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# Death Row inmates can expect long wait before execution

Robert V. Black Jr. has been on Texas Death Row for less than two weeks, but he can expect to stay in his 5-by-9-foot cell for years before, and if, he's strapped to a gurney and executed by lethal injection.



Black, convicted of hiring a gunman to assassinate his wife at the couple's rural Brazos County home, was the 298th man to receive the death penalty in Texas since the most severe form of punishment was reinstated in 1974. Robert Madden, convicted of killing an Alvin father and son near Marquez, was the 822nd man sent to death row in the state's history.

Texas has executed 10 condemned men by lethal injection since

## COURTHOUSE By David Nunnelee

1982. Two more convicted killers, Roger DeGarmo and Charles Bass, are scheduled for execution Wednesday. Each has been on death row for nearly six years.

The last man executed in Texas, Charles Rumbaugh of Potter County, spent nearly 10 years on death row. He died last Sept. 11 for the April 1975 shooting death of an Amarillo jewelry store clerk.

The last 10 men executed in Texas spent an average of 6.3 years on death row, according a Texas Department of Corrections spokesman. The shortest stay was three years, and the longest nearly 10 years.

Ronald Clark O'Bryan, convicted

of killing his son with poisoned Halloween candy, arrived on death row in July 1975, but wasn't executed until March 1984.

Excell White of Collin County has been on death row longer than any of the 225 condemned men. He arrived in August 1974 after being convicted of killing three people in a robbery in McKinney. He has not had an execution date set since 1977.

The presiding state district court judge is responsible for setting the date on which the condemned is to die. But the appeals process often renders the first date, second date, and even third date meaningless. O'Bryan, for example, had four dates with the executioner before they finally met.

Death penalty cases are automatically appealed to the Court of Criminal Appeals in Austin. From there, they usually go through the

various federal courts of appeal, including the U.S. Supreme Court. And even if the Supreme Court declines to halt an execution, the condemned man's lawyer can usually find a state or federal judge somewhere who will.

In death penalty cases, justice is not swift. Take the case of Jerry Joe Bird of Cameron County. Bird was sent to death row in September 1974 for killing a Harlingen man at his home eight months earlier.

Bird has never had an execution date set, according to the TDC.

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Robert Black's capital murder trial had a little bit of everything: bizarre testimony, death threats, tears, and competent attorneys who sparred every now and then over the letter of the law.

I must say that I was impressed by District Attorney Bill Turner. Turner, with his unassuming demeanor

and semi-baby face, doesn't seem to be the kind of person who would be capable of going for the jugular in a capital murder case. But he is, and he did.

Turner's style of prosecution is completely opposite that of McLennan County District Attorney Vic Feazell. Feazell, who prosecuted David Wayne Spence on capital murder charges here last October, is extremely animated and preaches to the jury as if the trial were taking place in a Baptist church. Turner, on the other hand, is extremely calm, almost laid back. He doesn't preach to jurors, but rather strokes their consciences.

Unlike Feazell, Turner doesn't appeal to a juror's emotions as much as he appeals to his sense of right and wrong. Both tactics can be effective, and in the Black and Spence cases, deadly.

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Federally insured flood insurance should be available to Brazos County residents sometime in May or June.

Pct. 3 Commissioner Billy Beard said the Federal Emergency Management Agency notified him last month that the county's application to join the Federal Flood Insurance Program had been accepted. Under the program, rural residents will be able to purchase relatively cheap insurance that will cover damages due to flooding from a river, stream or tributary.

Beard, the county's flood insurance administrator, said the insurance will become available through private companies once floodplain levels are documented with the FEMA.

