

Texas executes man who received grossly ineffective counsel

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TaiChin Preyor, 46, was executed by lethal injection in the Walls Unit in Huntsville, Texas on Thursday evening. The execution, scheduled for 6 p.m., was delayed by about three hours while the US Supreme Court considered a last-minute stay, which it ultimately rejected.

Preyor was convicted and sentenced to death for breaking into the San Antonio apartment of 24-year-old Jami Tackett in February 2004 and slashing her to death. Court records show that Tackett was Preyor's drug supplier. He maintained that he killed her in self-defense when Tackett and a man with her attacked him.

The Texas Department of Criminal Justice quoted Preyor's final statement: "First and foremost I'd like to say, 'Justice has never advanced by taking a life' by Coretta Scott King. