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NO, ROSEMARY LEHMBERG. SEEKING DEATH IS NOT THE RIGHT THING TO DO.
 CATHY HENDERSON GRANTED NEW TRIAL (ON DEATH ROW FROM TRAVIS COUNTY)



Kenneth Boyd Jr, Innocent Texan Wrongfully Convicted of Three Murders Exonerated and Soon Heading Home a Free Man

BY TEXAS MORATORIUM NETWORK ON
 NOVEMBER 22, 2012 · [ADD COMMENT](#) · [IN UNCATEGORIZED](#)

Texas Moratorium Network (TMN) is a non-profit organization with the primary goal of mobilizing statewide support for a moratorium on executions in Texas. Significant death penalty reform in Texas, including a moratorium on executions, is a viable goal if the public is educated on the death penalty system and is encouraged to contact their elected representatives to urge passage of moratorium legislation.

We hope that you will **join us in this fight for fairness and social justice.** Please join our email list and become one of the more than 20,000 people receiving information through our network.





Here is a Thanksgiving story to make your day.

Kenneth Boyd Jr of Center Texas learned before Thanksgiving that he finally has something to be thankful for after 15 years in prison for three murders he did not commit. He will likely be released Monday. He was found guilty of capital murder and sentenced to life in prison despite the fact that there was no physical evidence linking him or any of his co-defendants to the murders.

In June, Shelby County 273rd District Court Judge Charles Mitchell found that former Shelby County District Attorney Karren Price had suppressed evidence. Boyd’s mother suffered a heart attack Thursday, said Boyd’s lawyer [Gena Bunn](#). His mother is in stable condition in a Tyler hospital.

From the CCA ruling: “in light of the newly discovered and newly available evidence presented by Applicant and its probable impact on the State’s case as a whole, the trial court concludes that Applicant has proven by clear and convincing evidence that no reasonable juror would have voted to convict him.”



- Boyd was convicted in 1999 of the April
- 1997, murders of Keith Moore, 25,
- Christy Calhoun, 13, and Brian Keith
- Brooks, 26.

- Bunn said none of the weapons linked to
- Boyd matched evidence found at the
- scene; none of the fingerprints recovered
- at the crime scene matched Boyd; a
- search of his car did not reveal any
- evidence tying him to the crime; there
- was no eyewitness testimony identifying
- him as the shooter; and Boyd passed a
- polygraph exam conducted after he
- became a suspect in the case.

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- The state’s case in 1999 consisted
- “essentially of a pair of jailhouse snitches
- who testified that Boyd confessed to
- them,” Bunn said. Both of those people
- have since recanted their testimony, she
- said. A few other witnesses — “many, if
- not all of whom, were high on crack
- cocaine or other substances” — also
- testified they saw Boyd about two and a
- half miles from the crime scene on the
- night of the murders, she added.

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- Bunn was appointed to the case two
- years ago.

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- involved in the case, it was striking and
- troubling to me what a grave injustice
- this was,” Bunn said.

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- Court Judge Charles Mitchell found that
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- Karren Price had suppressed evidence.

- She said other suppressed evidence
- included letters sent from witnesses to
- Price contradicting their trial testimony,
- offense reports indicating a different
- person was responsible for the murders,
- and information that another witness
- had failed a polygraph exam regarding
- his involvement in the murders and was
- then offered a deal with the state for his
- testimony against Boyd.

- “He also found that Price had knowingly
- presented false testimony against Boyd,”
- she said.
- The Texas Court of Criminal Appeals
- ruled on Wednesday that Boyd should be
- released back to Shelby County.

- “The opinion that came out last week
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- Bunn said. “Even though justice was
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- said. “She insisted that Kenny get a
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- Bunn said when Boyd, who is now in his
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- “He said, ‘I just don’t know what to say,’”
- Bunn said.
- Florence was cooperative and expedited
- the release process, Bunn said.
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- “He has shown a lot of class in the way
- he handled the case until now,” she said.
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- Bunn said she hopes the community will
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- “I think for somebody who’s been in
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ANOTHER TEXAN SET FOR EXONERATION

LONGVIEW, Texas — •DMN• — After more than 15 years behind bars, an East Texas man is set to be released from prison following the Texas Court of Criminal Appeals ruling that he was wrongfully convicted of a triple homicide in Shelby County. Gena Bunn, an attorney with the Holmes and Moore law firm of Longview, represented Kenneth Boyd Jr., of Center in his appeal, overturning a life sentence that was handed to him in 1999. He spent two years before then, after being charged in the 1997 homicides. “He was found guilty of capital murder and sentenced to life in prison despite the fact that there was no physical evidence linking him or any of his co-defendants to the murders,” Bunn said.

Shelby County District Attorney Ken Florence agreed to allow Boyd out of jail on a personal recognizance bond. He was expected to be released late Monday afternoon. Florence reopened the investigation after Bunn filed the appeal in April. Bunn said it is possible the case against Boyd could be dropped completely. Boyd was convicted in 1999 of the April 1997, murders of Keith Moore, 25, Christy Calhoun, 13, and Brian Keith Brooks, 26. Bunn said none of the weapons linked to Boyd matched evidence found at the scene; none of the fingerprints recovered at the crime scene matched Boyd; a search of his car did not reveal any evidence tying him to the crime; there was no eyewitness testimony identifying him as the shooter; and Boyd passed a polygraph exam conducted after he became a suspect in the case.

The state’s case in 1999 consisted “essentially of a pair of jailhouse snitches who testified that Boyd confessed to them,” Bunn said. Both of those people have since recanted their testimony, she said. A few other witnesses — “many, if not all of whom, were high on crack cocaine or other substances” — also testified they saw Boyd about two and a half miles from the crime scene on the night of the murders, she added. Bunn was appointed to the case two years ago. “Seeing it and getting more and more involved in the case, it was striking and troubling to me what a grave injustice this was,” Bunn said. In June, Shelby County 273rd District Court Judge Charles Mitchell found that former Shelby County District Attorney Karren Price had suppressed evidence. She said other suppressed evidence included letters sent from witnesses to Price contradicting their trial testimony, offense reports indicating a different person was responsible for the murders, and information that another witness had failed a polygraph exam regarding his involvement in the murders and was then offered a deal with the state for his testimony against Boyd. “He also found that Price had knowingly presented false testimony against Boyd,” she said.

The Texas Court of Criminal Appeals ruled on Wednesday that Boyd should be released back to Shelby County. “The opinion that came out last week gave me a better view of the system,” Bunn said. “Even though justice was delayed, he is getting released now. Better late than never.” Boyd’s mother suffered a heart attack Thursday, Bunn said. She is in stable condition in a Tyler hospital. “I worked very hard on this case for the last couple of years but that woman has really stayed on it throughout,” Bunn said. “She insisted that Kenny get a lawyer to handle the appeal, and she made sure he did get a lawyer. If it hadn’t been for her, these injustices still might not have come to light.” Bunn said when Boyd, who is now in his late 30s, heard the news, he was almost speechless. “He said, ‘I just don’t know what to say,’” Bunn said.

Florence was cooperative and expedited the release process, Bunn said. "He has shown a lot of class in the way he handled the case until now," she said. Bunn said she hopes the community will be supportive and help Boyd transition smoothly from prison back into society. "I think for somebody who's been in prison for 15 years for a crime that I believe he did not commit, then to come out into free world, he's going to have a lot of challenges," Bunn said. "I hope the community can help him."

http://www.news-journal.com/news/local/east-texan-set-for-exoneration-in-wrongful-homicide-conviction/article_95411331-33e0-59f5-bef7-8295ccd7f1ae.html

East Texan set for exoneration in wrongful homicide conviction

By Christina Lane clane@news-journal.com | Posted: Tuesday, November 20, 2012 4:00 am

After more than 15 years behind bars, an East Texas man is set to be released from prison following the Texas Court of Criminal Appeals ruling that he was wrongfully convicted of a triple homicide in Shelby County.

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Appeals court orders convicted Shelby Co. murderer's release

Posted: Nov 17, 2012 12:14 AM
 Updated: Nov 17, 2012 12:14 AM
 By Jeff Awtrey - email

LUFKIN, TX (KTRE) - After more than 15 years behind bars for a crime that a convicted murderer claims he did not commit, the Texas Court of Criminal Appeals has ordered he be released from state prison.

According to Gena Bunn, the attorney for Kenneth Boyd Jr., Boyd could be released as soon as Monday.

In the court's opinion, they ruled Boyd be released to the Shelby County Sheriff. Bunn said it is her understanding that District Judge Charles Mitchell has signed a PR bond, which will allow Boyd to return home, pending any further prosecution.

"Basically, it's like he's in the indictment stage and waiting for trial again," Bunn said.

However, as District Attorney Kenneth Florence has re-opened the murder investigation, it is possible the case against Boyd could be dropped.

Bunn filed a Writ of Habeus Corpus in June, a document asking for freedom due to injustices. Mitchell signed the order, recommending the life sentence be vacated.

The order cites a pattern of prosecutorial misconduct including suppressed items of evidence and false testimony. These are some of the same issues that led to the appeals court throwing out Boyd's co-defendant, Rodney Moore's life conviction.

Boyd was whisked away in 1999 following his life sentence for capital murder.

To this day he maintains his innocence, along with three co-defendants.

Witnesses say he was in Jacksonville, not Center, When Brian Brooks, Percy Moore and a sleeping 13-year-old Christy Calhoun were gunned down in 1997.

He even passed a polygraph.

But recommendation for relief extends way beyond that.

Facts and conclusions of law are listed in an order signed by District Judge Charles Mitchell.

It cites the use of jailhouse snitches high on crack, lying witnesses, and suppressed evidence on the part of then-District Attorney Karren Price.

The court disagreed with Mitchell on relief based on innocence, but they did conclude the conviction was invalid based on suppressed evidence.

"Since I became involved two years ago, the more I saw what I believed to be a grave injustice," Bunn said. "This was a reaffirmation in my belief in the system. At least at this point he is going to get the relief he deserves."

Bunn said it was Boyd's mother's persistence in the case which got Boyd out of prison.

"It was really her who basically wore them out until they appointed counsel for Kenny," Bunn said.

Boyd's mother suffered a heart attack on Thursday. Bunn said she is in stable condition at a Tyler hospital.

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