ask me -- I mean, I feel bad because I
25 tell those people, "Oh, yeah, we have funds," you

1 know, "They help." When they ask me, I kind of just
2 draw back because I haven't been helped. So...

3 MS. ODOM: Thank you, Ruth. Meg.

4 MS. BAKICH: This is my brother, David.
5 I'm going to let him talk about our case.

6 MR. DALITION: Again, my name is David
7 Dalition, and unlike many of you, I and my sister Meg
8 and our entire family have been fairly recently thrown
9 into the situation where we as victim survivors have
10 become active in this movement and in trying to find
11 justice for my sister Linda. We have experienced a
12 very difficult situation following her poisoning. Law
13 enforcement has been reluctant and hesitant to try to
14 get to the bottom of it. A cursory investigation that
15 followed up on a few leads left other leads completely
16 uninvestigated, disregarded clear evidence, has
17 currently stalled the investigation.

18 And, unfortunately, what we've seen is a
19 law enforcement system that when put under strain
20 tends to crumble. The cases where you have a clear
21 gunshot wound and fingerprints on the weapon, the
22 bloody knife with fingerprints on the knife are the
23 bread and butter of law enforcement, and those cases
24 are pursued vigorously and prosecuted. Those that
25 fall in the realm of the more difficult, such as a

1 poisoning death, tax and strain the law enforcement
2 system, which often is under-resourced, not
3 sufficiently manned, and causes them to put the
4 difficult cases on the back burner.

5 In response to questioning and urging on
6 the family members' part to the law enforcement system
7 to continue to investigate and try to solve the crime,
8 the response often is a defensive posture where law
9 enforcement with their back against the wall then
10 victimizes the victim survivors in order to protect
11 their inability or unwillingness to devote the
12 resources and the time that are necessary to solve the
13 crime.

14 In the face of this experience, we've been
15 comforted, more importantly informed, by so many
16 victims groups, OVC, people like you here today. The
17 Parents of Murdered Children, an incredible
18 organization that I'd never heard about prior to my
19 sister's murder, my parents did attend the POMC
20 conference just recently, and I can tell you that it
21 was an incredible experience for them. Their life
22 completely turned upside down after Linda's murder,
23 and they were, as so many people were, devastated by
24 Linda's death, those of us who loved her so much.
25 Going to that conference was emotionally, spiritually,

1 mentally, and physically revitalizing. It was a real
2 shot in the arm for them because they came into
3 contact with so many people who had information to
4 share, information that is helping us today move
5 Linda's case forward. In addition to that, there was
6 grief management that they were able to take advantage
7 of because you grieve in so many ways, as you all
8 know, after something like this, yet sometimes you're
9 not even aware of it yourself until you're in the
10 presence of other people who are similarly grieving
11 who help you realize the signs of the grief and the
12 ways that you can learn not to overcome it, but just
13 to cope with it.

14 And so our quest for justice on behalf of
15 Linda and for all of us who loved her continues. It
16 won't stop ever until the perpetrator's arrested and
17 convicted and punished. In the meantime, it's just
18 good to be a part of a group like this and other
19 people who understand our plight and have been where
20 we are today. Thank you.

21 MS. ODOM: Thank you. Go ahead, Meg.
22 Take the mike.

23 MS. BAKICH: My name is Meg Bakich. In
24 regards to my sister, she left four young children,
25 and we are not able to see them and have no contact

1 with them since her death, and we were extremely close
2 prior to her death, and it would be nice to know what
3 type of rights we have as for my parents,
4 grandparents, or for aunts and uncles. I have four
5 small children, he has four small children, so there
6 are, you know, 12 first cousins, extremely close, all
7 the same age, and since her death we've been unable to
8 see them, and that is a chief concern for us at this
9 point, and it would be nice to know if we have any
10 rights or if there are any organizations or anybody
11 with information that could help us know what we can
12 do to move things forward. Her husband is one of the
13 chief suspects; and, therefore, this is why we have
14 not been able to see the children. So that would be
15 nice for us to know.

16 MS. ODOM: I don't want to put him on the
17 spot, but, Steve Twist, would you want to respond to
18 this at all or... I don't want to put you on the
19 spot, but... No? No. Okay. You may, but I'm going
20 to let him finish his thought and then it's your turn.

21 MR. DALITION: And just -- giving just a
22 little bit of more information because, as you know,
23 in these cases you can give a snapshot, but that's
24 only a thumbnail sketch of what was really out there.
25 Shortly after Linda died -- We were extremely close

1 with Linda and her four children. We were cut off
2 from all contact with the four children. The
3 telephone number to the house was changed. Meg went
4 to see her three nieces and nephew, and he called the
5 police. The phone number has been changed three times
6 since then because our children continue to try to
7 call. They ask to speak to their cousins. (Inaudible
8 comment from audience). Sure. Yeah. And so Linda's
9 children, of course, have been separated completely
10 from all of their first cousins, their grandparents.

11 MS. ODOM: I think Madonna wanted to make
12 a quick point just in response to that.

13 MS. PITRUCHA: There's a member of the
14 Houston Chapter of Parents of Murdered Children, her
15 daughter-in-law had murdered her son, and they had
16 children. Well, they tried that with her, but instead
17 of getting grandparents' rights, because that's really
18 a joke as everybody knows, her attorney got her
19 divorced parent's rights. They get the grandchildren
20 every other weekend for whatever that is during the
21 summer weeks and every other holiday and stuff like
22 that. So you might want to talk to an attorney.

23 UNKNOWN FEMALE SPEAKER: Were they
24 divorced?

25 MS. PITRUCHA: No. No. And so somehow,

1 because, see, her parents also received the children
2 like in her case, and so I think I've got that
3 lawyer -- her lawyer's card in my purse because I was
4 looking for her for my daughter, and so I'll see if we
5 can find it for you all.

6 MR. DALITION: And you raise a good point
7 about grandparents' rights. My parents currently have
8 a petition before the courts, have a visitation --
9 have a domestic attorney who is representing them and
10 trying to get visitation for them, and after the
11 Troxel case, the Supreme Court case that ruled on the
12 State of Washington matter, it's very difficult.
13 Great deference is given to the parents. You've seen
14 that in the OJ case. You've seen it in many cases
15 following. So we're not hopeful that that will be our
16 cure-all or panacea, but we're moving down that avenue
17 as well.

18 MS. ODOM: David, thank you very much. If
19 you'd pass the microphone to Brenda. And, again, just
20 a reminder, you know, chief concerns, the things that
21 you really want to make sure get communicated.
22 Please.

23 MS. O'QUIN: Brenda O'Quin from Fort
24 Worth, Texas, the North Texas Chapter of Parents of
25 Murdered Children. We on the plane down here

1 discussed some issues so that we could talk about some
2 things maybe that are representative of some people
3 who were not able to come from our chapter.

4 Our main focus now is where to point in
5 our -- as far as our chapter development, where we
6 really need funding to be able to go forward, and
7 we've tried since 1998 to get that. And the reason we
8 need it, first of all, is to try to organize, to try
9 to get our families to work together so that we are
10 one united voice.

11 Training. We have such a problem getting
12 training so that we are professional in what we do and
13 are able to continue that awareness of POMC, of
14 Victims Outreach, of other organizations to even know
15 that we exist. I know that probably -- Or at least
16 for me, until it happened, you don't have a need for
17 it, so you're probably not aware of it, but there
18 needs to be some way for us to get the information,
19 and then maybe we can talk about that today, too, to
20 the people who need it when they need it.

21 In the very beginning sometimes, you're
22 not receptive to that or because of your mental state
23 at the time, you know, don't recall or are not able to
24 do anything about it, but there needs to be a way that
25 we can get information to someone who can take care of

1 it for you.

2 We need to communicate the services that
3 we have, such as the support groups, the children's
4 programs. We do court accompaniment, all the
5 advocacy. We handle transportation. We try mentors
6 for the new families who are coming in, mentoring by
7 older families. And I don't mean older in age.
8 Websites, cards and notes on anniversary dates, the
9 impact panels that are done, the training that we do
10 for professionals to try and help them understand how
11 to be sensitive to our needs. Legal assistance by
12 putting them in touch with attorneys or civil
13 attorneys when needed. And these things are all done
14 on a volunteer basis. Could you imagine what we could
15 achieve if we really had the funding and the
16 organization behind us that we need?

17 I think some of the barriers that we have
18 in obtaining this, of course, is the lack of
19 understanding, the -- Sometimes professionals are not
20 as receptive to having us involved, sometimes they
21 are, and sometimes we're not as receptive to
22 professionals as we should be. There needs to be a
23 partnership of some kind where we can work together
24 and that way accessing the strengths of both. T.

25 Here's a territorialism that exists within

1 any kind of setup where there is funding involved.
2 Politics, all of these things come into play, and it's
3 something that, you know, when you think about it, we
4 shouldn't have to deal with, but we do. The complex
5 system of obtaining the grants. We started in '98,
6 applied for a VOCA grant, and what we had to do was we
7 had to attend a community meeting with North Texas
8 Council of Governments because the funding is funneled
9 through them.

10 MS. ODOM: Brenda, can I interject just a
11 moment? Can you -- What you're doing is you're
12 going like this. So just keep the -- Have the mike
13 follow your mouth. Move your arm if you have to.
14 There you go.

15 MS. O'QUIN: Okay. I get kind of --

16 MS. ODOM: That's all right. You're doing
17 great.

18 MS. O'QUIN: First of all, the first step
19 is to go to the meeting. There's a community plan.
20 The community plan takes about a year to develop,
21 which is fine. There needs to be some type of control
22 over what is funded. After -- You have to be
23 mentioned in the community plan to be funded. So
24 that's about a year from the time that's completed.
25 You go to the meeting. You do all the things that

1 you're supposed to do with that. There's a local
2 committee that decides whether the funding -- or
3 prioritizes it. It's not a yes or no thing. But, you
4 know, if you have 80 grants and the top ten will be
5 funded, then, you know, you know that if you're below
6 the ten you probably won't. The people on the
7 committee also have funding issues involved. So, you
8 know, you're not only dealing -- I mean, you're
9 competing with some of the people who are making the
10 decision, which I've never quite understood.

11 Once the prioritization occurs, then it
12 goes to Austin. This is another six months or so.
13 And by the time you finally get word, about a year has
14 gone by, which is not a problem if it's funded or if
15 you have a program that's actually continuing, you
16 know, you're waiting until -- trying to figure out
17 whether to keep your personnel or not, if the grant
18 will be -- if you can reapply.

19 In '98 when we first applied, I think we
20 were so naive that we assumed that everyone was going
21 to be so happy that, you know, we had all the
22 survivors who wanted to get involved, and that really
23 was not the case in the beginning. I think people
24 didn't exactly know what to do with us or how to
25 handle us. You know, there wasn't a category for us

1 or something. It's taken a while. We really now have
2 a very good working relationship with other
3 organizations and even a collaboration of six other
4 organizations that we co-locate with, including MADD
5 and Shaken Baby Alliance and some violence prevention
6 agencies, because that is part of it, too.

7 But if there's any way we can streamline
8 this process to -- Because we started in '98. We've
9 applied for a grant every single year. We've never
10 been funded, never. I asked in '99 to have a list of
11 all the Texas organizations funded through VOCA to see
12 if there was a homicide support or homicide specific
13 group funded in Texas, and there was not. There's
14 some generic victims assistance programs, which
15 handle, of course, different types of crime, but
16 nothing that's specific for homicide. We even tried
17 to send through a collaborative thing with Shaken Baby
18 Alliance thinking maybe if we all work together it
19 will be easier to get funding instead of one
20 organization, and that didn't work either.

21 So maybe there's some things that we need
22 to do differently, and if that's the case, we're
23 certainly willing to do that, and it may be that
24 because the process is so involved we're not doing it
25 correctly. But whatever, I certainly would like to

1 know if there's something different that we can do,
2 maybe something a lot less complicated. The HOPE
3 thing is wonderful. Thank you for doing that because
4 we do need that.

5 And there's still some voids in services.
6 I just returned from a training in San Diego,
7 traumatized children, and we see that in our chapter,
8 and maybe others see this, too, where we really are
9 not addressing the problem of trauma and certainly not
10 addressing children, siblings, friends, just the
11 community in general. But those are just some things
12 that we have seen.

13 MS. ODOM: Thank you. John has something
14 he wants to say back.

15 MR. GILLIS: I wanted to mention that
16 you'll notice that most of the people here are from
17 survivors of homicides. I did want to say
18 specifically that it is a conference on violence or
19 violent crimes. It just so happens that survivors of
20 homicide are the ones who spend more time in the
21 criminal justice system. It's more intense, it's
22 more -- need more services. So this is the group that
23 I feel can give us the most insight into what we're
24 doing wrong or what we're doing right at the national
25 level. So I didn't want anyone to go away thinking

1 that OVC is only concerned about survivors of
2 homicide. We're concerned about all victims of
3 violent crime. But I do appreciate your coming, and I
4 know that you will have a lot to add to this
5 conference. So that's the reason why we're looking at
6 survivors of homicide. I just wanted to add that.

7 MS. ODOM: Thank you, John. Actually,
8 John -- And John will love me for demonstrating, but
9 I'm going to use him as an example of what I don't
10 want to see happening. So what he was doing was he
11 was leaning on this arm and then coming back and every
12 time he does that, then we don't get to hear what you
13 say. So make -- Bring the arms off the table and just
14 keep the mike right there, and if you're going to turn
15 your head, do that for me. Are we changing tape? Do
16 I get to sing for you?

17 (Tape change.)

18 MS. FREELove: I'm Jana Freelove. Brenda
19 pretty much covered everything, but we really do need
20 the grants. We need the funding so that we can help
21 people. And that's what we're there for, and we want
22 to be there, and when people need us, we want to be
23 able to help them, and we really do need these grants,
24 and we've worked really hard, and we just can't get
25 them.

1 MS. ODOM: Thank you. Thank you. Please,
2 Keith.

3 MR. ALBRIGHT: Keith Albright, Fort
4 Worth, Texas. I think the biggest issue that I have,
5 and certainly the most painful to deal with on a daily
6 basis, is the revictimization during the court
7 process. After doing many of the right things for 18
8 months leading up to a trial, it seems that we were
9 completely revictimized and run over in a court by an
10 attorney who -- defense attorney who just -- I can't
11 understand why someone would say and do the things he
12 did. It's well documented. That's been as painful, I
13 think, as the event itself, not getting justice.

14 Some other things that need to be improved
15 in the process. The bail process, the person who did
16 this, the nanny's bail originally was set at \$500,000.
17 It was reduced for some reason, we don't know why, to
18 \$80,000, and then you can post ten percent of that, so
19 for \$8,000 we get a person like that out on the street
20 for a year and a half.

21 Our not being allowed in the courtroom
22 during our trial because we were witnesses, Wendy and
23 I, my wife and I, were revictimized, and didn't really
24 know -- And if we had heard some of the comments, I
25 think we could have countered them and offered a lot

1 of intelligence and truth to the situation. That was
2 a real problem in hindsight.

3 The issue of the defense attorney's firm
4 quid pro quo with the judges and D.A.'s is a fact, and
5 I confirmed that talking to the judge directly. He
6 has been entertained on this defense attorney's ranch
7 numerous times. It's a good old boy relationship.
8 That fraternization is no different than me going to
9 the judge and patronizing him or the jury. And, of
10 course, that's a mistrial if I do it, but in their
11 system it was matter of factly pretty broadly known.

12 So those types of issues and the fact that
13 we didn't get justice in a case where the forensic and
14 medical evidence is indisputable is what I have a real
15 problem with to this day. Part of the reason or I
16 guess one of the roles for OVC is I guess in some
17 respects to protect the rights of victims. It's bad
18 enough that this happens to many, many people in our
19 nation daily; it's even worse to have errant process
20 and favoritism to some extent and the most egregious
21 behavior by the defense to do nothing but destroy and
22 lie and cheat the truth. And as you can all probably
23 tell, I'm still extremely angry and bitter at the
24 whole situation. So those are my issues.

25 MS. ODOM: Keith, thank you. Thank you

1 very much. All right. Is that Sharon? Here we go.
2 Do I need Sharon to stand up? She's good. Okay.

3 MS. WENZE: I'm Sharon, and I'm actively
4 involved with Parents of Murdered Children. And one
5 of the issues that I have is the counseling, with the
6 funding. I was approved for counseling, and I had
7 insurance at that time, but my insurance only would
8 pay a certain amount, so I assumed that the other
9 funding would pick up when that ended, but it didn't
10 work that way, so I ended up having to stop going to
11 see my therapist because of that. I guess it was just
12 a whole miscommunication from the beginning, but...
13 And that was one of my issues that I wanted to speak
14 of is the funding for that. When you go through
15 something like that, some people need, you know, to
16 seek counseling, and so I ended up having to stop.

17 MS. ODOM: Are there any other concerns
18 that you wanted to raise, any other things that you
19 think would be helpful for the Office for Victims of
20 Crime to know? Any other things that you think would
21 help them?

22 MS. WENZE: Well, we have applied for
23 grants in past years and been denied, and we really do
24 need the funding. I try to assist families in court
25 accompaniment, follow-up phone calls. We go to

1 memorial services out of state, candlelight vigils for
2 families. We just try to be there in any way, and we
3 really do need the funding.

4 MS. ODOM: Well, thank you very much.

5 Ric. Oh, and here's John.

6 MR. GILLIS: I'll try and do it right this
7 time. Let me -- I just wanted to ask. How many have
8 applied for grants? Okay.

9 MS. ODOM: Raise them high, people. This
10 is the man with the money.

11 MR. GILLIS: Was this through a POMC
12 chapter, or was it for another organization? All for
13 POMC? No?

14 (Inaudible comments from audience.)

15 MS. ODOM: You just wanted to know, John,
16 how many applied?

17 MR. GILLIS: Yes. I just wanted to know,
18 and I also wanted to know how many were denied. Okay.
19 Because at some point I'd like to know what the
20 request was for and the reason you were given for the
21 denial. I'd like to know the kind of program that you
22 were asking to implement, and then I'd like to know
23 why it was denied. And if it's some kind of an
24 innovative program or something that you think will
25 work well, I may want to take a look at that again.

1 MS. ODOM: Okay. And I know you have a
2 point. You wanted to make the point about your group.
3 Steve Twist, now, I've got eyes in the back of my
4 head. I saw the hand. I'm getting there. Okay. Do
5 you want to make that point right this moment, or do
6 you want to --

7 (Inaudible comment from audience.)

8 MS. ODOM: Okay. No. I appreciate that.
9 No worries. And we do want to hear about the program,
10 so stand by. Here I come.

11 MS. LORD: I don't want to be speaking out
12 of line here, but I tell you something I think, John.
13 I think that a number of years ago Parents of Murdered
14 Children at the national level got a grant from OVC
15 that may not have been managed real well, or at least
16 that's kind of what the grapevine is. And what I hear
17 consistently in Texas and in other states as well is
18 that word kind of filtered down and a lot of these
19 committees are really looking for a reason to say,
20 "No, we don't want to fund them." And I think that
21 grapevine stuff really has filtered down in a number
22 of the states, and that's really unfortunate, and it
23 seems to me that maybe you could do something about
24 that grapevine.

25 MS. ODOM: Okay. And Diana -- Diane has

1 a direct -- Diane has a direct remark.

2 MS. CLEMENTS: Well, I do have a comment.
3 There were some discretionary grant fundings through
4 the Attorney General's Office this year, and I
5 participated in the committee that reviewed the grants
6 Parents of Murdered Children submitted, and they
7 were -- there was no grapevine information.
8 Traditionally, and I don't know why, but it's MADD and
9 domestic violence take priority over homicide
10 survivors, and it's -- I don't think it's a grapevine.
11 I don't think there is anything intentional. I just
12 think that those two organizations, those agencies,
13 they've been around longer, they're more recognized,
14 they are thought to be better organized and perhaps
15 more deserving of the funding. I think -- Bottom
16 line, I think homicide survivors are not given the
17 credibility or the attention or the recognition or the
18 respect that other survivors of different types of
19 crimes get.

20 MR. GILLIS: Part of that is correct, but
21 the other part is that POMC and some of the other
22 homicide survivor groups have not been involved, and I
23 don't want to say politically, but you've not been a
24 vocal organization. MADD and domestic violence have
25 been quite vocal, and they're there at the

1 legislature, they are there with their legislators,
2 and I'm not telling you to do that. I'm just saying
3 that -- I can't tell you to do that.

4 MS. CLEMENTS: I would agree with that,
5 but that should not be a requirement for the funding
6 to be approved. You shouldn't have to be a political
7 body in order to receive the funding that these
8 survivors deserve.

9 MR. GILLIS: Oh, I don't --

10 MS. CLEMENTS: And I know you're not
11 arguing with that, but the point is how do we address
12 that, and how do we accomplish funding when you're not
13 a political body?

14 MR. GILLIS: I can't respond to that.

15 MS. ODOM: And, Ric, you're showing the
16 patience of Job. Love ya.

17 MS. HARDIN: Well, us as POMC chapters and
18 chapter leaders, we cannot politically lobby for
19 anything. It is in our by-laws THAT we cannot
20 politically lobby. So, I mean, why should we get
21 forgotten about and penalized, thank you, for
22 something that we can't do? As a national
23 organization, we can't lobby, and we can't, you know,
24 vote -- I mean, we can vote. I'm sorry. But we can't
25 get political in it.

1 MS. PITRUCHA: See, our national
2 organization tells us on account of our 501(C)(3)
3 status we're only allowed 20 percent of political.
4 Well, what is 20 percent when you've got all these 500
5 and some-odd chapters throughout the United States?
6 How do you figure 20 percent? So to stay out of
7 trouble with the IRS and Uncle Sam, God forbid, you
8 know, we can't be political.

9 MR. GILLIS: Okay. Let me say something,
10 and then I think we should move off of this issue
11 because I don't want -- I don't want people to get the
12 impression that I'm telling you to be a lobbying
13 organization. And you're correct under your 501(C)(3)
14 you cannot be a political organization, but you as
15 individuals can. You as individuals have a right to
16 write to any legislator, to talk to any legislator, to
17 talk to your Congressmen, to your Senators, so you as
18 individuals can do that, but you can't do that as an
19 organization. And those other organizations that I
20 just mentioned are also 501(C)(3)'s, but they do --
21 they do a lot of work outside of their organization.
22 And maybe that -- those are some things that you need
23 to think about. But I can't tell you to do that. I
24 can't tell you to be politically active because --

25 MS. PITRUCHA: Well, if we had the

1 funding, maybe we could, too.

2 MR. GILLIS: But I can't fund you to be a
3 politically active organization. I can give you funds
4 to help crime victims, funds to do direct service to
5 crime victims. I have some discretionary funds that
6 are available to me. But none of those funds are
7 available for political activities, and I want to make
8 that -- I want to make that clear to you. Okay.

9 MS. GILLIS: I would just like to say
10 something. I usually try not to speak during these
11 meetings, and I may get in trouble for this, but I
12 just need to say that when we first got active in the
13 crime victims movement, we joined Parents of Murdered
14 Children, and at one point my husband and I and Doris
15 Tate and a number of other people, we decided that
16 because POMC was so restrictive, we had to do other
17 things, so that's when we started Justice for Homicide
18 Victims and eventually Victims and Friends United.
19 But there is a time for POMC, and, you know, it is
20 very restrictive, but there's also a time to step
21 aside and do some things on your own, and that's how
22 the crime victims movement has grown in the last 22,
23 23 years, because people decided "I will remain a
24 member of Parents of Murdered Children," which we are
25 still members, "and do some other things on the side."

1 So just remember that, you know, there are other
2 things that you can do in addition to remaining
3 members of Parents of Murdered Children.

4 MS. ODOM: And, Ric, thank you. Thank you
5 for your patience.

6 MR. NESBIT: Well, I wish it was about me,
7 but I think it's about a big segment of our society
8 that's hurting real bad. I agree with the singing
9 lady over here that the laws of our society -- And I
10 understand innocent, presumed innocent until proven
11 guilty, but our U.S. Constitution has been amended, I
12 forget my numbers, but seven times, I think, to create
13 14 specific laws that are in favor of the criminal, of
14 the person committing the criminal act, and, you know,
15 God knows I don't want anybody locked up that did not
16 do the crime, but I sure know that there are thousands
17 of people every day in our country getting released
18 that did do the crime and they are using the laws that
19 we've created as loopholes to let them go, and I think
20 it's time that our national government passed a
21 Constitutional Amendment that establishes rights for
22 victims that are equally as respected as the laws that
23 exist for the criminals.

24 MS. NESBIT: Judy Nesbit.

25 MS. ODOM: Bless your heart, Judy. Can I

1 ask you to stand up? I have a feeling that would
2 help. Bless your heart. Thank you.

3 MS. NESBIT: That is said to me at every
4 class reunion. I'll be standing on my feet, and
5 they'll say, "Go ahead and stand up so we can see
6 you."

7 I am at a loss. One of the main issues
8 with me personally I have seen be a main issue with
9 every other member of POMC in Fort Worth that I've
10 come in contact with and hundreds of other folks that
11 I attended conferences with. We all have a lot of
12 anger and a lot of energy and a lot of determination
13 and courage to step up and support each other and to
14 inform other folks, doing victim impact presentations
15 and in-service things, but one of the problems with
16 that is someone who has not had the experience of
17 having a child murdered has a very natural tendency to
18 insulate themselves from the anger and the emotional
19 upheaval that we're demonstrating. So a lot of the
20 professionals that we've spoken with to try to educate
21 about notification and follow-up are very naturally
22 trying to avoid being tuned in to us. That's very
23 frustrating when you see someone's eyes glaze over
24 when they are a policeman or a paramedic or a parole
25 officer, or in our case a prosecutor. And in our case

1 we've been to some prison situations and spoken with
2 criminals as part of -- One of them is a capital
3 offenders program that was very vital and very active
4 in the beginning of our experience with this whole
5 process, but has faded away basically because there's
6 not much support for that. I think Gidding (phonetic)
7 State School was probably the first and maybe only --
8 I'm not real up on that, but I know they had a capital
9 offender program that incorporated victims doing
10 presentations showing crime scene photographs and
11 shocking criminals.

12 Never in my wildest dreams a few years ago
13 would I have thought that I would be able to stand in
14 front of anybody and talk about anything quite so
15 intense or emotional, but I found out after about five
16 minutes of explaining I didn't know if I could speak
17 or not, I didn't know if I could do anything that
18 would help their program or any other program, I found
19 that they had to ask me to shut up and sit down after
20 a while. I didn't think I could do much, but I could
21 talk for the rest of my life about the impact that
22 this crime has had on my family.

23 One of the main issues that I have a
24 problem with is legal advice after the fact. We went
25 through two murder trials, two capital murder trials,

1 and the 18-year-old and 15-year-old young boys who
2 killed my daughter and Brenda's son were convicted of
3 Capital Murder Life, and the word "closure," as you
4 all know, doesn't mean a thing to those of us. I
5 empathize and sympathize with the folks that don't
6 have that termination of the criminal's rights, but it
7 doesn't help. The grief process will go on for -- I
8 mean, I will wake up every morning and be the parent
9 of a murdered child. That doesn't go away or heal or
10 change. The impact of it goes on and on with the
11 siblings, with the disintegration of marriages, with
12 the physical problems that you have, with the mental
13 disintegration. A lot of us in our local area have
14 lost our jobs. We've lost our spouses. We've lost
15 our physical well-being.

16 Earlier, I mentioned applying for
17 counseling, and it seems I waited too long to do that.
18 In the beginning when you get all the forms to fill
19 out, I personally was in a state of shock for a very
20 long time, thank God, because when I started to wake
21 up and realize the impact this had on my family I'm
22 being told you probably should have done that early
23 on.

24 I was in the process of referring other
25 people in our group to, you know, call it this number

1 or this person can help you, this, but, strangely
2 enough, I waited a long time to seek some help myself,
3 and I'm not sure -- This gentleman said
4 "mummification." I hadn't heard that word used
5 before, but that's exactly what happens to you when
6 you get a call and say, "Remember your daughter that
7 left a little while ago? Somebody shot her and left
8 her on the side of the road." The shutting down of
9 our emotional self takes over, and all these forms
10 that we need to fill out and all these calls we need
11 to make and these people that can support us, it's
12 just a strange time for that. And I'm sure people
13 helped me and supported me. I know that for a fact.
14 But I had to be told that later on. So I don't know
15 exactly what the solution to that is, but it would be
16 nice to get my counseling paid for.

17 MS. ODOM: Thank you, Judy. Thank you.

18 MR. GILLIS: You've covered a lot of --
19 You've covered a lot of things, and one thing I just
20 wanted to mention that I've not mentioned yet, I did
21 mention that my daughter was murdered when I was on
22 the police department, but the other thing that I need
23 to bring to your attention is that this is the first
24 time -- And you were talking about some of the things
25 that needed to change. This is the first time that a

1 victim has headed the Office for Victims of Crime, and
2 President Bush appointed me, and Attorney General
3 Ashcroft was a strong supporter, but it tells you the
4 direction that this administration intends to go in
5 when it comes to crime victims.

6 And the reason why I'm out here now doing
7 the roundtables is because I want to hear from you
8 because I understand the things that you're talking
9 about, but I also know that there are many things that
10 I don't know. We were talking about -- The other day,
11 we were talking about attending court and the amount
12 of money that you lose. Well, it so happened that at
13 the time my daughter was murdered I was on the police
14 department and attending court was just a routine
15 thing, so I never had to worry about losing time from
16 my job. Going to court was a part of my job. Many of
17 the financial things were taken care of because the
18 police department took care of those things. What I'm
19 hearing as I go out on these roundtables, one of the
20 things that has been discussed by several people is
21 the loss of money. When one person, let's say a
22 spouse, is murdered and that spouse supported a
23 portion of the household, that is money that is lost
24 forever, and people end up in bankruptcy, and they end
25 up in all kinds of strained situations financially.

1 So there are a lot of things that I'm
2 learning, and it's because I wanted to get out and
3 talk to victims, and the administration has said to
4 me, "You do that and find out what it is we need to do
5 to make things better." So that's the reason why I'm
6 here, and I thank you for raising those issues. But
7 this is the first time in the history of OVC, which
8 was started in 1984, that there has been a crime
9 victim that headed the office.

10 MS. ODOM: Do we need JoAnn to stand up?
11 She's good. Beautiful. Take it away, JoAnn.

12 MS. STARKEY: Stand up?

13 MS. ODOM: No. You may sit.

14 MS. STARKEY: Okay. I'm JoAnn Starkey
15 from the Dallas area. I think probably all the issues
16 that I might be concerned about have been covered
17 today, excuse me, but I'll hit on them briefly. First
18 of all, Tony Chavez down here, he really covered a lot
19 of my concerns, helped to guide the victim through the
20 entire process.

21 I'm a victim, my son was murdered, but I
22 also have become a victim advocate, and what I try to
23 do is to be that mom that knocks on my -- on someone's
24 door to say, "I've been there. Let me help you." And
25 I said so many times I needed that because we are in a

1 state of confusion and mummification. And I know I
2 did get some information in the mail about victim
3 assistance with the D.A.'s office, but I read through
4 it, but it didn't dawn on me, and I didn't find help.
5 I had to go out and find it. And so we need to --
6 Possibly one way would be to have more funding to the
7 District Attorney's office so they can have more than
8 one victim assistant. And the same with the police
9 department. I believe in Dallas, I think I'm correct,
10 there is only one victim assistant in the D.A.'s
11 office and one in the police department, and that one
12 person is overwhelmed, and they don't have time to
13 make a personal visit to your home or a personal call.
14 They send a letter saying, "If you need any
15 assistance, call." And I saw that, but I thought it
16 was, you know, just call the police or something. I
17 didn't realize there was help there. And so I went
18 through the system. I just sort of, you know,
19 stumbled my way through because no one was really
20 there to guide me and tell me what to do next. And I
21 know there was help out there, but they didn't come to
22 me. I had to go find it. I didn't even know there
23 was a victim assistance person in the D.A.'s office
24 until the day of the trial, and I heard her talking to
25 my ex-husband and his wife from Illinois about air

1 transportation. And I started questioning and found
2 she was an assistant, and even at that time I said,
3 "Well, how about my daughter that had to come in from
4 Lubbock for the trial?" And, of course, the
5 compensation or the help was not there for my
6 daughter; it was for the parents. But that's it.

7 Ric over here, the crime victims
8 amendment, we need that so desperately, and I think it
9 covers a lot of the things -- a lot of the rights we
10 don't have. States have a bill of rights, I know
11 Texas does, but there's no teeth in it. If it's not
12 carried out, if a victim loses their right, there's
13 nothing that can be done.

14 And one of those, I believe Keith over
15 there addressed that, the victims being kept out of
16 the courthouse or out of the courtroom. Now, I do
17 understand if a victim is an eyewitness and a witness
18 to the actual committing of the crime, they need to be
19 out, but I find in working with other victims, there
20 are so many mothers and dads, brothers, sisters,
21 husbands and wives that have had someone murdered, and
22 they were not present at the crime, they were not
23 eyewitnesses, but because they had been subpoenaed or
24 asked to testify as far as the autopsy picture or
25 facts about the victim, that they're kept out of the

1 courtroom for the whole proceeding. And they call it
2 "The Rule". And I'm not even sure who administers. I
3 think the judge is supposed to, but it's usually up to
4 the defense attorney. And if the defense attorney
5 doesn't want the mom or the dad or the brother or
6 sister in the courtroom to show emotion, he applies
7 the rule, keep them out.

8 Another concern I have, and it was not in
9 my case, it has been brought up I think by Carolyn,
10 against grandparents that inherit children. I work
11 with victims all the time that have inherited the
12 children of a daughter that had been murdered, and
13 there's not a lot of help for them in raising those
14 children. One example that I'm working with right
15 now, the lady's daughter didn't have a very -- a
16 lifestyle that I would judge to be proper. She was an
17 exotic dancer. But she was murdered and left two
18 young teen-age children to the grandmother, and
19 evidently, because of the kind of work she did, she
20 probably didn't have the proper documentation to the
21 Internal Revenue, it was not documented what the
22 daughter made, and the daughter I think made fairly
23 good money, but she gets such a small check for
24 compensation. In fact, she has not received anything
25 from the Texas Crime Victims Compensation for loss of

1 support for those two children, and she's struggling
2 so desperately. And I don't know what the answer is
3 when the victim has not documented their salary or
4 something. I don't know if there is an answer to
5 that. But that's one.

6 And then -- Excuse me.

7 MS. ODOM: JoAnn, please feel free to have
8 a sip of water. It's right in front of you.

9 MS. STARKEY: Okay. Thank you. And the
10 last one, and I believe it has been covered by Ric and
11 Tony, but sensitivity training to all the
12 professionals that work with victims. You know, death
13 notification, we need more education there. The
14 doctors and nurses in the hospital. I volunteer at
15 Parkland Hospital Emergency Room one afternoon a week,
16 and I see a need that doctors and nurses need more
17 training of what to say and what to do with victims.
18 And, of course, the police detectives and the district
19 attorney offices. I don't know what the answer is,
20 but probably more training for them maybe from the
21 government. But that I think pretty well covers it.
22 Thank you.

23 MS. ODOM: Thank you, JoAnn. And, in
24 fact, I don't know if this is an appropriate time to
25 mention this, but I'm going to go ahead and mention it

1 that the Office for Victims of Crime has commissioned
2 my company to produce actually four trainings, and one
3 of which is going to be called "How Can I Help?" which
4 is really focusing on clergy, co-workers, concerned
5 neighbors, people who are in the lives of the
6 surviving family members who often want to know, "I
7 don't want to say the wrong thing, I don't want to
8 make it worse." So what we've been doing, and that's
9 what the second day of these roundtables are about, is
10 that we've been doing one-on-one interviews with folks
11 like yourself all over the country who have been
12 sharing with us ideas and strategies that they found
13 helpful that they would like to see in that sort of
14 training.

15 We're doing a second training called
16 "Survivor Management," which is exactly what you're
17 talking about in terms of something that's going to
18 essentially take families through the criminal justice
19 system, but we've gotten the shade of gray that rather
20 than, you know -- to some extent, we're going to have
21 a glossary which will have terms like "arraignment,"
22 you know, so they just understand what are all of
23 these things, but more so, they are going to hear from
24 people like yourself. They are going to hear from you
25 saying, you know, "This is what you need to expect

1 an overview of OVC which will just be -- I think it's
2 going to be a four or five minute overview, but just
3 something that you could even take to a Parents of
4 Murdered Children meeting, pop it in and say, "Okay.
5 This is what OVC is." You know, so anyway, I just
6 thought I'd let you know that that's all happening
7 currently, and we're really looking to get that
8 delivered sometime in the spring of 2003.

9 And how many folks are with me tomorrow?
10 How many of you will still be here tomorrow? Okay.
11 We're going to -- Jennifer Ford waving her hand.
12 We're going to be talking to you at the lunch break
13 about setting up a one-on-one opportunity to interview
14 you and talk a little bit actually for these products.
15 So, please, take it away, Lola. Okay. Andy.

16 MR. KAHAN: Lola passed it over to me. My
17 name is Andy Kahan, not Kahar, but I can be Kahar,
18 Kahan, Kayhan. I can be -- I can be it all. I've
19 been called everything from -- You name it. My son
20 will get a kick out of this, though.

21 I am the Mayor's Crime Victims Director
22 for the City of Houston, and I think it's very
23 important that the OVC hear about what I do and the
24 successes that we have. Particularly, we are the only
25 city in the country that has what you would call an

1 advocate, an ombudsman, a troubleshooter, and a few
2 other choice words some people care to give me that is
3 staffed out of our Mayor's office.

4 My staff consists of me, which means that
5 my staff is very subservient. We get along great. My
6 agenda gets followed to the tee, and I have been doing
7 this since May of 1992. And how this came about is
8 such a great success story, and I think it's important
9 that other areas hear about what we've been able to
10 accomplish. And it was actually through the efforts
11 of Parents of Murdered Children and Mothers Against
12 Drunk Driving that this office came about, and they
13 asked the mayor at that time if they could have a
14 staff person at the Mayor's office, and Bob Lanier,
15 who was the mayor at that time, just said, "Sure."
16 And little did he know what he was walking himself
17 into.

18 And when they hired me for this position,
19 they basically didn't know what I was supposed to do,
20 which I was actually quite grateful, and they gave me
21 an incredibly long leash to attack the problems and
22 the scopes of the issues that needed to be addressed.
23 One of the advantages that I have as opposed to victim
24 assistants, providers, coordinators, whether they be
25 in law enforcement, district attorney's office or any

1 other public safety avenue, is that I am not limited
2 in scope as to the areas that I can address. I'm not
3 bound by any sort of adherence of the old fox in the
4 hen house routine. Since I'm not employed by the
5 district attorney's office, I can freely give advice,
6 and I can freely intercede without worrying about
7 powers to be stepping on my toes. And I think that's
8 a very important avenue that we've been able to
9 address.

10 I do an awful lot of legislative advocacy
11 work on behalf of victims' issues and public safety
12 that enables us to tackle these issues that some of
13 the groups are again restricted by their 501(C)(3)'s,
14 and that's some of the ways that we can work around
15 with that. So, I mean, I'd be happy to provide you
16 with more information on some of the successes that we
17 have, kind of sheets that we do. I do an awful lot of
18 parole protests on behalf of families, court
19 accompaniments, interceding on behalf of all the
20 different organizations. And I believe, Brenda, you
21 had touched about some of the communications that you
22 have with different agencies. We have developed in
23 Harris County what's called the Harris County
24 Interagency Victim Council, and these are all
25 different victim service providers, whether from

1 nonprofits to law enforcement to corrections, anybody
2 who works in victim services, and we meet on a monthly
3 basis, and that's how we get to know what everybody is
4 doing and get to address different issues that are
5 occurring at the time and even developed a book that
6 has all the different agencies in there for people.
7 That's something that you might want to consider, you
8 know, looking at from that area.

9 Some of the issues that I have found
10 myself involved with and immersed with over the ten
11 years, and there's an awful lot of factors involving
12 criminal justice, and basically when you're dealing
13 with the victims' rights and so forth, you're
14 entrenching on other people's status quo, you're
15 entrenching on other people's territory, and that's a
16 very difficult and long, slow process to try to get
17 people's attitudes changed. And that's -- One of the
18 sayings that I have is, and I'm sure most people I
19 would assume would agree with me here, is that crime
20 victims are the only unwilling participants in the
21 criminal justice system. Everyone else chose their
22 respective role, but I've never met anyone who asked
23 to be a crime victim, and that's a very important
24 distinction that we have to make.

25 One of the areas that I have a great deal

1 of concern with is parole set-offs/denials. And
2 particularly in Texas, I have just dealt with a family
3 whose daughter was murdered and her son-in-law, and it
4 was 1976. They got three life sentences. They are on
5 their fifteenth payroll review. It's been 25 years
6 approximately, and this was the fifteenth time this
7 person has come up for review. And pardon my French,
8 but that's asinine. Every two years, particularly in
9 this state, you will get a letter, a notification in
10 the mail that this person is up for review. And
11 there's a lot of cases that I don't think anyone would
12 dispute are what we would call no brainers. We all
13 know that this person is not going to get released
14 unless somebody on the parole board has a career death
15 pattern. It's not going to happen. But why are we
16 putting these families through this every few years?
17 It is a waste of time, energy, and resources. We have
18 attempted several times -- A lot of states have
19 five-year set-offs. Some have even higher. They give
20 parole board members the option and give these
21 families an opportunity to get on with their lives,
22 get a little bit more time healing than continually
23 spinning through a process.

24 MR. GILLIS: Let me -- Let me interrupt
25 for a second. I mentioned that I was on the Board of

1 Prison Terms, and in California we do the hearings for
2 lifers, and those are the ones, the murderers, all
3 those that are sentenced to life, we make the
4 determination on whether or not they should be
5 released on parole. Well, at the time while I was
6 sitting on the parole board, California had a one-year
7 denial. The amount of time that you could deny was
8 one year, and two years at maximum in multiple
9 murders. And my wife, who's sitting back there, who
10 says she can't say anything because she gets into
11 trouble, she and some other victims got together, and
12 they came up with some legislation to change
13 California's parole system. They were fortunate
14 enough to get an initiative passed, and it changed
15 California's time to five years. So California can
16 now do a five-year denial.

17 And that's kind of what she was mentioning
18 about. We've been members of POMC, and sometimes
19 there are other things that you can do outside of
20 POMC, and those were one of the things that they did,
21 so...

22 MR. KAHAN: I certainly -- Again, we plan
23 on addressing that issue again. We just --

24 MS. ODOM: Andy, keep the mike -- You're
25 doing the sin of the fixed arm.

1 MR. KAHAN: You know how tough it is for
2 me to sit still and talk?

3 MS. ODOM: Get up and freestyle, you know.

4 MR. KAHAN: Excellent.

5 MS. ODOM: A little break dancing wouldn't
6 hurt. But I'm going to put the hook on you soon,
7 so --

8 MR. KAHAN: I grew up in New York City, so
9 it's real difficult for me to sit still and talk. So
10 those are some of the things that we end up involving
11 ourselves with. And because of the type of work that
12 I'm allowed to do, it allows me to address these
13 issues and tackle a lot of the glitches in the system
14 in areas that need to be, you know, concerned and
15 raised.

16 I have a lady who lives in Georgia who has
17 seven perpetrators on parole, and she wants to attend
18 parole hearings. And because the compensation laws
19 that were passed that would allow somebody like that
20 to be compensated for travel to attend the parole
21 hearings were passed after her sentence was
22 adjudicated, there's no mitigating factors to allow
23 certain cases to be looked at even though it was
24 approved, even though it was passed later on, but
25 because the time period where he was sentenced were

1 before the law were changed, she can't get reimbursed
2 for any travel. I just think there has to be some
3 sort of, you know, areas that just need to be looked
4 at without just saying because it's not written and
5 because it was taken before that -- You know, I think
6 we just need to be a little bit more flexible in some
7 of the things that we do. So with that, without any
8 further ado, I'll pass it on.

9 MS. ODOM: Thank you, Andy. Thank you.

10 (Tape change.)

11 MS. ODOM: Please, Darlene.

12 MS. SANCHEZ: Hi. My name is Darlene
13 Sanchez. My husband was murdered in March of '97,
14 which was at our shoe repair store. An employee was
15 found guilty, charged with murder. He was only
16 sentenced to 20 years because of heat of passion. I
17 don't understand that. I feel like if he admitted to
18 the murder he should have done more time.

19 I was not allowed in the courtroom at the
20 time. I was the last one to go in. So, therefore, I
21 still don't know everything that went on in the
22 courtroom. I could go and sit for days and read
23 everything, but with the business that I have have not
24 been able to do that. I was not compensated for the
25 time that I was off that we had to close the store

1 during the court time.

2 I was able to go three years later to a
3 therapist because of a post-trauma syndrome thing that
4 I had. I was compensated for that. But being able to
5 go into the courtroom, I felt like I should have been
6 allowed to do that at the time.

7 The past five years, I feel like I've been
8 in prison because of everything that I've had to go
9 through and still working towards going and getting it
10 over. Janice Sager is the Executive Director for
11 Texans for Equal Justice, which she founded and
12 (inaudible) was doing voluntarily at the time. I am
13 president of the board at this time and trying to help
14 Janice and other victims in what? How many counties?
15 Five counties around Conroe. I would like to see
16 things changed to be able to go into the courtroom.

17 Janice, with Texans for Equal Justice, has
18 only been funded for the last two years, so she did
19 all of this on a voluntary basis, and she was there
20 for me the whole time that I went through the court
21 and been there for me for the past five years. So I
22 am here to help her and to support any of the victims.
23 She has a lot to say.

24 MS. SAGER: My name is Janice Sager. I
25 really only have five things to say, and I'm going to

1 make them very short.

2 The first thing I'd like to address is
3 that I think it would do well for the criminal justice
4 system in regard to dealing with victims, whether it's
5 law enforcement all the way through corrections, is to
6 adopt a motto to do no harm. One of my pet peeves has
7 been how the crime victims are notoriously
8 revictimized. We've seen studies on the actual impact
9 of crime to the victim, but we have never seen any
10 solid professional study trying to separate the impact
11 of the crime to the impact of the revictimization. I
12 think a study such as that would be very important to
13 criminal justice victim service providers in showing
14 the areas where victims are most often revictimized.
15 And, you know, number one, it's going to show them the
16 impact that that revictimization has had to start
17 with, and then it's going to show them the areas that
18 they can work on internally to lessen that
19 revictimization.

20 Another issue that I think would be
21 helpful for crime victims from the beginning to the
22 end, when the perpetrator goes for his first court
23 hearing, whether it's a bond or arraignment or what,
24 at that point have a crime victim ad litem appointed
25 to represent the interests of the victim. We see that

1 in many child custody cases where a crime victim --
2 child ad litem is appointed to represent the best
3 interests of the child. I think it would do well to
4 have such a mechanism in place for crime victims
5 because you've got the defendant, you've got the State
6 of Texas, and the crime victim may get in there
7 sometimes. Some places, in some jurisdictions it's
8 better than in others. Crime victims' rights are not
9 consistently enforced, you know, across the board.
10 One victim may get to be present in the courtroom and
11 the other victim may be excluded. So I think the
12 crime victim ad litem idea, if it were -- it would
13 take some work getting it done, but I personally think
14 it's a good idea that would help crime victims.

15 The third issue that I would like to bring
16 up is someone else mentioned training and grief
17 counseling. I think like for organizations like
18 Parents of Murdered Children, Texans for Equal
19 Justice, Justice for All, the grass-roots
20 organizations that are out here helping victims, many
21 of them were started because the victims were impacted
22 by the crime, and what they have brought to the
23 organizations has been their life experiences, and,
24 you know, and how they dealt with it. They have taken
25 the good that they've learned and to try to help other

1 people with it. I think some professional
2 grief/crisis intervention training provided to
3 grass-roots organizations would be very helpful, too,
4 in serving other victims.

5 And I also -- Regarding grass-roots and
6 private and nonprofit victim service organizations,
7 someone else, I think Miss O'Quin, brought up
8 organizational training. Like I said, we come to this
9 by the seat of our pants with a desire to help other
10 people, and we bring our life experiences with us, and
11 some of us don't have that much administrative and
12 management, organizational-type background, so to have
13 that type of training available to us would be an
14 asset to the organizations and overall the people
15 we're able to serve.

16 And my last issue is crime victims
17 compensation. Some of the money that is funneled down
18 to the states from OVC for crime victims compensation,
19 I think it would be a very good idea to designate a
20 mandate, a designated portion of that money to go to
21 outreach because I did a kind of unscientific study on
22 the number of crimes committed, and I'll just -- I've
23 got it written here. Because the 2001 stats were not
24 available yet for the F.B.I. -- from the F.B.I. for
25 Texas, I took the 2000 stats. And for violent crimes

1 in Texas where one or more victims may have been
2 eligible for crime victims compensation, there were
3 113,653 violent crimes. In 2001, our crime victim
4 compensation program received 23,986 applications, and
5 that leaves almost 90,000 violent crimes where one or
6 more crime victims were not accessing the crime victim
7 compensation fund. And we say, you know, it was
8 wonderful that we paid out \$41 million last year, but
9 how much more would we have been able to pay if more
10 victims were aware of it and more people in the field
11 were trained to assist with it and they were getting
12 it. So that's kind of one of my pet peeves as far as,
13 you know, our crime victim comp. It needs to do more
14 outreach in the state, make more public awareness so
15 the victims will know that it exists, more training in
16 the communities to help victims access it.

17 MS. ODOM: Thank you. Did you want to
18 have a chance at this point? All right. Okay.

19 MS. LORD: Okay. Well, as always, I learn
20 so much every time I sit with folks like you, and your
21 comments have actually triggered my thinking with some
22 comments or concerns. First of all, just on the basis
23 of what I hear, both Sharon and Judy should be
24 eligible for your counseling, and I will volunteer as
25 your personal advocate, if you'll meet with me at

1 noon, to see that we get that done, because my -- what
2 I suspect is that you were given some bad information
3 by somebody, and we'll see, but I'm very happy to see
4 if I can help you with that.

5 The other thing, a real -- a thing I've
6 worked on for 20 years now is death notification, and
7 since that came up a couple of times today, I would
8 like to know of those of you who were notified in your
9 home, now, not necessarily if you went to the hospital
10 first and then were told, but if you were notified of
11 the death of your loved one in your home, how many of
12 you got that notification by phone rather than
13 personal?

14 MS. ODOM: How many by phone?

15 MS. LORD: By phone. Okay. And what year
16 was it again? '85. And who else put their hand up by
17 phone? '76. Okay. Who else? '95. Okay. I'd like
18 to think a better job is being done about personal
19 notifications being done by law enforcement, but when
20 I hear these stories, it always makes me nervous.

21 Do you know also that OVC has, and I think
22 POMC, too, has some training packages on death
23 notification. OVC will give those to you for free,
24 and they are -- One of them is designated for law
25 enforcement, one for health care professionals, one

1 for clergy and funeral directors, and one for victim
2 advocates and mental health professionals. And if you
3 would like to begin training on death notification in
4 your communities, get those packages and adapt them
5 and use them.

6 The other thing that Keith and Wendy's
7 story brings to mind is victim-media intervention as
8 direct victim service and also victim impact panels as
9 direct victim services. I know that in a number of
10 the states victim impact panels are perceived as an
11 offender program rather than a victim program, and
12 what we know from very substantial research is that
13 speaking on victim impact panels for most victims is a
14 very, very healthy and healing experience, and the
15 research shows that not only by self-report, but by
16 pre and post-testing after people speak on panels and
17 so forth. So I would love to see a federal, if not a
18 directive, a suggestion to the state VOCA
19 administrators that victim impact panels be considered
20 a direct victim service so that they can be included
21 in grants.

22 The same thing for media intervention.
23 Some states, and I think Texas included, tends to say,
24 "Well, gee, that's not helping the victims any." And
25 I think those of you that have had an advocate working

1 for you either to protect you from the media, who is
2 hounding you to death, or to help you get media
3 interviews if you want media interviews is very
4 clearly a direct victim service, and I think it would
5 be great if the state VOCA administrators had an
6 understanding of that as well.

7 MS. ODOM: Janice, I think Mr. Gillis is
8 going to interject.

9 MR. GILLIS: Let me address the issue of
10 victim impact panels.

11 MS. LORD: Okay.

12 MR. GILLIS: And you were asking that that
13 be a directive from the federal level. Victim impact
14 panels in some instances are not as successful as we
15 would hope they would be, particularly for the reason
16 that many are saying that victims should participate
17 in those and they are encouraging victims of violent
18 crime to meet with or to sit before the perpetrator
19 and exchange whatever information you want to
20 exchange. For some victims that works; for others it
21 does not. And so it's not something that we will
22 encourage from the federal level. If victims are
23 willing to do that, they want to meet and sit down and
24 discuss things with the perpetrator and of their own
25 volition, that's fine, but most victims that I hear

1 from are saying that they are not willing to be put in
2 that situation. So it's strictly an individual thing,
3 but not something that will be encouraged from our
4 level.

5 MS. LORD: Okay. I will be -- I'll share
6 with you at another time the research that has been
7 done showing that of those victims who do wish to
8 participate -- And you're absolutely right. No one
9 should ever be forced to or pushed to or anything
10 about that when they don't want to, but for those for
11 whom enough time has passed, and generally that's two
12 to three years, screening tools are available to help
13 decide those for whom it's healthy and those for whom
14 it is not.

15 Well, let me just ask you. Maybe this
16 might be more informative than anything else. Of
17 those of you who have spoken on panels because you
18 want to, would you put up your hand if you feel that
19 that was hurt -- Let's go the negative first. If you
20 think that was hurtful to you or harming in any way,
21 would you put up your hand? And for those -- Ric?

22 MS. ODOM: Okay. And you know what, Ric.
23 Nobody can hear you if you have no mike, and here I
24 come to give you the mike. Hold on.

25 MR. NESBIT: I've done a bunch of victim

1 impact stuff, and only once was it a completely
2 negative experience, and it was done at the state
3 parole level in front of about 200 angry parolees that
4 didn't want to be there. So I think the circumstances
5 under which you do the presentation has everything to
6 do with the experience and outcome.

7 MS. LORD: Totally agree.

8 MR. GILLIS: And there's several different
9 versions of that. When you say "victim impact panel,"
10 if you're talking about victims who are going into the
11 institution and meeting with offenders and talking to
12 offenders, that's a little different from some of the
13 other versions of impact panels where it's the victim
14 and the perpetrator of that particular crime who are
15 meeting face to face.

16 MS. LORD: Yeah. That's a real different
17 deal.

18 MR. GILLIS: I think what you're telling
19 me -- Yeah.

20 MS. LORD: Yeah. That's a real, real
21 different deal.

22 MR. GILLIS: So I wanted to make it clear
23 that there are several different versions of that, and
24 the one I'm talking about is where victims are meeting
25 with the perpetrator of their particular crime,

1 and I'm hearing this from victims as I go around --

2 MS. LORD: Oh, yeah. That's --

3 MR. GILLIS: -- on the roundtables.

4 MS. LORD: That's the last thing most
5 homicide survivors would ever want to do. I'm
6 speaking particularly about first-time offenders and
7 not the same victim and offender and large audiences.
8 But, you know, enough of that.

9 MS. ODOM: Janice, may I lovingly --

10 MS. LORD: I'm done.

11 MS. ODOM: You're done.

12 MS. LORD: I'm done.

13 MS. ODOM: Love you. Mean it. All right.

14 Here we go. Charles.

15 MR. MARINO: My name is Charles Marino and
16 my wife Diane. Our son was murdered in '85, and the
17 trial went real good, and we had a real good rapport
18 with the police department, but when we get into
19 the --

20 MS. ODOM: Sir, could we have you stand
21 up? Thank you.

22 MR. MARINO: When we got into the appeals
23 system, that's what really bugged me. His first
24 appeal lasted four and a half years at the criminal
25 level there, and he had the capital -- got the death

1 penalty. And the appeal system was just so weird. It
2 takes so long and so many appeals. From the time that
3 he was given the death sentence, it was almost 17
4 years before the sentence was carried out. And so we
5 need to do something about this limiting appeals.

6 And another thing that really gripes me is
7 truth in sentencing. When these defense lawyers get
8 up and tell a jury that this guy is going to get 25
9 years or 50 years, the jury believes it, and a lot of
10 them, you know, think this is going to be gospel, but
11 this is not. This is a big lie. This guy will get
12 out -- you know, may be eligible for parole in five
13 years. I mean, that's my biggest gripe, so that's it.

14 MS. ODOM: Diane, I think we may need to
15 have you stand up as well if you're going to speak.
16 Thank you.

17 MS. MARINO: I've been in this system for
18 a long time, and I've been educated through a lot of
19 seminars that I have attended, but the number one
20 thing has been a parent of a murdered son or a
21 murdered child is that my son has a name, and the
22 State of Texas versus the killer's name, he mentions
23 that. My son is not the State of Texas, and if it's
24 going to have to be that way, I want it changed to
25 where it is the State of Texas and Charles Angelo

1 Marino, Jr., versus whomever. And that's my pet
2 peeve. I've said all along my kid has a name, he is a
3 person, and I want it recognized. The killer's name
4 is recognized. My son didn't deserve to be where he's
5 at. I didn't choose to be where I'm at. The offender
6 did. And that is a real problem with me.

7 And the other thing is that we've had
8 guest speakers that come to our meetings at the
9 Houston Chapter of Parents of Murdered Children, and
10 they will say, "I am sorry for your loss." My child
11 wasn't lost. My child was murdered. People hate the
12 word "murdered" because it's cold and they don't want
13 to hear it, they don't want to be affected by it, and
14 they don't want to associate with you because your
15 child has been murdered. What caused it? What did
16 your kid do? That is not the problem. It's just the
17 word "murdered". Loss. He wasn't lost. I know where
18 he's at.

19 And the third thing is that when I was in
20 trial, I had heard about Parents of Murdered Children,
21 but I didn't attend until two years after my son was
22 murdered. My husband had never missed a day of work
23 ever when our kids -- I was one of those stay-at-home
24 moms that took care of her children, and when this
25 happened, he didn't work for three years. I didn't

1 apply for compensation because I felt like in the mind
2 that I was in that someone was going to pay me that my
3 child had been murdered to be compensated for. That
4 was my way of thinking. And they say, well, you have
5 like two years. I could care less about that. I
6 didn't care. My child was dead. It's just like the
7 other one said. When this first happens to you,
8 you're so out of it that you're trying to remember why
9 you're even here and what happened and what caused
10 this to happen.

11 Is that when I went to court and I found
12 out that he gets a copy of the trial transcript. I
13 have to apply and pay for this. If I don't have the
14 money, I can't get that trial transcript. Why should
15 he get it and I'm not? I didn't ask to be in this
16 courtroom, I didn't want to be in this courtroom, but
17 yet I'm denied what he's getting free, and that is
18 another problem that I have.

19 MS. ODOM: Thank you, Diane. Thank you,
20 Diane. I'm going to let -- Please, Diane, it's your
21 turn, the other Diane. If I could have you stand up
22 as well, is that all right? Unless -- Okay. Thank
23 you.

24 MS. CLEMENTS: Thank you. Thank you.
25 Diane Clements with Justice for All and Parents of

1 Murdered Children. I want to reinforce what Janice
2 said about media services as a direct victim service,
3 and I'll give you a very quick example. The trial
4 that Carolyn and Ruth have referred to that's going on
5 right now, Charles Forshay (phonetic), accused of
6 murdering a 23-month-old infant, a foster parent.

7 MS. ODOM: We've got to get your mike up
8 closer to you.

9 MS. CLEMENTS: Thank you.

10 MS. ODOM: You're welcome.

11 MS. CLEMENTS: I feel like I'm in church.

12 MS. ODOM: That's all right.

13 MS. CLEMENTS: I'm singing in the choir.
14 There was several articles. The "Houston Chronicle"
15 takes a position that is not often victim friendly.
16 Sometimes it is. But there was several articles that
17 didn't report any of the state witnesses or rebuttal,
18 and it was clearly a biased article. The family had a
19 confrontation with the reporter in the hallway of the
20 courtroom, which is not a good thing to happen. And I
21 was able to call the editor of the reporter and tell
22 her what had happened and ask if we could have some
23 more balanced reporting, not that we want one-sided
24 reporting for either side, but we need balanced
25 reporting. And unless you have someone who has had an

1 opportunity to be involved in media or come to know
2 some of the writers and the editors, you don't have
3 that access or that training. There's never any
4 training given for people in order to advocate at the
5 media level. And, yes, what goes along and what the
6 jury hears is what's important, but the family carries
7 the burden of what's in the public, and clearly the
8 jury hears all of the information, but we need some
9 sort of resource, some sort of referral service, some
10 sort of training so that people can start advocating
11 effectively and professionally for victims in the
12 media.

13 Also "The Rule". I wanted to just tell
14 you all in case you didn't know that last legislative
15 session there was a law passed that now "The Rule" is
16 not all-encompassing. The prosecutor at the time that
17 the defense counsel says he wants certain witnesses
18 under the rule, the prosecutor can ask and he must
19 respond as to what that witness will testify to.
20 They're in the courtroom immediately. The judge then
21 makes a decision if it is imperative or if they are
22 being excluded simply for no reason other than they
23 don't want the jury to see them.

24 The first time this happened here in
25 Houston, it was a trial of a shaken baby, and the law

1 had just passed. The prosecutor -- Family members
2 were being excluded that didn't need to be, were not
3 going to testify to anything, and we asked the
4 prosecutor to please implement this brand new state
5 law, and she looked at the victim's family and said,
6 "Oh, don't be a hard ass. I don't want to piss the
7 judge off."

8 So while we have a law, we have
9 prosecutors who do their job, but who even though they
10 are doing their job for the victims, they're still
11 doing their job for the state, and we don't have the
12 sensitivity with many prosecutors that I wish we did
13 have. So when we talk about sensitivity training, you
14 know, I don't know how you impart sensitivity, I don't
15 know if it's possible, but I think we need to
16 reinforce our state laws in following those, and we're
17 not just being hard asses. We are asking for the
18 rights that are given to us statutorily.

19 Oh! Information, information,
20 information. Is there anything that we cannot get
21 enough of? Yes. It's information when you're a crime
22 victim. Here in the State of Texas, we had a
23 legislation last session that would implement a
24 state-wide victim notification system. VINE is the
25 acronym. It is still not up and running. And why?

1 Because we have people who don't really put priorities
2 of victims at the forefront. Oh, I'm sorry.

3 But so those are two things I just wanted
4 to share with the people here because we're all
5 Texans. We have a victim information notification
6 system that will be sometime in the future happening,
7 and we also have the state law that you cannot
8 arbitrarily be excluded from the courtroom without
9 just cause, and the judge must make that decision in
10 open court when the attorney says what you will be
11 testifying to.

12 I also wanted to talk about the -- You
13 know, we talked briefly about funding and who gets it
14 and who doesn't, and I will tell you that as an
15 organization, I am a member of Parents of Murdered
16 Children, but Justice for All is an independent
17 organization that lobbies, and we endorse candidates.
18 And Justice for All Alliance is a 501(C)(3). Now, did
19 the Alliance get our grant for our victim video impact
20 statement because we're affiliated with a political
21 organization? Probably. If we were Parents of
22 Murdered Children going for that grant, I don't
23 believe we would have gotten it. So I believe that
24 all the concerns that were addressed here could be
25 accomplished equitably if we just start recognizing

1 the rights of victims and put them in priority when it
2 comes to funding decisions.

3 MS. ODOM: Thank you. Yes. I've got --
4 Ruth wants to make a remark as well. I'd really like
5 to let everybody finish unless it's a direct comment
6 to that. Then I'm going to let Ruth have the floor
7 and then you have the floor, and thank you for your
8 patience.

9 MS. MARIN-EASON: What I was going to
10 comment is what Diane Marino said about the, you know,
11 court transcripts. I was kept out of court. I was
12 kept away from the court. They kept me at the hotel.
13 My case was on the news totally because my son was
14 military and San Antonio covered everything. And I
15 asked for a court transcript because I wanted to know
16 what was going on. I wanted to be there. They
17 wouldn't allow me not even around the courthouse. And
18 I felt that the State of Texas should have furnished
19 me with what they had promised me. Well, they gave me
20 the confession of the murderer. That's not all I
21 wanted. I wanted the whole transcript because I
22 personally wanted to be there. They kept me out.
23 They kept me at a hotel for three weeks until
24 punishment phase. And I think that I was treated very
25 unfairly by the State of Texas.

1 And like she says, they never mentioned
2 Raul, but the murderer and my daughter-in-law's name
3 was all over, and they should change that and say the
4 State of Texas and Raul, but, you know, I am very
5 upset with that, and I get mad and I tell people to
6 shut their mouth sometimes like I'm saying with the
7 media, but...

8 MS. ODOM: Andy.

9 MR. KAHAN: Diane, two things if you care
10 to address what I'm going to ask you to address. I
11 think you had an experience several weeks ago with the
12 local parole division that from what you had told me
13 was absolutely shocking, and I think it's something
14 that you might want to address here as well, and also
15 if you would tell a little bit more about the project
16 so that OVC will know what you're doing with this
17 because I think it's so important that OVC realize
18 just how unique this project is that we got the grant
19 for.

20 MS. CLEMENTS: Andy's my straight man. He
21 sets them up, and I roll them out. The Video Victim
22 Impact Project is unique, and Andy knows of one other
23 group in California that he thinks does this. But
24 what this does is we professionally video tape, so
25 it's in a studio with all the good lighting and the

1 sound and all the equipment, and our victims are made
2 to feel very comfortable, and we video tape their
3 victim impact statement for future parole protests is
4 the idea behind the project. We have video taped some
5 family members pretrial and post-trial. We have also
6 video taped some family members who have perpetrators
7 on probation because the likelihood that they may
8 violate always exists.

9 The reason we created this project is
10 because of a dear woman, Shirley Parish. Shirley's
11 daughter was murdered. The man that murdered her
12 daughter was given the death penalty. In a second
13 trial, he received a life sentence. He has been
14 reviewed for parole twice since he received his life
15 sentence. Shirley was an early advocate for victims,
16 and she became ill, and Shirley died last year. She
17 was no longer able to be a voice for her daughter, and
18 her daughter was lost forever. And we believe that if
19 we are not here due to death or injury or distance or
20 financial constraint, whatever would prevent us from
21 going to the parole board and advocating for our loved
22 one, we didn't want that to be lost. So that was the
23 impetus behind the program, and we've done about 60
24 video tapes to date, and we're very excited, and we'll
25 move forward, and we hope that it's duplicated across

1 the state.

2 MR. GILLIS: I was going to say San Diego
3 in California has a similar program, and while I was
4 on the Board of Prison Terms I managed to get some
5 changes there where we accepted the video tapes of the
6 next of kin for the parole hearing in case they were
7 not able to attend or were ill or something else.

8 MS. CLEMENTS: Thank you. It just -- It
9 seems so common sense that we should all be doing
10 this, and it needs to grow across the country.

11 And then the parole -- What was it, the
12 other thing? Parole hearing. Oh, no. No. No. It
13 wasn't a parole hearing. It was the parole board
14 office. You know, we talk about the criminal justice
15 system, and we somehow immediately sort of confine it
16 to the prosecutor and the judge, but then we don't
17 really think about the parole process afterwards or
18 dealing with parole officers.

19 As a person who was contacted to be
20 interviewed for a story, the person contacting me
21 happened to be a parolee who is a violent parolee who
22 was in prison for aggravated assault of a police
23 officer and a DWI and several drug charges and some
24 fraud charges and had a pending DWI. Well, of course,
25 he is with one of the local newspapers, "Houston

1 microphone down? Thank you. Beverly, I was having it
2 passed to you if you'd like to speak. Does she have
3 to stand up? If you could, that would help us. Thank
4 you.

5 MS. CAMPOS: Everything that I would say
6 everybody else has already said except for one thing.
7 My son was murdered by a juvenile, and I can't get any
8 transcript. I can't get anything. But he's up for
9 parole again. I got the letter a couple of weeks ago,
10 and I got it on a Saturday, which you can't make any
11 phone calls to anybody on a Saturday, so I spent all
12 weekend like this trying to call and, you know, set up
13 a time and date so I could go talk to the parole
14 board. That hasn't happened yet. But, anyway, having
15 the letters arrive on a weekends is really, really,
16 really bad. That's all.

17 MS. ODOM: Okay. If you would just set
18 the microphone right down next to you. Thank you.
19 Well, thank you all so much. A few quick things. You
20 know the books that you were given, the ones that we
21 had to run copies of? Somebody hold up the little
22 book. That or that. Right. This book. Okay. The
23 woman -- I think it was mentioned that there's a woman
24 in California, Collene Campbell, who is gracious
25 enough that she has put these books together. She is

1 ill right at the moment. I spoke with her the other
2 day. So she -- I know that there was an expectation
3 on the part of some folks that if your story wasn't in
4 the book that we were going to try to get it in the
5 book. I'm not sure if that's going to be possible, so
6 I just want to kind of give you that heads up. But I
7 think that what I'd like to do is make the offer that
8 if you wanted to write something out, I can certainly
9 see if we can get it to her and, if possible, she
10 might try to make it available, but she is quite sick
11 at the moment, so I'm not sure if that's going to
12 happen.

13 A couple of things. Jen, can you pop
14 Steve Twist's questions up there for me? And while
15 Jennifer's doing that, I wanted to say that we have
16 lunch outside, and the lunch ticket is this. Now,
17 here's how this goes. Oh, you are starved. Yours is
18 already filled out. Janice, all she has to do is
19 hand -- If you hand me this filled out, you get to
20 leave the room and have lunch; otherwise, you stay
21 here forever. Anyway, we need to have these in order
22 for you to walk away out the door. So honest to Pete,
23 fill these devilish things out and make sure you give
24 them to us. Okay.

25 Second thing, I know you have a lot of

1 forms we gave you, a lot of documentation, so you'll
2 have time maybe during lunch to fill some of that out,
3 and we're going to need to collect that, and then
4 we're going to just make sure we have everything. One
5 thing I wanted to really suggest. When you get your
6 lunch, we obviously have these tables set up for you
7 to eat. I would really strongly encourage you to eat
8 with someone that you don't know, and if some of you
9 know each other and what-have-you, but I thought it
10 was marvelous when we saw an immediate connection
11 where Madonna had some information that might help Meg
12 and David. You know, this is one of the things that
13 Mr. Gillis had talked about was that with these
14 roundtables people are making some amazing networking
15 opportunities as well. So I really encourage you to
16 get to know someone that you don't already know and
17 maybe share some information.

18 Also, some of the forms are in ancient
19 Greek, so we will be helping you with that later, too,
20 if it's hard. You know, we can help you fill them out
21 because personally I couldn't fill out one of these
22 devilish travel forms.

23 And then just a reminder that the video
24 outside is the Boston roundtable, and we'll have it
25 playing during lunch if you wanted to take a look at

1 it, and that's going to be -- we'll be doing something
2 similar with this roundtable. Let me find out. Does
3 anybody have any questions at this point before we
4 break for lunch? Please.

5 (Inaudible).

6 MS. ODOM: VINE is free to victims. Oh,
7 okay. Free to victims. Excellent. Excellent. And
8 then these questions are questions -- This is Steve
9 Twist, who we pointed out earlier, and when we come
10 back from lunch, Steve is going to be -- This is your
11 lunch assignment, and we'll try to keep this up on the
12 screen when you're here, and you can be kind of at
13 least thinking about it and discussing it. Because,
14 again, Steve is the one shepherding the Constitutional
15 Amendment to try to get victims' rights as the 28th
16 Amendment? Correct. So these are some of the
17 questions that he wants you to be thinking about that
18 we can talk about when you return.

19 So, one, were you notified of all of the
20 proceedings in your case? Were you allowed to be
21 present at all proceedings, or were you excluded?
22 Were you allowed to speak at all release, bail, plea,
23 and sentencing proceedings? Were there long delays in
24 your case? And I think -- Just four questions, Jen?
25 Just those four? Okay.

1 So those are some things we want you
2 thinking about as well as if there are things that as
3 other people spoke it sparked ideas. You know, there
4 will still be ample time for discussion. We are going
5 to try to end at four o'clock sharp, so we want to
6 really, once we have lunch, we're just going to full
7 court press. So lunch will be -- We will reconvene in
8 our seats just like now at one o'clock, so we've got a
9 nice hour for lunch, and lunch is right outside the
10 door, and you can sit here or whatever you'd like to
11 do.

12 Yes. Steve has a point. Okay. Collene,
13 Collene Campbell, the woman who is ill, who has done
14 the book, she said she will make sure they get
15 updated, so if you'd like to be in the book, please be
16 sure to write something legibly for us, and we'll get
17 it to Collene. Okay. It's lunch time. But you've
18 got to give those cards.

19 (Lunch recess.)

20 MS. GREGORI: Okay. As we move into our
21 after lunch discussion, we're going to talk about the
22 proposed Victim Rights Amendment, and we have with us
23 today a person who's worked on this from day one. He
24 is a member of the National Board of Trustees for the
25 National Organization of Parents of Murdered Children.

1 He is the General Counsel for the National Victims
2 Constitutional Amendment Network, and he's the
3 co-founder with U.S. Senator John Kyl for the Arizona
4 Voice for Crime Victims, and he's done a lot of these
5 as a volunteer. He's also a current attorney and a
6 great spokesperson for the Victim Rights Amendment,
7 and with that, Steve Twist.

8 MR. TWIST: Thank you, Jeannie, very much.
9 Let me begin by saying to each of you how very
10 privileged I feel to be representing you in this cause
11 for victims' rights. I know that this movement -- I
12 want to give you a report from the field today about
13 where this issue stands, but I know this movement for
14 victims' rights isn't about what the lawyers or the
15 prosecutors or the people sort of in the system have
16 to say about this, I know it's about you and for you,
17 and I know deep in my heart that what you've gone
18 through will change America. You sanctify the issues
19 that we're going to talk about today.

20 And I'm sorry that the evil that has
21 touched your life has done so, but I want you to know
22 that it also is a bridge to change, and I feel so
23 deeply that this change will result in making history
24 for our country, and I speak to you out of that sense
25 of respect and sadness, but also resolve that we will

1 make a difference.

2 And I want to say to Mr. Gillis I'm very
3 grateful for the opportunity to participate in these
4 programs, and there's such a change in the
5 administration. As Jeannie said, I have done this for
6 a long time, starting with our national movement in
7 1996 when Senator Kyl first introduced the Crime
8 Victims' Rights Amendment into the United States
9 Senate with Senator Feinstein. This is not about
10 Republicans or Democrats, conservatives or liberals;
11 this is a bipartisan effort to change the
12 Constitution. And we've worked with the
13 administration and with the Justice Department, the
14 prior administration, and now this administration, and
15 I have to tell you there's a huge difference. We've
16 had great support in the past from the podium; now we
17 have great support in the halls of Congress.

18 And just one story. I'm so excited, I
19 have to share this. Yesterday in Phoenix, President
20 Bush came in for a political event, and I was
21 privileged enough to be there with Senator Kyl, and I
22 got to meet the President for the second time. The
23 first time was when in April during Crime Victims
24 Rights Week the President announced his support for
25 the Crime Victims' Rights Amendment, and John was

1 there and kicked it off, and after the President
2 spoke, he came down the row and shook hands with some
3 of us in the front, and that was a great thrill. But
4 yesterday in Phoenix, I actually got the chance to
5 talk to him for a couple minutes.

6 And I will tell you -- I could see it in
7 his speech in the Justice Department, but yesterday I
8 said to him, "Mr. President" -- You know, you always
9 think, "Gosh! I'm going to meet the President. What
10 am I going to say?" I said, "Mr. President, thank you
11 for your support for the Crime Victims' Rights
12 Amendment." And without even thinking, just
13 viscerally he said, "Well, yeah. Absolutely. It's
14 the right thing to do." And I knew just looking in
15 his eye and hearing the tone of his voice, I knew that
16 he really gets it, he gets what it's all about. And
17 it's such a great privilege to be a part of the
18 process where the President -- Finally we have an
19 administration that is saying, "I'm not only in favor
20 of a constitutional amendment, but I favor the
21 constitutional amendment. I support these words, and
22 I'm willing to stand behind those words." And I just
23 had to share that moment with you because it was a
24 real thrill for me yesterday to have a chance to talk
25 to him about this.

1 Let me begin by just a little bit of
2 history. You've heard the year 1984 mentioned a
3 couple times. 1984 is the year that the Office for
4 Victims of Crime -- that the Congress passed a law
5 that established the Office for Victims of Crime.
6 That law was one among many recommendations that had
7 been made by the President's Task Force on Victims of
8 Crime that President Reagan established in the early
9 1980's. And the task force issued a final report in
10 1982, and among its recommendations were the
11 establishment of the Office for Victims of Crime.
12 There were 68 actual recommendations. The last
13 recommendation from the task force was that the Sixth
14 Amendment to the United States Constitution be amended
15 to provide rights for crime victims. It was proposed
16 that the language would be that victims of crime have
17 a right to be informed, present, and heard at all
18 critical stages of the case. Well, the movement, the
19 victims' rights movement, took those recommendations
20 and, in particular, took the recommendation for a
21 constitutional amendment for victims' rights and began
22 to sort out how we would go about trying to enact them
23 into law.

24 And with respect to the Victims Rights'
25 Amendment, it was decided that before there could be

1 an attempt to amend the Constitution of the United
2 States it would be more prudent to try and seek state
3 level reforms, state statutes and state constitutional
4 amendments to test various ideas, to see what worked,
5 what didn't, to see the political climate in the
6 country, if you will, for the support for things like
7 this. And so in the mid '80's, a conscious decision
8 was made not to go for a Federal Constitutional
9 Amendment, but, instead, to begin a grass-roots state
10 level campaign to try to enact state constitutional
11 amendments and state statutes. And now, 20 years
12 later, we have 32 states that have state
13 constitutional amendments. I distributed four of them
14 for you: Texas, Oklahoma, New Mexico, and Louisiana.

15 We have every state in the nation that has
16 state statutes that purportedly stand to protect the
17 rights of crime victims, but after 20 years of
18 experience testing different languages, different
19 kinds, different amendments, testing whether statutes
20 work, one profound truth is very apparent, and that is
21 that this entire body of reform over 20 years has done
22 a lot of good things, but it hasn't changed the
23 culture of the criminal justice system. Every day in
24 America there are criminal cases where victims are not
25 given notice of the proceedings. Every day in America

1 victims are excluded from the courtroom during trial.
2 Victims are not allowed to be heard day in and day out
3 at various critical proceedings, like when the
4 arrested person is given an initial appearance, when
5 bond is set, when there's a proceeding relating to a
6 plea agreement, sentencing, post-conviction relief.
7 Every day in some courthouse in America a release
8 decision is made without taking the victim's safety
9 into consideration. Every day cases are characterized
10 by extraordinary delays. You know, the defendant has
11 a constitutional right to a speedy trial. He's the
12 only one that doesn't want it more often than not.
13 Even though we have restitution laws that in most
14 places are mandatory, every day there are cases that
15 go by where victims are not ordered restitution. And
16 the list goes on and on and on. And we have
17 concluded -- In fact, a few years ago now we concluded
18 that these state constitutional amendments, and I want
19 to look at Texas's for a second, and the state
20 statutes that are in place, the federal statutes that
21 are in place, they are wholly inadequate to reform the
22 criminal justice system in a way -- to really restore
23 it to what it was like at the founding of the country.

24 At the founding of the country, victims
25 were not in need of constitutional protections because

1 victims prosecuted their own cases by and large. They
2 were in the middle of the criminal justice system.
3 And there are a lot of good reason why we moved away
4 and we now have the office of the public prosecutor,
5 but, you know, that pendulum has swung way too far to
6 the point where victims now, even with all of our
7 reforms, are still more often than not just another
8 piece of evidence in a criminal case.

9 And so what we're about and what we
10 started in 1996 was an effort to fundamentally change
11 that with the insight that based on this entire
12 history and body of law that really the only thing
13 that will change the culture of our criminal justice
14 system is an amendment to the U.S. Constitution.

15 This is not a new insight. In fact, in
16 the history of our country, when James Madison took to
17 the floor of the Congress in the very first Congress
18 and proposed the Bill of Rights, critics said, "We
19 don't need a Bill of Rights because the states have
20 Bills of Rights, and the federal government doesn't
21 have to get into this area." And Madison said, well,
22 in effect, "not all of the states have them," which
23 was true, not all of the states at the founding had
24 Bills of Rights in their state constitutions, and he
25 went on to say, "Some that do aren't very good."

1 It's exactly the same situation that we're
2 in. Not all states have state constitutional bills of
3 rights, and some that do, some of them aren't very
4 good. So Madison went on to say only the Constitution
5 of the United States, which was then young, but he had
6 this insight, he said, "Only the Constitution of the
7 United States is the law of all of us." It's the only
8 thing with the power to change hearts because it's the
9 only thing that we all really respect. You think
10 about it. It's so true. A state can only affect
11 what's in a state. The federal government can only
12 affect through federal statute the processes of the
13 federal criminal justice system. But it's the
14 Constitution that is the supreme law of the land.
15 It's the law of all of us. He said, "The Bill of
16 Rights would over the years acquire the character of
17 fundamental maxims and become incorporated in the will
18 of the nation." That's what the Victims Bill of
19 Rights in the U.S. Constitution will do. It will take
20 on, as Madison said, the character of fundamental
21 maxims, and it will have the power to change the
22 culture.

23 Why do we need the change? Well, look
24 at -- Just look at the Texas Constitution. And I
25 think -- Does everyone have it? Everyone have the

1 handout? We talked about a couple of the issues, but
2 when you think about sort of what are the basics, the
3 basics are notice, the right to be present, right not
4 to be excluded, the right to be heard at some critical
5 stages. Let's just think about those for a second.
6 And the rights not to have extraordinary delay and the
7 right to avoid unreasonable delay. Let's just think
8 about some of those and compare those to the Texas
9 Constitution.

10 Well, what's the first glaring omission
11 that you see in the Texas Constitution? There's no
12 voice. You look down the list. A crime victim has
13 the following rights: to be treated with fairness, to
14 be reasonably protected, and on request to
15 notification of court proceedings. These are all good
16 things. The right to be present except, and we're
17 going to talk about that, and the exceptions swallow
18 the right, the right to confer with prosecutors, the
19 right to restitution, the right to information, and
20 the legislature can enact laws that define these
21 terms. Where's the right to be heard? It's not in
22 the Texas Constitution. And as much as a statute
23 might establish the right to be heard, it's only as
24 long as it is in statute subject to the whim of a
25 majority of the -- It's not a right. It's not in any

1 sense the birthright of every Texan to know that
2 they'll have a right to be heard during critical
3 stages of their case.

4 And look at the right to be present. As
5 you've said, as you've heard and discussed already
6 this morning, the right to be present is equivocal.
7 It says "the right to be present unless you're going
8 to testify and the court determines the victims would
9 be materially -- the testimony would be materially
10 affected." Well, in practice, in the real world, what
11 this means is you're excluded from the courtroom
12 because the path of least resistance for the judge is
13 going to say, "Well, if I have to decide whether it's
14 going to be materially affected or not, if I decide it
15 is going to be materially affected, and, therefore, I
16 kick out the victim, nobody is going to complain. My
17 record's protected. The defendant's not going to have
18 a ground for appeal. But if I let the victim in and
19 decide there's no material effect, it's a possibility
20 of being reversed on appeal." So the path of least
21 resistance is always, even if they looked at it
22 legally, to exclude the victim.

23 And what happens -- You notice it says
24 "until after the victim testifies"? Well, what
25 happens in the real world, again, is that a victim may

1 be called as the very first witness, and they may
2 testify, but because they are subject to recall they
3 are still excluded in the real world. And that's why
4 the language of the Texas Constitution doesn't work to
5 protect the right of the victim unequivocally to be in
6 the courtroom just like who? The defendant. Just
7 like he has the right to be in the courtroom.

8 And we make exceptions to this rule of
9 invoking "The Rule". For example, in almost every
10 state, and I don't if it's true in Texas, but I bet it
11 is, there's an exception to the rule that allows the
12 prosecutor to have the chief investigator, the number
13 one agent -- Is that allowed in Texas? Yeah. That
14 person's a witness, but guess what! They get to be in
15 the courtroom the whole time. And the defendant gets
16 to be there whether or not he chooses to be a witness.
17 So we make exceptions to the rule, but we don't make
18 them for victims. There's no reason why the law
19 cannot say a victim has a right to be there from the
20 very moment the jury selection process starts until
21 the verdict is returned without exclusion, whether
22 they are going to be a witness or not. And that's
23 what the U.S. Constitutional Amendment would do.

24 That is now the law in several states.
25 It's the law in Arizona. Victims are now in the

1 courtroom from the very beginning of the jury
2 selection process through the entire trial, through
3 the conviction, through post-conviction -- through the
4 verdict, through post-conviction proceedings, and
5 there is no -- there's been no successful challenge to
6 that unequivocal right to be in the courtroom. And
7 that's the law now in other states. It's not the
8 majority rule. Majority rule still is with this
9 exception, and that's why the Constitutional Amendment
10 to the U.S. Constitution, it's just one example of how
11 it has to cut through all of the nonsense and
12 establish a fundamental proposition that you have a
13 right not to be excluded.

14 Talk about another -- Just to point out
15 another example of issues in the states, look at the
16 Oklahoma Constitution, which is the next one. I just
17 want to highlight -- Notice that the Oklahoma
18 Constitution says about three quarters of the way down
19 the first paragraph there, "You have a right to be
20 heard at any sentencing or parole hearing." This is
21 on Oklahoma right down about this far down the page.
22 Well, that's great. Those rights should be protected.
23 But what about the right to be heard at any
24 post-arrest release proceeding? It's not covered in
25 the Oklahoma Constitution. What about the right to be

1 heard at any bail reduction proceeding? What about
2 the right to be heard at a change of plea, which isn't
3 technically sentencing, but it's where the court
4 decides whether the court will accept the victim's or
5 the defendant's change of plea from, say, not guilty
6 to guilty to a lesser offense as part of a plea
7 bargain. There's no right to be heard at that
8 proceeding. It's inadequate.

9 And then I want to -- My favorite example
10 to point out among this group is -- this group of
11 amendments is look at Louisiana. It's the very last
12 one I put in. I'll skip over some of the other
13 points. But in the second paragraph, right down
14 toward the end of the page, it says "Nothing in this
15 section shall," skipping over some words, "confer upon
16 any person," that includes the victim -- "Nothing in
17 this section shall confer upon any person the right to
18 appeal or seek supervisory review of any decision made
19 in a criminal proceeding." So what that says is if
20 your right -- one of the rights established in this
21 paragraph here, in the first one, like the right to be
22 heard, if that right is denied, you have no
23 opportunity to seek a supervisory review of that
24 decision. So, in other words, as someone has said,
25 it's toothless.

1 How is it that -- And if you look at the
2 top of each one of these rights, you'll see how
3 enormously popular they've been. Voters, when they go
4 to the polls to vote for constitutional rights for
5 crime victims, don't parse through, you know, what's
6 covered, what isn't covered, what the limitations are.
7 They are voting for the principle of should victims
8 have rights, and they're overwhelmingly supported at
9 the polls. The idea of victims' rights is
10 overwhelmingly supported by the people of our country.
11 But what happens more often than not is that because
12 the only access to the ballot is through the
13 legislature and because the criminal defense bar,
14 maybe there are a lot of lawyers who are -- a lot of
15 legislators who are lawyers, the criminal defense bar
16 has an active lobby at the legislature, that things
17 get watered down in the legislative give and take, in
18 the process, and sometimes we even have to fight the
19 prosecutors who don't want to see victims have an
20 independent status at any proceeding. So there are
21 compromises made, and things get watered down. And
22 this is the history of the last 20 years of the
23 movement.

24 We do have some case law now developing.
25 It's fundamentally clear in the law that whenever a

1 victim's state constitutional or state statutory right
2 comes up against the supreme right that the defendant
3 has in the U.S. Constitution, guess who wins. The
4 U.S. Constitution is the supreme law of the land.
5 It's like a trump card that defendants get to play
6 whenever they say, "A victim's right infringes on my
7 U.S. Constitutional right." And, again, the path of
8 least resistance for trial judges is to say, "Well,
9 I'm always going to decide with this higher law."
10 We'll never have sort of parity or an equal playing
11 field until -- level playing field until victims'
12 rights are protected in the same law, the U.S.
13 Constitution, that defendants' rights are protected
14 in. So that's been our experience.

15 So in 1996, Senator Kyl and Senator
16 Feinstein introduced the first Crime Victims' Rights
17 Amendment in the history of the country into the U.S.
18 Congress, into the U.S. Senate. As I say, it's been
19 bipartisan. We've had hearings every year since 1996
20 both in the House and the Senate, on the proposal.
21 We've listened carefully to the critics, it's been
22 reformed numbers of time, and the current resolution,
23 which was introduced in April of this year, is page
24 one of what I passed out. That's Senate Joint
25 Resolution 35. And you see it is SJR 35. That's the

1 reference. The identical provision has been
2 introduced in the House. It's HJ Res. 91. And,
3 again, it has attracted bipartisan support, and, for
4 the first time, strong support endorsing the language
5 from the President of the United States and the
6 Attorney General.

7 We've had hearings this year, both in the
8 House and the Senate, on Senate Joint Resolution 35.
9 Let me tell you kind of where it stands politically,
10 and this is not a call for you to do anything. I just
11 want to report to you where it stands. And let me
12 focus on the United States Senate. In the Senate,
13 there are 50 Democrats, 49 Republicans, and one
14 Independent. Of the 49 Republicans, we have support
15 from 45. The magic number that you need to get things
16 done in the United States Senate is 60. To pass the
17 amendment, you need 67 Senators to vote for it.
18 That's two-thirds, and that's what the Constitution
19 requires. But in order to get to a point where you
20 vote on something, you have to close debate because
21 otherwise they can filibuster. And so the rules of
22 the Senate provide that you have to have 60 votes for
23 what they call cloture, which is essentially like it
24 sounds, closing off debate.

25 Well, so the key is 60. Everybody kind of

1 presumes if they actually have to vote on it up or
2 down it's easier to get 67 because it's kind of a hard
3 thing to vote against because it's so popular. But
4 it's very hard to get to 60, harder because people who
5 oppose the amendment can say, "Well, I want more
6 debate. After all, we're amending the Constitution of
7 the United States. We shouldn't do this quickly. We
8 have to be thoughtful, to be deliberate." And so it's
9 harder to get to 60 votes. Well, right now I think
10 Republicans, probably 45 votes, which means you need
11 15 more from the other side, 15 of the 50 from the
12 other side in order to be able to get to 60 for
13 cloture, to get to 67. Right now I think we can count
14 on about eight from the other side, and it's a good
15 eight. It's a strong eight. Senator Feinstein is a
16 vocal, dynamic, active supporter in her caucus, in the
17 Democratic Caucus. Senator Joseph Biden from
18 Delaware, who's the former chair of the Senate
19 Judiciary Committee, is a supporter of the amendment.
20 But you can see where the challenge is. The challenge
21 is to try to bring in enough members from both sides
22 to try to get to the number of 60. And we're not
23 there yet.

24 Well, one of the reasons that -- One of
25 the reasons that we're not there is because people in

1 the country, their stories haven't been effectively
2 told, and I fault myself as much as anyone else, more
3 than anyone else. We haven't spent enough time asking
4 for stories to be told to educate people about what is
5 in the system. I go back now to what I said in the
6 beginning. What will carry this through the Congress
7 and through the state legislatures into the
8 Constitution to be the 28th Amendment isn't anything
9 that I'm going to say. It's what you all are going to
10 say, what you're going to say and -- I don't mean in a
11 political way. I just mean letting people who shape
12 public policy understand what happens in the criminal
13 justice system, understand what happens to people.
14 Yes, sir.

15 MR. NESBIT: What states are the four
16 Republican Senators from that are not onboard with
17 this?

18 MR. TWIST: Without getting into a lot --
19 We could talk afterwards, but I'll give you one
20 example of a retiring senator. Senator Fred Thompson
21 from Tennessee has not been a supporter, and he has
22 not been a supporter on grounds of Federalism. He has
23 argued that this, in effect, a federal amendment to
24 the Constitution, an Amendment to the Federal
25 Constitution, is like an unfunded mandate to the

1 states where the Federal Government would be telling
2 the states how to organize their criminal justice
3 systems. Now, there are a lot of flaws in that logic,
4 and we can talk about them, but it's a principled
5 stand, and that's -- And so that's one example. But,
6 yeah.

7 MS. ODOM: You know, one thing that is
8 always important to mention is that this roundtable is
9 not a lobbying opportunity for the 28th Amendment. We
10 just want to make sure you're really clear that we --
11 or that, rather, that the Department of Justice just
12 wanted to make sure that you have an opportunity to
13 hear about it. So just FYI on that.

14 MR. TWIST: And I want to emphasize that,
15 that I am reporting -- I think you have a right to
16 know what's going on, and I'm reporting from the field
17 exactly, exactly what's happening. People will have
18 to make their own minds up and at the close of the
19 meeting today, after the official meeting's over, I'll
20 have something to say about that.

21 MS. JURCA: I'm Lola Jurca, and this would
22 have been so good in my case because my son was
23 murdered in California, and then I lived in Texas, and
24 I can't tell you how many times I heard, "You don't
25 understand. This is California; it's not Texas." So

1 this would help me a lot.

2 MR. TWIST: One of the things that drives
3 or animates the cause is to say that the things that
4 are written here, I made reference to this before, the
5 things that are written here should be the birthright
6 of every American, not just every Texan, not just
7 every Californian, the birthright of every American to
8 know that you will be treated with dignity if, God
9 forbid, you walk this road to hell that all of you
10 have been walking. So that's one of the things that
11 motivates the proponents of the amendment.

12 Let's talk about -- May we talk about the
13 questions for a second?

14 MS. ODOM: Steve, Andy has a question,
15 but, Andy, could you stand for me, please?

16 MR. KAHAN: Sure. Steve, I don't know if
17 you can answer this or not, but just purely on what
18 you stated and purely looking at it objectively, it
19 appears that a majority of Republican Senators are for
20 it and a majority of Democrat Senators are against it.
21 Is there any reasons that you can allude to, or is
22 that a subject that's just off base?

23 MR. TWIST: Maybe we'll follow up after
24 the close of the official meeting if anybody wants to
25 just talk with me informally about that.

1 MR. GILLIS: One of the things that I
2 wanted to mention is this -- Again, this is an
3 informational situation here where Steve is going to
4 provide us with information. It is not a lobbying --
5 We're not asking you to lobby. Again, we've had that
6 discussion earlier this morning about the 501(C)(3)
7 and some other things, and, of course, the funding
8 that's provided to OVC is not provided for lobbying.
9 We're in the same situation. So I want to make sure
10 that you understand that Steve is presenting us with
11 information. We're not talking about it in terms of
12 political parties, but if you as individuals after
13 this is over with would like to talk with Steve, and
14 he's going to spend some time talking with you, he can
15 tell you what actions you can take as individuals.
16 But this meeting, this roundtable discussion, is not
17 for the purpose of politicizing the amendment. So I
18 just wanted to make that clear.

19 MS. CLEMENTS: Thank you for your
20 information. On Arizona, the right of the victim to
21 be in the courtroom, is that statute, or is that
22 constitutional?

23 MR. TWIST: State constitutional.

24 MS. CLEMENTS: State constitution. Could
25 you have passed it in statute?

1 MR. TWIST: Uh-huh.

2 MS. CLEMENTS: State Constitutions take a
3 lot longer.

4 MR. TWIST: It could be passed in statute,
5 because if you think about it, when you all have
6 talked about "The Rule," the rule -- the reason it's
7 called a rule is because it comes from a Rule of
8 Criminal Procedure that is written by the court,
9 sometimes -- enacted by the legislature, but written
10 by the court and subject to amendment by the
11 legislature. So it can be the legislature that can do
12 it. And as you've talked about, Diane, you've
13 recently had some legislative modifications to "The
14 Rule," but the truth is "The Rule" can be abolished
15 for victims. I mean, you don't have to have the rule
16 of exclusion or sequestration, as it's called, for
17 victims of crime.

18 MS. ODOM: Steve, you're -- You're cute as
19 a button. Let's get to those questions.

20 MR. TWIST: May we ask Jennifer to go back
21 to the questions? May we do that now?

22 MS. ODOM: Let's chant her name. She
23 loves it when we do that. Jennifer. Jennifer.

24 MR. TWIST: I think it would be helpful --

25 MS. ODOM: Here we go.

1 MR. TWIST: -- to -- Again, let me
2 encourage you to be the voice for education. Teach us
3 about what's happened in the criminal justice system.
4 And perhaps, Inez, if you'll be the moderator.

5 MS. ODOM: These were the things you were
6 thinking about over lunch, so --

7 MR. TWIST: Who is it who was involved in
8 a case where you were not given notice of every
9 proceeding? And let me just sketch the context here.
10 These are everything from the post-arrest proceeding,
11 which is typically held within 24 or 48 hours, where a
12 person is brought before a magistrate and there's a
13 decision about whether to release the person, what the
14 bond will be. There are bond reduction hearings.
15 There are plea proceedings. There's sentencing. But
16 who was not notified of all, emphasis on the word
17 "all," and comment about this if you would.

18 MS. ODOM: You're going to get to start
19 out, please.

20 MS. ALBRIGHT: Hi, Steve. My name is
21 Wendy Albright. When you said "all," in our case,
22 that was the very first thing that happened with us.
23 From the time that our son was murdered, we were not
24 notified of the bail -- the bail proceedings or her
25 getting out on bond. We were not allowed to be

1 present. We wanted to know what was going on. They
2 had put her in jail at something like \$500,000. A
3 week later she had gone with her lawyers to the
4 courthouse, to the judge, found a judge that would
5 hear her case, and they lowered the bail down to
6 something like \$80,000, and she was then released.
7 And we found out we couldn't do anything after that.

8 MR. TWIST: And you were not given notice
9 of that second proceeding?

10 MS. ALBRIGHT: We were not given notice of
11 that second proceeding right there. Throughout the
12 entire case, we were -- We asked to be notified
13 anytime she was in the courtroom talking -- that they
14 went to the court. We were not notified every time.
15 We had to chase that down on a regular basis. So that
16 was very difficult.

17 MR. TWIST: Anyone else want to comment
18 on --

19 MS. ODOM: Anyone else on this side of the
20 room that wants to responds to that?

21 MR. TWIST: Question number one.

22 MS. ODOM: Anyone else on this side? No.
23 Yes. Back there. Okay. If you'd be so kind.

24 MR. TWIST: Or perhaps it might actually
25 facilitate things if I asked you -- If you could put

1 the questions up again, Jennifer. If you just look at
2 the questions, and if you want to just talk in a
3 narrative about each of those when you've got the
4 microphone, that might be very helpful, too, if you
5 feel that it's appropriate.

6 MS. ODOM: Although you might get the hook
7 if the narrative takes too long.

8 MR. TWIST: Yeah.

9 MS. ODOM: So just with love.

10 MR. TWIST: Yeah.

11 MS. CAMPOS: Okay. In my case, there was
12 a guy that had given the guy that killed my son the
13 gun. I didn't know anything about him being arrested
14 or anything until the week before he was to go into
15 court and get his sentence, and I found that out just
16 by accident. So I was not notified. And they told me
17 since it was a juvenile case that I could not go to
18 the courtroom is what my detective told me. Of
19 course, I called around and found out I could.

20 MS. ODOM: Anyone else on this side while
21 I'm over here? Okay. I see a hand. Pass it down,
22 please. Thank you.

23 MR. MARINO: My name is Charles. You
24 know, in our case, if Diane didn't stay on the phone
25 24 hours a day with these prosecutors and lawyers, we

1 probably wouldn't have known anything that happened.

2 MS. ODOM: Would you stand up, sir?

3 MR. MARINO: We probably wouldn't have had
4 any idea of what was going on, but she stayed on the
5 phone, you know, 24 hours a day finding out what
6 happened and when the next court date was coming up
7 and all this stuff.

8 And on the fourth question there on
9 delays, you know, the appeal system, again, there were
10 so many delays in the appeal system in our case, it
11 was just unreal.

12 MS. ODOM: Thank you. Okay. And I know
13 this side of the room. Okay. Now, I'm back here.
14 Ruth.

15 MS. MARIN-EASON: Me being the mother of
16 Raul, I was not notified because he was married and
17 the State of Texas honors the wife. Even in my heart
18 and I told the detective she was a suspect, but they
19 had to notify her of everything, so I feel I was
20 totally left out by the State of Texas and also the
21 military because she was the wife. So I was not
22 allowed -- I called -- I went to a lot of the murderer
23 himself, and then when she finally got arrested while
24 I was there, they would not allow me in the court, so
25 I was not notified. I made a lot of calls. I made a

1 lot of traveling from here to San Antonio, which I'm
2 still -- you know, I made them on my choice, so I was
3 not reimbursed because it was my choice to be there,
4 so...

5 MS. ODOM: Thank you. Anyone else in the
6 front row here, in this front circle? Okay. Hold on.
7 Let me get to John.

8 MS. HARDIN: My name is Carolyn Hardin,
9 and-

10 MR. GILLIS: One moment, please. I just
11 wanted to finish up something. Your not being
12 notified, you mentioned something about in between
13 cities. Was it expensive for you going back and
14 forth, or how far was it that you had to travel?

15 MS. MARIN-EASON: From here to San Antonio
16 is three hours each way, so it's six hours.

17 MR. GILLIS: So they didn't notify you?

18 MS. MARIN-EASON: They would not notify
19 me. When I found out the murderer was going to be in
20 court, I would travel up there to be there, but
21 because they didn't notify me or I was -- You know,
22 they have not reimbursed me nothing at all for that
23 traveling that I did on my own because I was not
24 subpoenaed.

25 MR. WILLIS: Okay. Thank you. I'm sorry,

1 Carolyn. I just wanted to finish that up.

2 MS. HARDIN: Well, I guess mine's a
3 very -- I was -- I mean, I wasn't notified. A lot of
4 this has to do with the D.A. that you get, the
5 prosecutor. I was very lucky in one situation. I had
6 a great D.A., and she would call two or three days
7 before the date and call me and tell me. She wanted
8 us at every proceeding. The only proceeding that I
9 didn't go to was his first bond, and that was like
10 four days after the death of my son, so I couldn't
11 have managed that either.

12 The answer to number four, I think
13 probably in this room I'm the quickest case that I
14 know of. My son was murdered in April, and we went to
15 trial in July. I wish now it had been a little bit
16 longer. I would have been stronger.

17 And, also, now, I mean, I had great
18 response for them, but now being in the probation
19 department, to know what's going on. I'm not -- By
20 law it has to be notified whether he's doing his
21 conditions, what he's supposed to be doing, and all of
22 this. So it goes further than just the court
23 proceedings because now I don't know what's going on,
24 and I call and I call, and I just don't get any
25 answers.

1 MS. ODOM: Jeannie, did you have something
2 you wanted to say? No. Then I'm going to steal that
3 back from you. And, Diane, I see you. You little
4 dickens. Stand by. I think Madonna wants to say
5 something. We're going to let it go down this row,
6 and then I'll come right to you. Okay. Thank you.

7 MS. PITRUCHA: My name's Madonna, and we
8 were never informed about a bond hearing or anything.
9 We were called by the sheriff's department, about 30
10 or 35 of us in the family total, both families, to be
11 to Fort Bend County Sheriff's Department at eight
12 o'clock one night, that it was urgent that we all be
13 there. So the whole family, everybody got together,
14 including friends, all were called to the Sheriff's
15 Department, and we're standing around there like,
16 "What's going on? What happened?" I mean, were we
17 lucky enough this guy killed himself or something?
18 Well, come to find out they wanted to put us all in
19 one room while they let him out the back door. And so
20 needless to say, we didn't get home until around
21 midnight, 12:30, and everybody had to go to work the
22 next day.

23 All right. Then it started. We had 28
24 resets over four and a half years it took to get to
25 trial. As far as the bond reduction thing, we were

1 never notified of that. We were told to have our
2 daughter out of state, to hide her, which we did that.
3 Nobody reimbursed us on that. And the guy -- They had
4 promised us he would have to pay a \$10,000 fine. The
5 judge declined it at the end. He didn't have to pay
6 anything. And so, you know, it's not fair when
7 there's not notification. We were in Boston, Mass,
8 and sometime we would have less than 24-hour notice.
9 I would have to get round-trip airline tickets, have
10 people bumped off of the plane, the police department
11 up there would help us, to be able to come back. So,
12 you see, not all notification is the time allowed it
13 should be.

14 MS. ODOM: Patsy.

15 MS. TEER: I'm Pat Teer. I had a great
16 prosecutor in my second trial. There were two trials
17 12 years apart, and I thought he was so good I wanted
18 to talk about him, what he did. The defense wanted to
19 put me under "The Rule," and there were a lot of
20 anti-death penalty people there, the ACLU and all of
21 the other organizations on his side, and David Weeks,
22 who is now District Attorney up in Walker County, was
23 my prosecutor. And he told them, he went up to the
24 judge when they wanted to put me under "The Rule," and
25 he said -- He had a legal pad with him and he said,

1 "If you put her under 'The Rule,'" he said, "I'm going
2 to take this legal pad out there, and I'm going to put
3 everyone in the courtroom on this legal pad, and I'll
4 call them all because if she doesn't sit there, nobody
5 sits there." And they didn't put me under "The Rule".

6 So I did want to say that. There's one
7 other thing. May I bring it up? One of the -- A
8 recent trial where these two young men killed their
9 father and a family friend was also being tried for
10 the same murder and none of the jurors knew that this
11 was going on, I know in my trial every time the facts
12 started coming in, they'd take the jury out, and they
13 never heard any of the good things. And I think it's
14 so important, the people that want to get legislative
15 issues changed, is to have a fully-informed jury, and
16 we don't know what's going on, because that jury was
17 mad, and if I had to make a choice on a jury, I would
18 want to know the facts. Thank you.

19 MS. ODOM: Thank you so much, Pat. To
20 Irma.

21 MS. CHAVEZ: I'm Irma Chavez, and we sat
22 through two capital murder trials, and I did victim
23 impact statements on both trials. I was allowed to
24 sit in for the first trial from day one to the end,
25 and the attorneys for the second trial were there also

1 throughout that trial, but they did not allow me to
2 sit in through the second trial, but I sat right
3 outside the door every day. And one time they were
4 even conversing about the trial outside, and it was
5 not my fault, they were speaking loudly where they
6 could be heard because they forced me to sit out
7 there, and it was because they were planning to make
8 this young man resemble my son, dress him up in a coat
9 and tie, and I agree with what she said, that they
10 should be seen for what they really are. They dress
11 them up for the trial, make them look like very law
12 observing citizens and carry Bibles and take notes and
13 do whatever, and that's not what they really are.

14 And also, we sat day after day during jury
15 selection. We weren't -- My husband requested a list
16 of the jurors, just as the criminal had a list of
17 every juror that filled out an application. They went
18 over and asked him, "Do you accept this juror?" And
19 he would say yes or no, and we were told we can sit
20 there, but we cannot have any part -- make no comments
21 whatsoever.

22 MS. ODOM: Thank you. Tony, did you want
23 to comment as well?

24 MR. CHAVEZ: Please.

25 MS. ODOM: Please.

1 MR. CHAVEZ: As far as the expressions
2 that my wife made, obviously we were both in a
3 situation that was extreme sensitive for both of us.
4 During the due process, all notifications, for
5 example, I attended every proceeding that was open to
6 me. My wife was not physically and emotionally strong
7 enough to handle those situations. Even though the
8 prosecutors would notify me in writing through the
9 D.A.'s office, they would, in fact, call us and inform
10 me that there was going to be a hearing, but I really
11 didn't have to be there. My expressions to them on
12 the phone, and also personally on a one-to-one basis,
13 was that I respected their viewpoints, but that I
14 asked that they respect my emotions and my feelings
15 and that I was requesting that they notify me of every
16 set trial date regardless of how significant it may be
17 or how insignificant it may be in their mind, that in
18 my mind it was most significant. So subsequent to
19 that, we received notifications, and I have never
20 missed a trial date, a motion date, a hearing date.
21 I've always been present.

22 Were we allowed to be present? Obviously,
23 yes. We were never excluded after we had our little
24 meetings of discussions and what my priorities and our
25 family priorities were and to be certain that they

1 understood how we felt as a family.

2 MR. TWIST: Mr. Chavez, I think I heard
3 Mrs. Chavez say she was excluded from the second
4 trial. Is that correct? Were you also?

5 MR. CHAVEZ: No, sir. During that period
6 of time, there was a lot of negotiation going on
7 between the defense attorneys and the prosecutors
8 because it was uncertain at that particular time who
9 was going to conduct the impact statement, and I guess
10 it may have been a procedure to try to confuse the
11 defense as to who would be excluded and who would not
12 be excluded. So it wasn't disclosed to the -- during
13 the trials until almost the twelfth hour as to who was
14 going to conduct and perform the impact statement.

15 As far as the first trial that was --

16 MS. ODOM: I'm not clear on that response,
17 though, Tony. So are you saying that you were allowed
18 to be in, but your wife was not?

19 MR. CHAVEZ: She was not allowed during
20 the second trial, yes.

21 MS. ODOM: The second trial. But you were
22 allowed in because the assumption was that you'd be
23 able to make the victim impact statement?

24 MR. CHAVEZ: Well, initially, in the first
25 trial, it was undecided who was going to make the

1 impact statement. However, when "The Rule" was being
2 invoked or when there were certain aspects of "The
3 Rule" that were being discussed between the defense
4 and the prosecution, they apparently reached an
5 agreement that they would not invoke the rule of
6 exclusion, either one of us, or the defendant's
7 parents and family members.

8 MS. ODOM: For the first trial.

9 MR. CHAVEZ: For the first trial. And
10 then in the second trial it was a little bit more
11 intense because of the input that the defense
12 attorneys already had when they were present during
13 the first trial. The defense attorneys on the second
14 trial were different attorneys, so they had a
15 different strategy at that particular point. So they
16 invoked "The Rule" to exclude whomever was going to
17 make the impact statement at that time. So my wife
18 was excluded and the mother of the defendant was
19 excluded as well, but I was allowed to remain during
20 both trials is what took place.

21 Now, at the hearing, for example, on the
22 third point, I was informed that I was not allowed at
23 that particular time to make any expressions. I could
24 be there, but I could not express myself during the
25 time that the defense and the prosecution were making

1 their plea as to what the bail would be at that
2 particular time. And, of course, I wanted to have
3 some input, but I was informed that I could not.

4 And then as far as delays are concerned,
5 the only delays that we have had has been that, that
6 perhaps may or may not be a delay, is the fact that
7 the first defendant, who was convicted of capital
8 murder and sentenced to death, we've not been
9 informed, and I've asked, but it's always been
10 something that's been just a very general expression
11 and response is that as far as the establishing of the
12 date of execution, it's still in the open. So we're
13 going on five years, and as I mentioned to you before,
14 two appeals hearings, are anticipating a third, but
15 still have not had any idea what the next actual step
16 is going to be until you educated us a little bit as
17 far as what the appeals process would be on the
18 other --

19 MR. TWIST: Let me just make the
20 observation based upon what you said about "The Rule"
21 being invoked. Go back to the Texas Constitution
22 again. It talks about you have a right to be present
23 at all public court proceedings unless the victim is
24 to testify, and it is not necessarily the case that --
25 in fact, it should not be the case that a victim's

1 impact statement is testimony before the court. So,
2 again, this is an example of how the real world in
3 practice doesn't honor even the language that's in the
4 Texas Constitution because you're making an impact
5 statement, which is a right, ought to be a right. It
6 shouldn't be testimony. It should be just your
7 statement just like the defendant makes a statement,
8 the prosecution makes a statement. So it's another
9 example of how there needs to be sort of the baseline
10 in the whole country.

11 MS. ODOM: Thank you. And I know Diane
12 had a point, and I'm going to go back and let you make
13 a point as well. But I have not forgotten that side
14 of the room, the back row. Give a little cheer. Let
15 me hear you there. Yea! All right. I haven't
16 forgotten you. I'm a comin'. So here we go. Diane.
17 Bless your heart, Diane.

18 MS. CLEMENTS: Yes, ma'am, I will stand.
19 Dare we say no to her. No. My question is really an
20 observation on how do we define or how will we define
21 are we allowed to speak. For instance, plea bargain
22 was agreed to in the juvenile division for the boy
23 that shot my son, and the prosecutor called me and
24 said, you know, "We've agreed to a one-year probation,
25 and we hope you agree to that also because that's what

1 we're going to do." So was I allowed to speak? I
2 don't think so.

3 MR. TWIST: No.

4 MS. CLEMENTS: But in conversations with
5 prosecutors, if we have this in a perfect world, is
6 that speaking, or should we all -- it should all be an
7 open court proceeding where we actually have a voice
8 and we stand up and say that.

9 MR. TWIST: If you look at -- Exactly. If
10 you look at the language of SJ Res. 35, just again as
11 a matter of information, you see a victim of violent
12 crime shall have the right, and parsing through the
13 words, "reasonably to be heard at public plea
14 proceedings". So what that means is -- The
15 conversation that you have with a prosecutor isn't a
16 public proceeding. With the public plea proceeding,
17 what that refers to is typically -- Well, in some
18 places it's called the change of plea, some cases it
19 might be a second arraignment where the defendant goes
20 in and having earlier pled not guilty to an offense,
21 he then comes in and pleads guilty to typically a
22 lesser offense, and that is the plea proceeding where
23 that new plea is entered, the plea of guilty. And
24 then that's not the same as sentencing because
25 typically then after that plea is taken sentencing is

1 put off for 30 days or 60 days, a pre-sentencing
2 investigation is done, a report is written. So it
3 would actually be to the court to tell the court your
4 views about whether the plea should be accepted by the
5 court and to do that before the final decision is made
6 so that it can have an impact.

7 MS. CLEMENTS: And my second question
8 is --

9 MS. ODOM: Hold that microphone.

10 MS. CLEMENTS: Oh, I'm sorry. I'm sorry.
11 I'm sorry. I'm sorry. My second question is
12 exclusion for court events that you're not really
13 excluded from. For instance, jury selection. If you
14 have a large panel and a small courtroom and the judge
15 or the prosecutor says, "I'm sorry. There's not
16 enough room for you in here," if we had a
17 constitutional amendment, would they then be required
18 to move to a bigger courtroom?

19 MR. TWIST: Yeah. They would be obligated
20 not to exclude you from that public proceeding under
21 the language of the amendment. And to answer the
22 question whether that would really work, well, guess
23 who gets to be in the courtroom.

24 MS. CLEMENTS: The defendant.

25 MR. TWIST: Yeah. Exactly. Exactly.

1 Because he has a right.

2 MS. CLEMENTS: So we'd really have bigger
3 courtrooms? I mean, judges would really and
4 prosecutors would be -- They would be mandated --

5 MR. TWIST: No. No.

6 MS. CLEMENTS: They'd have to accommodate
7 us?

8 MR. TWIST: No. They'd have to figure out
9 a way for you to be there. First of all, it's always
10 possible to fit one more person into a courtroom.

11 MS. CLEMENTS: Well, you and I think that.

12 MR. TWIST: And so as a practical matter,
13 I mean, they would just have to do it period. Now, in
14 Alabama, for example, as Janice and I were talking
15 about earlier, in Alabama for I think 20 years victims
16 not only have a right to be in the courtroom, they sit
17 at counsel table. They sit at the table with the
18 prosecutor.

19 MS. CLEMENTS: You know, we for the last
20 two legislative sessions tried to have that bill
21 carried. We haven't found a sponsor yet, and I gave a
22 presentation for the defense attorneys training that
23 is through the judges, Harris County, and I was booed
24 when I offered that as a suggestion. Prosecutors
25 don't support it, just by the way.

1 MR. MARINO: I just have a question for
2 Tony. Are you out of the state appeals yet? Have you
3 went into the federal appeals yet?

4 MS. ODOM: Oh! Oh! Got to have that
5 microphone. There you go. Thank you.

6 MR. CHAVEZ: Back in October, we went to a
7 second hearing which was based on a Writ of Habeas
8 Corpus to release the defendant from being
9 incarcerated based on about 37 different issues, one
10 of them being the fact that he was a victim of organic
11 brain damage, that he had been hit over the head by a
12 sugar container when he was about ten years old and
13 suffered a couple of stitches on his forehead, so
14 subsequently that resulted in he not being held
15 responsible for his actions due to the fact that he
16 suffered organic brain damage. That was a conclusion
17 that was reached by an individual in Austin who has a
18 Master's degree in psychology, does not have a Ph.D.,
19 but a Master's, nor is he a doctor, and based on his
20 opinions of the trial case and the history of this
21 young person that that opened up the door for a Writ
22 of Habeas Corpus to be accepted on the second hearing.
23 We went back to court during the hearing. About four
24 or five months later the district judge reached a
25 conclusion and an opinion that rendered all that to be

1 negated, and, therefore, submitted his report to the
2 Fourth Circuit Court of Appeals in Austin who again
3 for a second time affirmed a death penalty. So now
4 we've been informed that the next step is most likely
5 going to be a hearing or an application to the U.S.
6 Supreme Court.

7 MR. MARINO: I was just wondering about
8 that. In our case, talking about the death date our
9 perpetrator got, it was 15 years before he got his
10 first death date in our case.

11 MR. CHAVEZ: Thank you.

12 MS. ODOM: I think Ric has the mike. Now,
13 Sharon, did you have anything -- You know the other
14 thing I just want to be really cognizant of is that in
15 Boston, you know, we found, too, that folks with
16 unsolved cases, it's sort of like, you know, "Where do
17 we go from here?" And that's one of the things we're
18 going to be talking about in a little bit. So just
19 want you to hang tough. Please, Ric.

20 MR. NESBIT: In our case, once charges
21 were filed and a D.A. was appointed, we had wonderful
22 representation and --

23 MS. ODOM: Ric, you handsome devil. Would
24 you mind standing up? My guys are giving me the
25 signal. What can I say? Thank you. I called him a

1 handsome devil. Look at that.

2 MR. NESBIT: The arrests were made and
3 arraignments happened without our being notified. One
4 of the two perpetrators in our case was a juvenile,
5 and there was -- the first thing that we were invited
6 to was a certification hearing, at which time a
7 confession was read out loud in the courtroom, and I
8 was not the least bit prepared to hear the long litany
9 of gory details of how my child was murdered.

10 But at the second trial -- There were two
11 perpetrators, both charged with two counts, but there
12 was only one trial for each. In the second trial,
13 which was 18 months down the road, it was the younger
14 boy's murder, State of Texas versus the younger boy,
15 who was being tried for the murder of Michael
16 McEachern, not my daughter, because they were both
17 charged with two separate murders. At the end of the
18 trial, it's my understanding we had the right of
19 allocution, and I was excluded from that process.
20 Brenda was able to speak to the convicted murderer at
21 the end of the trial, but our family was excluded from
22 that because the trial was not about the murder of our
23 child, it was just about the murder of her child,
24 although they were murdered together by the same pair
25 with the same gun. So it was a sore spot for me to be

1 excluded from that process.

2 MS. ODOM: Thank you, Ric. Judy, did you
3 care to comment? And I know we'll have to have you
4 stand up.

5 MS. NESBIT: In relation to what he just
6 said, I was not aware of what that first hearing was,
7 having been catatonic at that point. I knew there was
8 to be a hearing, and I went to work that day, and Ric
9 went to the hearing. I had no idea it was anything
10 more than a certification of this young man to stand
11 trial as an adult, which to me sounded like a rather
12 brief thing. I didn't know that there would be the
13 confession read and his mother taking the stand and
14 talking about what a good boy he was and how he had
15 never been in trouble. I would like to have been
16 involved in that, and, of course, I didn't know until
17 after the fact, and then it was too late.

18 But that and we did have a wonderful D.A.
19 who was very compassionate and caring and sensitive to
20 our needs, and when we were called in for a meeting
21 with him at one point, he asked me how I felt about
22 the death penalty, and after I got up off the floor --
23 You know, I could have gone the rest of my life
24 without thinking about that. I had a very different
25 feel for that having just had my child murdered than I

1 would have had in my college freshman days. So the
2 educational process has been long and grueling for us,
3 but it would have been nice if we had been educated
4 before.

5 MR. TWIST: Two quick comments, if I may.
6 First of all, if you look at the amendment language,
7 it says you have a right to reasonable notice of
8 public proceedings, and certainly any understanding of
9 the word "reasonable" includes something about the
10 nature of what's going to happen. Obviously, the
11 reason you get notice is so that you can make an
12 informed decision about whether you need to be there
13 or not to exercise your right not to be excluded. And
14 you really can't make an informed decision. Notice
15 isn't reasonable if it doesn't really tell you what's
16 going to happen, what's going to go on.

17 The other thing I'd say, some people have
18 made comments that they've had good D.A.'s, some
19 people have had bad D.A.'s. I think the point to be
20 made is that these rights, notice, right to be there,
21 right to be heard, shouldn't be dependent upon the
22 goodwill or the bad will of any particular person in
23 the system. They ought to be in the law, government
24 of laws, so that you're free to exercise them as you
25 choose.

1 MS. ODOM: Beautiful. JoAnn is going to
2 stand up and share with us.

3 MS. STARKEY: I'm JoAnn Starkey, and I
4 would like to respond to those questions up there. My
5 son's murder was May, and we had the trial in
6 September, so it was four months later. I was not
7 notified of any hearing at all before the trial, not
8 one thing. I didn't even know at that point that
9 there would be different kinds of hearings. As far as
10 being notified of the trial, I learned the date of the
11 trial from my daughter, who had talked to her dad in
12 Illinois. The D.A. had been in touch with him, or he
13 had been in touch with them and had a date. And this
14 was a dad that had been out of Brian's life for 18, 19
15 years, and I raised him, but I don't know why they
16 notified that dad, the dad. Probably because he may
17 be maybe called the prosecutor or the detective when
18 he got into town wanting the facts.

19 As far as being present, of course, I was
20 not notified of any proceedings, but the day of the
21 trial I did want to sit in on the jury selection, and
22 my daughter and I and Brian's best friend were there
23 and they -- the judge told us to leave the courtroom
24 because there was not enough seats. And in Dallas, as
25 far as I know, I work with a lot of victims, not one

1 has been allowed to sit in on jury selection.

2 I was not allowed to speak at the end of
3 the trial. In fact, I was not even told of that
4 right. And because it was four months later, and I
5 didn't have the education that I do now, no one
6 approached me and said I could, and so even now I'm
7 hurt that I did not get to do a victim statement at
8 the end of the trial.

9 There were no long delays, of course, in
10 our trial, it was four months later, but the appeal
11 process just finished up October 1st of last year,
12 2001. He took it all the way over into the federal
13 courts, and it went all the way to the Supreme Court
14 before they said, "No, we will not hear this." But
15 that's seven and a half years later, and that's a
16 really long time for me to be worried about the appeal
17 process. Thank you.

18 MR. TWIST: Thank you so much.

19 MS. ODOM: Thank you, JoAnn. Lola. Okay.
20 Judy.

21 MR. TWIST: Thank you so much, by the way,
22 for going through each one much those questions.

23 MS. NESBIT: I would just like to respond
24 to an issue she brought up. In our good old boy state
25 of Texas, most of the D.A.'s are male and interact

1 seems to be more freely with other males, assuming the
2 female of a -- if there are, in fact, two parents,
3 that the female has less strength and emotional
4 stability than a male, and they want to talk to the
5 man of the house about things. That happened a little
6 bit in our case, not so much, but in some of the other
7 folks that I've spoken with, the women were considered
8 rather frail and unavailable, so let me talk to your
9 husband, please. So that might account for JoAnn's
10 not being the one to be notified.

11 MS. ODOM: That was an important point
12 that was also made when we were in Oklahoma was also
13 the idea that when there has been a divorce in the
14 family, too, that there's not sort of this recognition
15 that there are two parents here. So, Madonna, you
16 look like the cat that swallowed the canary, but I'm
17 just going to keep on going. All right. Do you want
18 to speak on this topic? Would you mind standing up
19 for me? Thank you. Thank you very much.

20 MS. JURCA: Okay. To number one. No. We
21 were notified by the coroner that my son had been
22 murdered, and after that, unless I called California,
23 and it was on hold forever, no, there was no help.

24 Now, finally -- My son John was murdered
25 March 15th. It was like I guess November of that year

1 somebody got me in touch with the victim assistance
2 person in Garland, Texas, and that's when I started
3 getting my answers. So that victim -- Of course, I
4 wish I'd have knew about it a lot sooner, but then I
5 did get the answers that I needed.

6 MS. ODOM: Thank you. Anybody over here?
7 All right. Well, is everybody good? Did you want to
8 make a remark? Janice.

9 MS. LORD: I guess just I'd like to ask a
10 question of you all again. You know, Texas is the
11 only state where victim impact statements by statutes
12 are after the sentencing rather than during the
13 sentencing hearing, and yet some judges are now
14 allowing the victim impact statement to actually be
15 given during the sentencing phase. How many of you
16 were able to give your victim impact statement before
17 the sentence was pronounced? Anybody at all?

18 MS. ODOM: I see two hands.

19 MS. LORD: Okay. How many of you gave an
20 oral one after the sentence was determined?

21 MS. ODOM: So the majority.

22 MS. LORD: Okay. All right.

23 MS. ODOM: Thank you. You all are so
24 amazing that two things are going to happen. First,
25 cake and soft drinks have appeared in the back, and

1 it's all for you, and then you're so amazing I'm going
2 to give you a break until quarter of 3:00. That's 20
3 minutes, people.

4 UNKNOWN FEMALE SPEAKER: Steve, are you
5 going to continue this after the break or is this --
6 Because there are some things I was interested in
7 hearing the reasons that this hasn't been moving
8 forward. So I just wanted to know if that's --

9 MS. ODOM: I would defer to Mr. Gillis.
10 He's giving me a nod saying that's okay to talk about
11 those things?

12 MR. TWIST: After the break.

13 MS. ODOM: After the break.

14 MR. TWIST: Okay. Because I've got one
15 other thing I want to say.

16 MS. ODOM: You little dickens. All right.
17 And so -- But then since there's less time, see, now
18 we'll take time away. That's it. So 20 minutes of.
19 20 minutes of. Okay. 20 minutes of.

20 (Brief recess.)

21 MS. ODOM: Okay. Take it away, Steve.

22 MR. TWIST: If I may, I misspoke. I said
23 I wanted to say one more thing. I actually want to
24 say two more things.

25 First of all, a word about another

1 exciting report from the field that may be of some
2 relevance or benefit for you. If you think about
3 defendants' rights for a second, they're grounded in
4 the U.S. Constitution. In fact, they're established
5 mostly by amendments to the U.S. Constitution.
6 Ironic, therefore, that there are opponents of ours
7 who say that it's inappropriate to amend the
8 Constitution to address rights in the criminal justice
9 system since all of the rights for defendants are
10 addressed by amendments to the Constitution.

11 But if you think about those rights, and
12 if we're honest with ourselves, for a lot of the
13 history of our country, if you think about from the
14 beginning of when the Bill of Rights was ratified,
15 they were words on paper just like we're seeing
16 victims' rights be words on paper in too many cases.
17 And what was it with regard to defendants that moved
18 the pendulum from this being words on paper to
19 actually controlling how the justice system operates?
20 And I say this absolutely acknowledging the shame that
21 I often feel about how my profession, the legal
22 profession, has undermined justice in a mega sense in
23 the criminal justice system. But if you think about
24 what moved that pendulum from words on paper to really
25 affecting how the justice system operates, it was

1 lawyers who took cases for defendants who came up with
2 theories to interpret those amendments, who brought
3 cases before judges, who made decisions that changed
4 the system.

5 We're in the same situation. What will
6 bring to life our words on paper, the victims' rights
7 that now exist on paper or will when the U.S.
8 Constitution is amended, will be lawyers who bring
9 cases before judges who will render decisions that
10 will give life to those words. And one of the big
11 failings in the justice system from the victims'
12 rights movement standpoint has been too few lawyers
13 who have come forward to be those champions for
14 victims who now have no voice, for victims who have no
15 representation. Earlier someone said we need, in
16 fact, I think it was Miss Sager who said victim ad
17 litem program, lawyers, advocates for victims. And if
18 you think about the system we have now, mostly driven
19 by federal funding, every -- virtually every
20 prosecutor's office in America has a victim/witness
21 advocate. There are private nonprofit programs that
22 have victim advocates. And those advocates are people
23 who provide notice, they inform about the system, they
24 go to court often and be a supportive presence for the
25 victim, but they always sit in the back of the

1 courtroom with the victim. They cannot go beyond the
2 bar and stand in the well of the courtroom and argue
3 to enforce victims' rights, and that's what we need.

4 We need a transition, really, that takes
5 victim advocacy to a different level, and that
6 different level without undermining what goes on,
7 because what goes on is very important, the supportive
8 advocacy that we have, but we need to add to that now,
9 and that advocacy has to be legal, hard-edged, no
10 nonsense, fighting in the courtroom for the rights
11 that have been established either by votes of the
12 people or votes in the legislature.

13 And that's what we're trying to do now
14 with the support of the administration. We have
15 funded actually through an appropriation from Congress
16 a few years ago the National Crime Victim Law
17 Institute. It's at Lewis & Clark College in Portland,
18 Oregon. The director of it is Professor Doug Beloof.
19 Professor Beloof has written the only case book in the
20 country on victims' rights law, and it's the goal and
21 dream of the Institute to provide the legal research
22 and educational support so that lawyers all over the
23 country can be trained in how to be legal advocates
24 for crime victims so that we'll find lawyers all over
25 the country who will volunteer their time. Every

1 state has encouragements for lawyers to take on pro
2 bono or for free activity, legal representation on
3 behalf of crime victims. And as an example of one of
4 the programs that can be started, in Arizona, at the
5 law school at Arizona State University, we started a
6 free legal clinic for crime victims, and we have
7 gotten volunteer lawyers in the community, law
8 students -- It's the most popular law student
9 volunteer program at the law school. 50 people this
10 year, 50 law students have signed up for it. We have
11 50 lawyers in Phoenix who have volunteered to
12 participate in this project. And with a modest VOCA
13 grant, enough to hire one full-time lawyer at a modest
14 salary and a half-time lawyer by contract, not an
15 employee, but a contract person, we have a program
16 that's up and running now for a little less than a
17 year, and we are actually litigating cases in court in
18 criminal cases advocating on behalf of victims. So
19 there's the prosecutor, there's the defense attorney,
20 and there's the victim's lawyer in the courtroom at
21 every proceeding where the victim has a right to be
22 heard. And I will tell you, it is making a big
23 difference.

24 So the idea here is for the Victim --
25 National Crime Victim Law Institute to kind of be the

1 supportive, educational, nurturing mother ship that
2 provides resources and research and analysis to local
3 programs, and then we take that and apply it to our
4 own state law, and the Office for Victims of Crime is
5 very interested in trying to replicate this idea
6 around the country. It doesn't necessarily have to be
7 law school based. It can be a private nonprofit
8 program.

