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## **Attorneys for Terry Edwards Move Dallas County to Withdraw Thursday Execution Date**

### ***In an unprecedented step, the Dallas County D.A.'s Office Conviction Integrity Unit Abruptly Shuts Down Communications with Mr. Edwards's Attorneys***

(Dallas, Texas) Attorneys for Terry Edwards today filed an emergency motion to withdraw or modify his January 26, 2017 execution date with the 195<sup>th</sup> Judicial District Court. Mr. Edwards's Motion outlines his claims that his 2003 conviction and death sentence was achieved after all African Americans were struck from the jury, the Dallas D.A.'s Office illegally withheld forensic tests and witness statements, and the prosecutor, Thomas D'Amore, and Vickie Hall, the forensics technician, presented false gunshot residue testimony, even though the State's own testing was negative for gunshot residue.

The Dallas County District Attorney's Office abruptly shut Mr. Edwards's access to the office's own Conviction Integrity Unit (CIU). Attorneys for Mr. Edwards have been informed that the Conviction Integrity Unit is not accessible to Mr. Edwards or his defense team. Barring defense team access to the CIU when there are grave concerns about the integrity of the conviction is unprecedented.

The motion can be viewed here:

<https://static1.squarespace.com/static/55bd511ce4b0830374d25948/t/58879327d482e9c841527688/1485280042644/20170414+Emergency+Motion+to+Withdraw+or+Modify+Execution+Date.pdf>

"Why is the District Attorney's Office afraid of involving its Conviction Integrity Unit? The abrupt change of course to exclude CIU's vital role is astounding and suspicious given that the prosecutor in this case was directly responsible for at least three other wrongful convictions that led to the exoneration and release of the defendant in each case," said Jennifer Merrigan, Mr. Edwards's attorney and a principal at the [Phillips Black Project](#).

The prosecutorial misconduct is especially concerning because Mr. D'Amore and Ms. Hall teamed up in earlier murder trial in 1995 to provide very similar invalid gunshot residue testimony. The defendant in that case, Richard Miles, was exonerated and freed in 2012.

Mr. Miles, the Founder and President/CEO of Miles of Freedom, said, "I was 19 years old when I was arrested for murder. I'm 41 now. I have never shot a gun a day in my life. But that didn't matter. All the jury needed to hear was 'His hands came back dirty.' The prosecutor, Thomas D'Amore, and the forensic technician, Vicki Hall, put on false gunshot residue testimony. Now it looks like this same prosecutor and this

same forensic technician are saying the same thing about Terry Edwards. It looks like the same set up.”

### **Case Background**

Terry Edwards was convicted and sentenced to death for the murder of two former co-workers at a Balch Springs, Texas Subway sandwich franchise on July 8, 2002. His older cousin and co-defendant, Kirk Edwards, pled guilty to robbing the Subway shop in exchange for a 25-year sentence with parole eligibility. Kirk Edwards, to whom the evidence points as the shooter, could be released any day or, at the latest, in 2027.

Terry Edwards had no history of violence and had never been accused of a violent crime before the tragic events of July 8, 2002. Kirk Edwards, on the other hand, had a long criminal history, including violence and a pattern of assaultive and manipulative behavior. Kirk’s own family has placed the blame squarely on his shoulders.

Mr. Edwards’s new attorneys have unearthed repeated instances of misconduct by the lead prosecutor in Mr. Edwards’s 2003 trial. That prosecutor, Thomas D’Amore, is directly responsible for at least three wrongful prosecutions that were later overturned, in a District Attorney’s Office where a staggering 54 exonerations have emerged in recent years.

The prosecutor tried Mr. Edwards as the shooter despite the State’s evidence indicating Mr. Edwards did not use the murder weapon. The State conducted gunshot residue testing of Mr. Edwards within minutes of the shootings and the results were negative.

At Mr. Edwards’s trial, his defense called only one witness, a trace evidence examiner at the Dallas County crime lab. On cross-examination, the prosecutor elicited false and misleading testimony that he then used against Mr. Edwards. Mr. Edwards’s current lawyers have filed a statement from a gunshot residue expert with over 20 years of FBI experience that contradicts the trial expert, finding that her testimony on cross was “scientifically unsupportable.” Also, the D.A. suppressed evidence of additional testing by this witness that further supports the conclusion that Mr. Edwards did not fire the weapon. Finally, in a 1995 wrongful conviction, the prosecutor in Mr. Edwards’s case examined this very same forensics analyst at trial and elicited strikingly similar untruthful testimony that the analyst later admitted was not supported by science.

After trial, Mr. Edwards’s appellate attorneys continued to fail him. His state court lawyer in 2009 submitted a cut-and-pasted brief lifted from other cases, with a mere 10 original sentences in the entire 60-page document. Mr. Edwards’s initial federal attorney took a new job in the middle of his representation and disengaged from the case without notifying the court, leaving Mr. Edwards without an attorney to represent him.

Mr. Edwards has raised additional claims for reopening his case. Among them, Mr. Edwards's current attorneys have discovered that the prosecutors, enabled by the capitulation of Mr. Edwards's trial attorneys, removed all eligible African Americans from the jury pool of 3,000 citizens and seated an all-white jury to decide the fate of an African American man charged with murdering two white people. The D.A.'s Office recently turned over the prosecutor's jury list, which shows the letter "B" handwritten and circled next to the names of certain prospective jurors. In light of the troubled history of this D.A.'s Office, there is concern that these markings suggest racial indications. Mr. Edwards's jury was empaneled months after the first of two U.S. Supreme Court cases (*Miller-El*) addressing the entrenched practice in the Dallas County D.A.'s Office of removing African American jurors.

The CIU initially agreed to postpone Mr. Edwards's execution date from October 19. Shutting the CIU out of the discourse at this critical juncture raises a real risk of wrongful execution. John Mills, another Phillips Black attorney for Mr. Edwards, remarked, "The Dallas County District Attorney's Office has established an honorable record of concern for the integrity of its convictions; this action raises concern that the current D.A.'s office does not share those concerns."

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The Phillips Black Project is a nonprofit, public interest law practice dedicated to providing the highest quality of legal representation to prisoners in the United States sentenced to the severest penalties under law. Phillips Black further contributes to the rule of law by consulting with capital counsel, conducting death penalty clinical training, and developing research on the administration of criminal justice. For more information, please visit <http://www.phillipsblack.org/>.