9 Jeannie mentioned that Senator Kyl and I
10 started Arizona Voice for Crime Victims, which is our
11 state kind of umbrella victims' rights organization.
12 Just so happened that we started our program in
13 partnership with ASU Law School. So those two
14 entities, Arizona Voice for Crime Victims and the ASU
15 Law School, partnered together to apply for a VOCA
16 grant, but the partnership didn't have to be there. I
17 mean, AVCV could have done it on its own, the law
18 school could have done it on its own. It's nice to
19 have that collaboration. But it's very successful,
20 and I will tell you we've done no advertising. It's
21 all word of mouth. But we're getting 60 new cases a
22 month that come in. They come in from the
23 prosecutor's office because the prosecutor is seeing a
24 real benefit to having this advocacy. They come in
25 from domestic violence shelters, rape crisis centers.

1 Mothers Against Drunk Driving sends us cases. I mean,
2 you name it. And the programs who provide nurturing
3 counseling services also see the need for
4 representation, and that's what the Crime Victim Law
5 Institute is trying to do now. Excuse me. I passed
6 out Doug's phone number and e-mail and my numbers and
7 e-mails, and I would encourage you even, you know, if
8 you want to know more about this, if you think that
9 maybe there might be an interest in your area for a
10 program like this, or even without that, if you just
11 have a case, if you know of someone who you think
12 needs a lawyer, we'll try to -- we'll try to work
13 through the institute and find a person and get them
14 trained and do what they have to do. So there's no
15 way that you won't be able to contact us with this
16 information. I encourage you to do so.

17 MS. ODOM: Did everyone get one of those,
18 Steve? Everybody's got that information?

19 MR. TWIST: I trust.

20 MS. ODOM: Everyone has that? Okay.
21 Great.

22 UNKNOWN FEMALE SPEAKER: Is that going to
23 work in Texas since basically victims don't have the
24 right to be heard? How would that work in Texas?

25 MR. TWIST: Well, there's no

1 constitutional right to be heard. There's a statutory
2 right to be heard at --

3 UNKNOWN FEMALE SPEAKER: After sentencing.

4 MR. TWIST: -- least after sentencing.

5 But one of the things -- I'll give you an example.
6 Let's just take a look at Texas, because it says you
7 have a right to be treated with fairness throughout
8 the criminal justice process. Well, one argument
9 about what that means -- Think about defendants'
10 rights. You have a right to due process. Well, what
11 does that mean? It was cases going to court that kind
12 of filled in the meaning of that phrase. Well,
13 "fairness throughout the criminal justice process" is
14 kind of a phrase like "due process," and it will take
15 some lawyers who go to court, and I would stand up in
16 court in Texas, and I'd say, "Your Honor, fairness
17 throughout the criminal justice process is denied
18 unless the victim's given a right to be present right
19 now and to speak on this important subject. There's
20 no fairness without that right."

21 So, I mean, it's just a matter of kind of
22 thinking creatively, looking at all the statutes,
23 looking at the Constitutional Amendment and trying to
24 produce some things, and maybe that's already been
25 decided. You know, I'm just looking at the black

1 letter of the words and beginning to think creatively
2 about what we might do even before the U.S.
3 Constitutional Amendment passes to begin to litigate,
4 to create a different culture. I think Diane is
5 desperate and Andy is desperate, so --

6 MS. ODOM: Okay. Well, sadly, I saw
7 Andy's desperation first. Here we go.

8 MR. KAHAN: I got the mike. The analogy.
9 Steve, in support of a U.S. Constitutional Amendment
10 that I use is the Miranda warnings, and everyone
11 probably is familiar with a Miranda warning that a
12 defendant gets when he's pulled over for probable
13 cause. They're given their rights to remain silent.
14 So what happens to a case if a defendant is not given
15 his Miranda warning? What happens to the case?
16 Thrown out. Now, what happens to a victim if he or
17 she is not apprised of his or her rights? What
18 happens to you as a victim? You might get an "I'm
19 sorry". Defendants' rights, and rightfully so, are
20 protected and codified in the U.S. Constitution, and
21 the same analogy should be given to victims' rights
22 using that same analogy.

23 MS. ODOM: Excellent.

24 MR. TWIST: By the way, on the point of
25 Miranda rights, I have a new statute for somebody to

1 take to a legislature somewhere, and that's to -- Now
2 that we know that the U.S. Supreme Court is going to
3 absolutely require us to do Miranda, I think the
4 legislature ought to write a new Miranda that the
5 first paragraph of it is the existing one and the
6 second paragraph is the officer saying, "But I also
7 want to remind you that you have a right to confess
8 right now, get it off your chest. You have a
9 right" -- Well, you get the point.

10 MS. ODOM: Diane, would you be kind enough
11 to stand up? Thank you.

12 MS. CLEMENTS: Yes, ma'am. My question
13 is through the Institute and when you have criminal
14 lawyers taking these cases, are you advocating in the
15 trial court?

16 MR. TWIST: Be careful how you say that
17 "criminal lawyers"; will you, Diane?

18 MS. CLEMENTS: Well, I'm looking.
19 Criminal cases/lawyers.

20 MR. TWIST: Okay.

21 MS. CLEMENTS: When you have lawyers who
22 are advocating for these victims, are they doing that
23 in the courtroom at the trial level, or is this a
24 civil proceeding that's outside of the --

25 MR. TWIST: It's victims' rights in the

1 criminal case in the criminal courtroom.

2 MS. CLEMENTS: Okay.

3 MR. TWIST: And it's at pretrial
4 proceedings. I mean, think about all the rights where
5 the defendant -- or the victim has a right, right to
6 notice, right to be present. So if there's an attempt
7 to exclude the victim, the lawyer is there saying,
8 "The law prohibits this."

9 MS. CLEMENTS: So within our Texas State
10 Constitution, if there's an attempt to exclude a
11 victim, we could theoretically call you --

12 MR. TWIST: Yes.

13 MS. CLEMENTS: -- or the Institute or some
14 creative lawyer and say, "We really need you down here
15 because we're not given the right that is
16 constitutionally provided to us"?

17 MR. TWIST: Right. For example, I mean,
18 the argument -- The argument would have been even
19 before this amendment that you've just talked about
20 earlier to the law, to the rule --

21 MS. CLEMENTS: Yes.

22 MR. TWIST: If you have a right to be
23 treated with fairness throughout the process and you
24 have a right to be present unless you testify, and
25 then only if it would materially affect -- if your

1 testimony would be materially affected, well, reading
2 those two things together, every victim from 1989
3 forward should have had a right to a hearing on
4 whether or not the testimony would be materially
5 affected before there could be a decision to kick them
6 out.

7 MS. CLEMENTS: Exactly. But, you know,
8 Steve, and we talked about the real world and the
9 world on paper. The real world is -- I mean, this is
10 a brave new world, and you have victims who may not
11 feel comfortable doing that because they are relying
12 on the goodwill of their prosecutor. And the
13 prosecutor's, you know, "If you bring anybody in here,
14 you're just going to cause the judge to be" --

15 MR. TWIST: Right.

16 MS. CLEMENTS: You know -- And so, you
17 know, it just takes brave people.

18 MR. TWIST: It's a matter of some
19 education. I mentioned -- I mean, most of the cases
20 that we get in our project are from the prosecutor
21 because the prosecutor sees the benefit of having the
22 victim's lawyer sometimes advocate for a position
23 enforcing a victim's right that the prosecutor doesn't
24 have to then because the prosecutor is saying, "I
25 don't want to tick off the judge. I'll let this

1 person over here do it." And so there's that dynamic
2 at work that has proven to be very beneficial for
3 both. And so a lot of cases we get come from the
4 prosecutor's office. If I may, one last thing.

5 MS. ODOM: One last.

6 MR. TWIST: Okay. I did this. I passed
7 this out. So now everybody has one of these in front
8 of them if you haven't used them all.

9 MS. ODOM: What is it, Steve? A notepad.
10 Okay. Okay. Notepad.

11 MR. TWIST: I mean, you've gotten ways to
12 communicate with us. If you're willing -- And I
13 absolutely respect everyone's right to privacy, and
14 I'm not -- You know, I'm not at all wanting to
15 infringe on that, but only if you make the choice, I
16 would ask you to write down those things for me on one
17 of these pieces of paper and give that to me before
18 you leave.

19 MS. ODOM: Understand that he is not privy
20 to the data that you gave to the Department of
21 Justice, the Office for Victims of Crime. You see
22 what we're saying? So if you elect to have Steve get
23 that information, you need to fill that out for him.
24 Carolyn, question?

25 MS. HARDIN: Can we just give him one of

1 our cards?

2 MS. ODOM: Can you take a business card?

3 MR. TWIST: Sure, sure, sure, sure. Yeah.

4 MS. ODOM: You have a POMC Friendship

5 Card. These are kind of cool.

6 MR. TWIST: Perfect. Yeah. Friendship

7 Card is perfect.

8 MS. ODOM: Well, all right. Pass them

9 around, people.

10 MR. TWIST: Yeah.

11 MS. ODOM: Okay. Steve, any other --

12 MR. TWIST: Are there any other

13 questions --

14 MS. ODOM: Any other points?

15 MR. TWIST: -- for me?

16 MS. ODOM: For Steve.

17 MR. TWIST: Well, again, I want to thank

18 you all for letting me be a part of the conference

19 today. I really appreciate it.

20 MS. ODOM: Yea, Steve! So you can either

21 fill out the Friendship Cards, folks, that are coming

22 around or you could hand him your business cards if

23 you so choose since everything is optional. Okay.

24 So, Jen, bless your heart, as if we are --

25 it's like the Vulcan mind melt, as if we are of one

1 mind, Jen is putting up on the board some of the
2 things that have been discussed, and we want to just
3 make sure that we've truly addressed all of the ideas
4 and concerns that you might have here today, and I
5 realize that literacy is high in the room, but I'm
6 just going to go down them just so that we can be sure
7 that we're all clear, and then if you'd all sit still,
8 use your little notepads. If as we're going down
9 there's something that you want to expand upon or
10 something that we didn't address, we can do so.

11 So accountability is the first one. The
12 need for training of law enforcement. Improvement of
13 attitudes of law enforcement, and that is vis-a-vis
14 crime victims. Death notification training. Victims
15 need support from other crime victims. The
16 recognition that really people get so much benefit --
17 I know David and Meg spoke about their parents going
18 to the POMC meeting and how important that was.
19 Victim advocates probably having more training and
20 more direct contact to get better information.
21 Victims should have more of a voice in the system.
22 Really, the recognition that the corrections
23 department is ineffective or problematic. The need
24 for a National Victims' Rights Amendment. More
25 training for judges and district attorneys regarding

1 victims' issues. Truth in sentencing. Tougher crime
2 laws and sentences. That the parole system needs
3 addressing. The issue of plea bargains. I know
4 that's come up in other roundtables, very much so,
5 people's frustration around the issue of plea
6 bargaining, particularly in homicide cases. That the
7 court system needs to be more expedient. Unsolved
8 cases need special attention. And this is where I
9 would like to have a chance -- I believe is Sharon the
10 only one here today who has an unsolved case? Am I
11 correct in that? Or you also have -- Two unsolved
12 cases. Okay. And I think that we've identified
13 previously that there is special attention because
14 what we found, particularly when we were in Boston,
15 was that those with unsolved cases were basically
16 falling through the cracks of the system in that they
17 were getting absolutely no services, no attention, no
18 meaningful support. So I want to make sure we spend a
19 little time talking about that. Criminal justice
20 professionals need to communicate better with victims.
21 Victims need to have their rights explained to them.
22 And, again, one of the things that we've been told
23 over and over is that also things need to be explained
24 not in legalese, but in a way that people understand,
25 just lay people, that you shouldn't have to have, you

1 know, a law degree to understand some basic
2 information. Surviving siblings and secondary victims
3 need special help. All violent crime victims should
4 have a victim advocate. Counseling should be made
5 available to victims. The workplace should offer more
6 time off for victims to attend court proceedings.
7 This should be required by employers similar to
8 receiving time off for jury duty. And then crimes
9 committed out of state need special consideration.

10 So I'd like to go back to the issue of
11 unsolved cases if you wouldn't -- because I feel like,
12 you know, it's three o'clock. We've got about another
13 hour. I just want to make sure that the folks with
14 unsolved cases get an opportunity to -- if there's
15 anything additionally that would be helpful for folks
16 to know about serving those with unsolved cases.
17 Sharon, I see you. I'm coming with the green mike for
18 Sharon.

19 MS. WENZE: Do I need to stand up?

20 MS. ODOM: You know that song "Stand Up
21 and Be a Witness"? Uh-oh. He's telling me stand up.
22 Please. Bless your heart.

23 MS. WENZE: And I'm Sharon, and this is
24 very difficult for me to talk about sometimes. I just
25 feel like I was treated so unfairly because there was

1 information out there that could have been brought
2 forth. And I did not have a good relationship with
3 law enforcement. There's a group now in Fort Worth.
4 I think it's called Citizens of Unsolved Crimes. It's
5 just being started. There is over 700 unsolved cases
6 in Fort Worth, Texas, in the last 20 years, and
7 they're trying to get a cold case unit going, and the
8 chief -- They don't see a need for it. And these
9 criminals are just walking the streets. They've
10 committed crimes, and they've committed more crimes,
11 and they are just walking the streets killing -- just
12 constantly killing our loved ones, and something needs
13 to be done about it.

14 And my son didn't mean anything to the law
15 enforcement. He was just a number to them. And the
16 very first time I ever spoke with him was the day
17 after I buried my son, which was -- I buried Roger the
18 day before Mother's Day, and his first words to me was
19 he don't think anything is ever going to come out of
20 this case. He had his mind made up from the very
21 beginning that -- You know, he just had his mind made
22 up that, you know, maybe he wasn't going to push it to
23 the end. It wasn't a high profile case. But
24 something needs to be done.

25 MR. TWIST: If I may, I'll -- just a brief

1 statement and I'll defer to Andy or Diane or anybody
2 else in the room who may know about Texas, but in
3 Virginia now, for example, they take a DNA swab for
4 every arrested -- every person arrested for a felony.
5 In some states, in my state now at least there's DNA
6 testing for every person convicted of a felony. And
7 these DNA programs have begun to prove extremely
8 successful in solving unsolved cases. It's not
9 helpful in every case, of course, where DNA is not an
10 issue, but what is the law in Texas on testing of
11 arrestees or convicted offenders?

12 MS. CLEMENTS: There's A pilot program
13 that was implemented last legislative session, but the
14 problem that we see and that everybody else has is
15 that the databank is -- we have more untested DNA
16 samples than -- I mean, we could catch them if we
17 would test the DNA samples that we have. And also in
18 the State of Texas they take DNA from those convicted
19 of certain crimes when they come out of TDCJ, when
20 they are paroled out. So we have a databank, but we
21 don't have tested samples.

22 MR. TWIST: But not all -- not all
23 arrestees or not even all convicted felons --

24 MS. CLEMENTS: No. No. No. No.

25 MR. TWIST: If I could defer to Mr. Gillis

1 for a second. I believe that the federal government
2 has a project now that is trying to -- the
3 administration has a project it's trying to place more
4 emphasis on this.

5 MR. GILLIS: They do. They have a --
6 They're trying to fund -- well, trying to get funded
7 some of the backlog of DNA testing across the country,
8 and there is a special program that's going. I don't
9 know how far along they are on that, but I know it is
10 being considered and there is some funding available.

11 The other thing I wanted to ask, I thought
12 Texas had just recently enacted legislation, the cold
13 case legislation through the Texas Rangers. Your case
14 would not fit under that?

15 MS. WENZE: I contacted the Texas Rangers
16 the first of this year. They were supposed to have
17 gotten back with me. I've called since then. I have
18 not heard anything from the Texas Rangers, the F.B.I.
19 It all has to come -- get approval. It all has to get
20 approval from the lead detective. The lead detective
21 would not let loose of my son's files to anyone else.
22 You know, he does not want to share any information.
23 He says he knows all the answers, and, you know, I
24 don't believe that, you know, I don't think he has all
25 the answers.

1 MR. GILLIS: Maybe I could chat briefly
2 with you after this is over about your particular case
3 to see what's different about it and why they are not
4 accepting it as one of the cold case files. How long
5 ago did this occur?

6 MS. WENZE: Five years.

7 MR. GILLIS: Okay.

8 MS. ODOM: Okay. I've got -- Janice wants
9 to make a comment and then Steve.

10 MS. SAGER: One of the problems with the
11 cold case squad that we have now from my experience
12 has been that they are not going to come into a
13 jurisdiction unless they have approval of the
14 controlling jurisdiction. That's -- And I think she's
15 going to always have a problem until the state is
16 willing to step outside that gentlemen line there and
17 come in and say, "We're going to look at this case."

18 MS. ODOM: I'm going to let Steve respond.

19 MR. TWIST: Well, this is -- The comment
20 I'm about to make kind of is a take-off on that, a
21 different solution, and it addresses exactly the
22 situation that David and Meg find themselves in and
23 their family.

24 A very brief history. It was true --
25 Remember I said at the beginning of the country

1 victims were private prosecutors, they initiated
2 investigations and prosecutions, and literally the
3 whole community rose up, the hue and cry, but part of
4 that tradition still remains in some states' laws that
5 allow private citizen access to the state grand jury
6 or the local grand juries. And, for example, in West
7 Virginia, a victim of crime has as a matter of
8 constitutional law the right to present a case to a
9 grand jury whether the prosecutor does or not. And it
10 might be something to begin to think about. It's a
11 very radical idea for early 21st Century America, but
12 not so radical if you think about it in the historical
13 context of the country, that the State of Texas or any
14 state could pass a law that opened up a little bit
15 more, a little bit wider the doors of access to the
16 charging body that's the grand jury. And I can't tell
17 you how it disciplines -- in those places where this
18 law is allowed, how the knowledge that a victim could
19 go to a grand jury to ask for an investigation kind of
20 disciplines the police and the prosecution to maybe
21 pay a little more attention when they don't think they
22 have monopoly power. You know, whether you have a
23 monopoly in the government or a monopoly in the
24 private system, the thing that monopolists hate are
25 competition, and if there's this other private access,

1 it might be an interesting discussion to begin to
2 have, and I throw that out.

3 MS. CLEMENTS: Oh, I'm sorry, Janice. Go
4 ahead. Yeah. That's exactly what we did in 1991 when
5 my son was shot and killed, went to the grand jury
6 because we wanted to have a state law that said gun
7 owners are responsible for their weapons, and they
8 said, "Oh, you know, we don't need that. We can
9 already do that under the negligent homicide statute."
10 So I went to the grand jury and presented the
11 information, and he was not indicted, but that, of
12 course, motivated the entire process. So, yeah.

13 And right now we're working on a case
14 of -- it's a nanny cam, and the nanny's obviously seen
15 slinging this baby and throwing it around, and the
16 prosecutor just, you know, turned their back on it,
17 and, you know, we're putting it together right now to
18 take it to the grand jury as citizens because we can
19 and because we need to. But that's not what I was
20 going to say, and I can't remember what it was.

21 MR. TWIST: The laws vary state to state,
22 so it's...

23 MS. CLEMENTS: But we do have that here,
24 but people don't know about it, and so unless you
25 happen to know, and I certainly didn't know, but I was

1 contacted by a defense attorney who had seen about
2 Zachary's death on TV and what we were trying to do,
3 and his wife called me actually and said, "This is
4 what you can do." And I can't remember what I
5 actually wanted to say.

6 MS. ODOM: But you'll get another chance.
7 And you know what? You have to pretend like there's
8 chocolate on this so you want to keep it up here.
9 So you just think chocolate. Okay. Janice.

10 MS. SAGER: Part of the language about the
11 grand jury states that any credible person can present
12 to the grand jury and part of the grand jury's duty is
13 to inquire into or investigate any charges subject to
14 indictment, and there's an attorney up in Fort Worth,
15 Roy Platell (phonetic), that is very, very versed in
16 citizen-initiated grand jury review. I can get you
17 his number and everything if you want that.

18 MS. ODOM: Thank you. Thank you. And I
19 just wanted to make sure David and Meg if you -- I've
20 got two mikes, so...

21 MR. DALITION: Sharon expressed a lot of
22 the same sentiments I have earlier, so I won't repeat
23 those except maybe briefly. But I think Sharon said
24 that she didn't have a good relationship with law
25 enforcement, and that's probably for the same reasons

1 that we ended up not having a very good relationship
2 with law enforcement. It's not because that's what we
3 wanted; it's because of complete inaction on their
4 part.

5 And what she said was interesting because
6 I think, Sharon, I don't want to misquote you, but you
7 said something to the effect that one of the
8 investigators told you that he didn't think he would
9 be able to get to the bottom of it or solve it. And
10 I'd written down earlier when we first started that's
11 exactly the homicide -- the lead homicide detective
12 for the City of Fresno told me verbatim, "These cases
13 are just so difficult. I just don't see how we can
14 get to the bottom of this. I'm just not hopeful that
15 we can have any resolution here." And resting upon
16 that, basically said, "Well, we've done everything we
17 can unless there's new evidence," so the case has
18 just, you know, languished. And it's a real awakening
19 to see that this can actually happen and does happen.
20 He said there's all these unresolved cases out there.
21 It's easy to see why.

22 MR. GILLIS: One of the things that
23 organizations like POMC and other organizations that
24 work with homicide survivors, one of the things that
25 they do or can do is encourage people to keep pushing

1 forward in those type of cases, and, you know, we've
2 heard of case after case where they've been told by
3 law enforcement or some other agency that it doesn't
4 look like it's a solvable case, but the next of kin or
5 the victim doesn't give up. And I think that's one of
6 the things that POMC and other organizations can do is
7 to continue to give support and advice and a shoulder
8 to cry on and all of those things that are needed by
9 those victims who are frustrated by the system. And I
10 know that was one of the roles that I fell into as a
11 law enforcement person when I started -- first started
12 attending POMC meetings. You know, I ended up being
13 everybody's investigator, and it was kind of a -- it
14 was a catharsis, and it was good for me because it
15 kept me from thinking about the things that had
16 happened to me, and it was good for my wife because I
17 think it kept her from having to listen to what was
18 going on with others, so we were kind of involved in
19 helping other people solve their cases. But do
20 continue to lend support to each other. It's very
21 important. And hopefully eventually you'll get some
22 resolution.

23 MS. ODOM: Hands, hands, hands. Okay. I
24 tell you what. Brenda, you haven't had much of a
25 chance. Here you go.

1 MS. O'QUIN: I wanted to mention also that
2 POMC does have what they call a second opinion
3 service. I don't know if you've used that or not or
4 had any success with it. But you can send -- And
5 this, again, means that the detective is going to have
6 to release some information because that information
7 can be sent to -- We have an ME in San Diego who does
8 an excellent job on autopsies. We have a lot of
9 trouble with autopsies that are done incorrectly, and
10 by the time they get to court, you know, there's no
11 way to prosecute it. There's an F.B.I. profiler.
12 There's several people who volunteer their time just
13 to look at cases. They will not go to court, but
14 they'll share the information with the people locally.
15 Hopefully they'll take it forward. But we've had some
16 cases that have been very successful. So, you know,
17 it's an option.

18 MR. DALITION: Actually, Mr. Gillis brings
19 up a good point. POMC has been really extremely
20 helpful, especially Steve Twist, in helping us to move
21 forward. And at the conference my parents met Richard
22 Walters, who's a crime assessment expert, who -- I
23 called him after my parents came back from the
24 conference. He said -- We talked for about five
25 minutes. He said, you know, "I think this really

1 needs" -- He said, "I'm already picking up, you know,
2 subtype information here, you know, for pre-crime
3 crime and post-crime traits." He said, "I would be
4 willing to come out and meet with you all in Fresno
5 because I think this warrants a face-to-face meeting
6 where I can actually get into this case." And,
7 actually, he just did this two weekends ago. He came
8 out and spent four days at -- And his rate is \$2500 a
9 day, and he said, "No, I'm not going to charge for
10 this case." And he came out, and all through POMC and
11 with Steve's help, and just was really incredible. We
12 had a whole slew of people that came in and talked to
13 him who had information about the case, and he, you
14 know, provided great feedback, assessed the crime, and
15 said, "I'm going to write a report, and I'll help see
16 this through to law enforcement as much as need -- you
17 know, as much as I need to be involved."

18 So an invaluable resource, all of you here
19 today. You know, just the information you've given,
20 POMC, all the members of POMC. Janice -- Janice
21 handed this to me just a minute ago at the last break,
22 and said, "Read this." This captures basically I
23 think what she's experienced previously, too. And
24 then she walked out. And Meg and I read it, and it
25 was poignant. It was right on point. And what she

1 gave us and she had handwritten it out was just a note
2 that said -- It was a definition. It says,
3 "Capricious disregard. The willful and deliberate
4 disregard of relevant evidence and credible testimony
5 that a person of normal intelligence could not have
6 ignored to reach a conclusion." But, once again, it's
7 just another something that helps us to -- You know,
8 you have all these emotions and feelings, and you try
9 to make sense of them, and you hear what Sharon had to
10 say, and, you know, Janice gives us that, and, you
11 know, it just helps you to articulate what you're
12 experiencing, and which leads me to one other thing,
13 and then I'll stop talking so much.

14 But I think you said that the lead
15 detective in your case didn't want to give up the
16 file, which is -- You know, it's amazing because we
17 have sort of encountered the same thing. They don't
18 want to give up the file, but they don't want to
19 investigate it either. So how do you reconcile those
20 two positions? I don't think they're reconcilable.

21 MS. WENZE: Well, my comment is --

22 MS. ODOM: Hold it right up, Sharon. Hold
23 it right up.

24 MS. WENZE: You know, the case is an
25 unsolved case, and they keep telling me, you know,

1 there's no information out there, they're waiting to
2 receive a tip or some information, so they're just
3 sitting at their desk with my son's file in a drawer
4 somewhere waiting on someone to call them and say,
5 "John Doe is in jail, and he said James Smith did
6 this." They're just waiting on a call. Well, I've
7 given them information just recently that -- some
8 information that came to me on my son's murder. This
9 is not the first time this has happened. And I
10 investigated it myself first because I knew where I
11 was going to -- where it was going to lead to giving
12 it to the detective. A month later, I gave it to him,
13 haven't heard anything back from him, you know, to say
14 it didn't -- you know, it didn't lead out to anything
15 or -- You know, I just -- I don't hear anything, no
16 communication whatsoever.

17 MS. ODOM: Thank you, Sharon. One of the
18 things that -- I'll do my mike collection. I'm on the
19 brown mike. Here we go. Okay. We are -- We have
20 about 40 minutes left, and what I'd like to do in that
21 40 minutes, is there anyone who feels like there are
22 any topics that we have not addressed that you'd like
23 to see addressed, any other things -- Let me see by a
24 show of hands anyone else who still has something to
25 say. Great. Okay. Very good. I'm going to start

1 with you, Wendy.

2 MS. ALBRIGHT: Inez, I don't know if
3 anybody has spoken about jury selection standards. In
4 our case, the murder of our son, we spent, as well as
5 the district attorney's office, spent a lot of time,
6 money, and energy on the case. At the time of the
7 trial, they selected a jury of supposed "our peers".
8 They were not our peers. In fact, they did not --
9 They completely disregarded the entire medical
10 evidence. The fact that our case was built on a lot
11 of medical evidence, as it seems like a lot of cases
12 are now, we're wanting to know what ideas or options
13 can be out there for jury selection such as maybe a
14 pool of jurors for some of these types of cases, maybe
15 higher pay for jurors so we have -- you know, I don't
16 know, but that's something. Maybe a county jury pool.
17 So this is something that I wanted to bring up that
18 I'd like to see maybe at a national level.

19 MS. ODOM: Tony, and then it's Janice and
20 Ric.

21 MR. CHAVEZ: I appreciated the expressions
22 that have been made, and during our situation, we had
23 the police department basically make expressions very
24 similar initially to what were made here in the
25 beginning, and I stopped them and I interrupted them,

1 and I said, "I'm a professional in my end of the
2 business. You're a professional in your end of the
3 business. I don't know what works best in your
4 environment just as you don't know what works best in
5 my environment. So you tell me what has helped you
6 get evidence, get information to resolve a crime like
7 ours." Mind you, when they located my son's car, it
8 was abandoned in a location, it was stripped, and the
9 two suspects or the two murderers had absolutely wiped
10 everything off of that vehicle inside and out. They
11 had nothing to go on at that particular point.

12 So they basically informed me that there
13 was two options that they had open. One was to
14 restrain the information from the public and the news
15 media, who was already present within 30 to 40
16 minutes, or to try to exploit the media or request
17 that they put as much information as possible
18 immediately and perhaps someone's conscience could be
19 pricked at a later date who may have heard someone
20 else perhaps brag about what had just been committed,
21 this crime, maybe talk about it. So my comment to
22 them was, "Well, you tell me what has worked best in
23 your experience." So their expression to me was
24 utilizing the media, radio, TV, photos, et cetera. So
25 we immediately went to my son's apartment. There was

1 already another unit there that was investigating his
2 apartment, trying to dust for information,
3 fingerprints, et cetera, located a picture of my son.
4 By that afternoon, that picture was on every TV
5 station, and it was already announced in one of the
6 large -- in WOAI Radio, and it was all over the place.
7 And at that point he was considered a missing person.
8 We got the full support of the San Antonio Police
9 Department immediately.

10 So in working together, we were able to
11 put it out. The next day or during that same period
12 of time, I had been in contact, interviewed, discussed
13 the issues also with the chief homicide investigator
14 by the name of Butch Machetka (phonetic), who he and I
15 immediately developed a very good rapport, so he gave
16 me his pager, his home number, his cell number, his
17 home number, his direct line to the office, and we
18 kind of committed to one another that anything that
19 would develop we would inform each other.

20 Lo and behold, that very next day while my
21 wife and I were in the hospital with my son after they
22 had discovered his location, he would page me with
23 updates. By the next day, about two o'clock in the
24 morning he paged me and said, "We've got some leads."
25 No one else knew about it but myself and he. And he

1 said, "We're in the process of getting some
2 subpoenas." About six o'clock in the morning he
3 called me again. He said, "We have some subpoenas
4 signed." By nine o'clock that morning he said, "We're
5 at the location of these two homes, and we're going to
6 bust in and pick up these two individuals." By that
7 Sunday morning, they had two confessions.

8 Shortly thereafter I visited with the
9 prosecutor after these confessions had been obtained.
10 The prosecutor asked me, "I understand you're with
11 Parents of Murdered Children." And I said, "Yes." I
12 said, "I have been invited to one of their meetings
13 immediately, and we will be attending, and we'll wait
14 and see what they have to provide for us, what
15 direction." His comment to me was, "Well, be careful
16 because I just want to forewarn you that they don't
17 have a very good relationship with the San Antonio
18 Police Department and the D.A.'s office." He said,
19 "They're a rather abrasive group, and just be careful
20 as to how you work with those particular special
21 interest groups, so to speak." I said, "Thank you for
22 your information." Lo and behold, since that time, it
23 is true that as far as the SAPD was concerned and as
24 far as the D.A.'s office was concerned under the
25 direction of those two bodies, the relationships were

1 very strained for whatever reasons. Since that time
2 we've been able to have wonderful relationships now,
3 basically an open door relationship. I am the liaison
4 basically for the POMC and San Antonio Police
5 Department Homicide Division and some of the judges
6 and also some of the investigators at the D.A.'s
7 office, so we've opened up a lot of doors of
8 opportunities.

9 But in San Antonio, the environment
10 between POMC, MADD, has improved so much for the
11 positive that even in Crime Stoppers they continuously
12 bring out new evidence.

13 As far as the cold case, the San Antonio
14 Police Department last year developed a cold case
15 division. As a result of that, one of our close
16 friends, who lost their sister about 15 years ago,
17 there was some expression that was made by some person
18 who may have gotten mad with someone else, made a
19 comment about a murder that had taken place 15 years
20 ago, and it so happens that it's our -- one of our
21 friend's sisters. So they've opened up that case
22 again and going through DNA training.

23 And we're able to visit with the D.A.'s
24 office and we're able to visit with the Homicide
25 Division basically on an open door policy, but only

1 because the doors of communication and the
2 applications of being able to be open-minded, not
3 being critical, but trying to work together jointly in
4 trying to get information obtained and secured has
5 proven very positive.

6 The final thought was basically that
7 sometimes I guess we feel, and these are some of the
8 expresses that I've heard, that our case is the most
9 important one, and it's true. Our case is the most
10 important one. And, unfortunately, I just feel like
11 sometimes we just have to work together as we're doing
12 here today to find out if there's avenues in which we
13 can continue to stick together and move forward and
14 try to get some of these cases pulled together, and I
15 appreciate very much this invitation to be here and be
16 a guest for the Justice Department. I appreciate that
17 very much and so does my wife to have this opportunity
18 to be here. So we thank you.

19 MS. ODOM: Diane, stand up. Take it away.

20 MS. CLEMENTS: Civil lawsuits against
21 defendants, wrongful deaths. I would encourage
22 victims' families to file those. The chance of
23 collecting, the likelihood is almost nil, but you
24 never know. They might be a death row inmate or a
25 popular serial killer who sells their paintings, and

1 then their money goes into their trust account.

2 But past that, we have had recently here
3 in the Harris County two wrongful death suits that the
4 prosecutor asked the family to drop those lawsuits
5 because they said it wouldn't look good in front of
6 the jury, that it would be considered to be for money
7 only. So I don't know how we get past that kind of
8 thinking, but I would encourage all families to do
9 that, and we need to educate prosecutors about not
10 asking those types of things to victims' families.
11 And they did withdraw the lawsuits.

12 MS. ODOM: I still see you. But first we
13 have Janice and then we have Ric.

14 MS. LORD: I'm glad Wendy brought up jury
15 selection because this might be something that we
16 could all work on together. A while back it was
17 changed in Texas that jury pools not be drawn from
18 voter registrations but from vehicle registrations.
19 Now, voters tend to be a little smarter than everybody
20 who drives a car, and a number of prosecutors have
21 told me that they've been really frustrated with
22 juries who just don't seem to be keeping up with the
23 evidence. And I was -- In sitting in on Wendy and
24 Keith's baby's trial -- They're telling you the truth.
25 The medical evidence to anybody with a brain half

1 there was so, so clear, and yet these guys just didn't
2 get it. So maybe we need to work together again on
3 the legislation about jury pool selection and get that
4 back. I know the reason they did it. They wanted a
5 larger pool. You know, more people drive cars than
6 vote, so that gives you a lot more people. But
7 prosecutors are saying it truly has affected the
8 quality of juries, and maybe this is a very good group
9 to work together to try to get that changed back.

10 MS. ODOM: Okay. Ric and then Madonna.

11 MR. NESBIT: Janice said what I was going
12 to say about --

13 MS. ODOM: Did you need Ric to stand up?

14 MR. NESBIT: Jury selection. The pool for
15 juries is not just voters. It's people who register
16 to vote. I wish all those that registered would go
17 vote. But maybe if we went back to that it would
18 encourage citizens who want to be a part of the
19 process to register to vote so we'd have more voters.
20 That would be a good thing.

21 The wrongful death thing, one of the
22 reasons why that is a conflict in the trials is
23 because the trials are taking so long and wrongful
24 death has a statute of limitations of two years. So
25 if they do away with the statute of limitations, then

1 the wrongful death suit could come after the trial is
2 over and it's a nonissue.

3 MS. ODOM: Madonna. It's all about you.

4 MS. PITRUCHA: Okay. The Houston Chapter
5 of Parents of Murdered Children, unlike the San
6 Antonio, I guess, we've always had a real good rapport
7 with the police department and sheriff's department.
8 In fact, Johnny Klevenhagen, the sheriff we used to
9 have, he brought us cookies and coffee out when we
10 protested his jail. I mean, that's the kind of
11 rapport we had with him. And the captain of the
12 homicide division, HPD, comes to their meeting all the
13 time, every month. And Houston has always had a real
14 good rapport, you know, as far as POMC goes.

15 And as far as the jury deal, I said when
16 they done the drivers license that was a mistake.
17 When Diane Marino and I was at the grand jury, her and
18 I was on it, we went outside on one of my smoke
19 breaks, and the jury pool was coming through, and I
20 said, "Oh, my God! I sure wouldn't want to be
21 committed of a crime." They got this bunch coming
22 through there. This gal had spiked hair, dog collar
23 on, and her hair tips was purple, and I said, "Oh, my
24 God! You mean somebody's life is in her hands!" So
25 when you go to the drivers license and the auto

1 registration, hey, we've got millions of people out
2 there driving that's not even responsible to have
3 insurance, so I'm not sure I want them on a jury
4 either. So I'd go back to the voter registration
5 because if you're responsible enough to vote you're
6 going to be responsible enough to know something.

7 MS. O'QUIN: I just have a question. Did
8 we talk very much, or did I miss it earlier about the
9 media? Because that is definitely an issue. I know
10 when the death notification was made to -- We had
11 police officers at the door. Behind the officers
12 making the notification were the news vans. And, you
13 know, to try to cope with that at the time you have to
14 cope with everything else is quite impossible. You
15 don't know what your rights are. You don't know what
16 to do. And it just makes a difference if we have
17 some -- even if it's a brochure that tells us what
18 that is or a phone number to call. We would call
19 Janice and say, "What do we do now?" or something.
20 But I think that needs to be addressed because it's a
21 revictimization certainly.

22 MS. ODOM: Brenda, don't you think,
23 though, that the take-home message somewhat is what
24 Tony was saying in terms of you want to find out
25 hopefully from the, quote, unquote, "law enforcement

1 professionals" what's been the best methodology
2 previously for dealing with the media in this kind of
3 situation? I mean, where you at least want to be
4 given some guidance. Because we've really had it
5 absolutely split right down the middle vis-a-vis the
6 media as we've gone around the country and talked with
7 people. There are those who have said they've been
8 able to exploit the media to get, you know, great
9 coverage and what they needed and others who have
10 said, you know, it was beyond a revictimization.

11 MS. O'QUIN: Well, and I will say this.
12 We've been able to work with our local media, and I
13 don't think the local media sometimes is as much of a
14 problem as if it goes into a national situation where
15 you have national media coming in and, you know, you
16 have people who really don't care that much about the
17 community or what they say because they don't live
18 there, and at least the local reporters do live in the
19 same city, and usually I think that comes into play.
20 I think it depends on when it is. If it's in the very
21 beginning, then they just need to be sensitive and not
22 come in at that point.

23 We've done some training for some of the
24 newspapers, and that's been very helpful. Actually
25 prior to -- I don't know if you all are familiar with

1 the Wedgewood Church shooting in Fort Worth where
2 seven young people were killed. About three months
3 before that, we did a training with the "Fort Worth
4 Star Telegram" where we had about 70 reporters, and
5 the reporters -- we had a survivor, a victim survivor
6 at each table with reporters so that they had to meet
7 us and see us later. We were more than a story. And
8 everyone took an issue and discussed it, and there's
9 some things that we're not going to be able to agree
10 on. You know, that's just the way it is. But we
11 certainly understand. And we understood more where
12 they were coming from, and they understood, you know,
13 our feelings and our needs at certain times. But I
14 did get a call after the shooting, and it was very
15 well done as far as the reporting. They were very
16 sensitive. We saw one picture that was a little
17 disturbing, it was the mother at the funeral, and I
18 noticed that they put at the bottom "used with
19 permission". So if the family wants it used, fine,
20 but at least ask them. They've been better about
21 including a photograph of the victim anytime they have
22 a photograph of the perpetrator. So sometimes it's
23 little things to them if they are aware of it. But we
24 did get a call, and they said that a lot of the
25 reporting that they did was the result of that

1 workshop because the gentleman who called said that he
2 would hear the reporters in the newsroom saying, "Oh,
3 well, remember what so and so said. We shouldn't do
4 that" or whatever. So it made a difference to them to
5 hear it from a survivor who had already had to go
6 through it.

7 MS. ODOM: Thank you, Brenda. Andy,
8 please.

9 MR. KAHAN: On the issue of statute of
10 limitations on civil suits, California currently has
11 legislation that would extend that to ten years as
12 well, and one of the reasons that they enacted such
13 legislation is what happened in that state in February
14 involving Frank Sinatra, Jr., who was a kidnap victim
15 in the '60's, and Columbia Pictures offered the two
16 kidnapers, who were convicted and are currently
17 completing their sentence, a quarter of a million
18 dollars for the rights to their story. And Sinatra,
19 Jr., sued citing the California Son of Sam law.
20 California State Supreme Court ruled in favor of
21 Columbia Pictures and two kidnapers, thus allowing
22 them to profit off of what they did to Sinatra.

23 Two years ago in the State of Washington a
24 teacher by the name of Mary Kay Letourneau, who had
25 several children by a preteen pupil and for all

1 intents and purposes is a convicted child molester
2 serving a seven year prison term, the Washington State
3 Supreme Court ruled that this convicted child molester
4 could profit from selling her rights to books, movies,
5 and interviews.

6 This is an ongoing issue, and it's
7 happening right now, and it's happening on a more and
8 more frequent basis. So the Son of Sam laws that
9 people believed that --they are under delusion that
10 protects people and protects -- and does not allow
11 convicted criminals to profit, it is being challenged
12 and it is being challenged successfully, and that's
13 something to consider.

14 Another thing that I would like to say to
15 this group, and I'd certainly like to thank John and
16 OVC for having this forum, I think this is absolutely
17 fantastic, and I wish that we as a body of the people
18 of Texas would do this also on a frequent basis. We
19 have legislative sessions starting in January. Diane
20 and her group, Justice for All, are a frequent
21 lobbyist up there on behalf of issues. They could use
22 your help. There's power in people and power in
23 numbers. I can't tell you how many times that we went
24 up for bills last session when there was just a few of
25 us. The more people we can get to support issues, to

1 enhance public safety and to enhance crime victims'
2 issues would benefit everybody. And I think, Diane,
3 and I'll be presumptuous, if you think it's wrong, if
4 we can get people to give Diane your names, your
5 numbers, your e-mails, and we'll get you contacted
6 when bills come up that we feel that you could assist
7 us on and help us. I think it would certainly help
8 everybody. So I would certainly encourage people to
9 do that. And, again, that session begins in January.

10 MS. ODOM: Thank you, Andy. Okay. John,
11 I am working my way over to you. You and your little
12 tootsies. Now, you haven't said a word. You want to
13 say anything? You're all right? All right.

14 MR. GILLIS: Thanks. I was just going to
15 follow up on what Andy said. Since all of you are
16 from Texas and you have a mutual interest in what's
17 going on, it would be a terrible shame if you wasted
18 this opportunity to not kind of get in touch with each
19 other and be able to discuss things across state and
20 pay attention to legislation and things that are of
21 mutual interest, and that's about the most I can say
22 without lobbying.

23 MS. ODOM: And I don't work for OVC,
24 uh-oh, or DOJ. All right.

25 MS. MARIN-EASON: I'd like to say that we

1 have some more cards, whoever wants to leave your
2 names with Diane Clements. We have some more. Pass
3 them on.

4 MS. HARDIN: As you all know, Texas is
5 going to be the first state that ever releases a
6 serial killer, and that's Carl Eugene Watts, and I
7 printed this off the Internet last night. POMC is
8 behind petitions. We're sending these to Governor
9 Rick Perry. Some of you all take them, get them
10 filled out, send them in, we'd appreciate it. We
11 don't want a serial killer walking the streets.

12 MS. ODOM: Thank you. Thank you both.

13 MS. MARIN-EASON: And I have a little
14 booklet and a little gift for all of you if you'd like
15 to come by where I'm at.

16 MS. ODOM: Okay. You know what! If you
17 don't have enough -- Okay. All right. We are going
18 to be concluding the meeting, but what I always like
19 to do at the very end is just make sure. Is there
20 anyone who feels like they had something that they
21 wanted to say that they came and they didn't get a
22 chance to be heard or anything that's really pressing
23 that they didn't just get a chance, particularly those
24 who didn't get a chance to talk a great deal?
25 Anything else that you'd like to add? Everyone

1 feeling like we've done it? Okay. All right. Well,
2 then take a deep breath. Okay. What we have done at
3 the end of all of the roundtables is that we've formed
4 a circle, so I'm going to ask if everyone would stand
5 up, and we will form a circle and hold hands and talk
6 a little bit.

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25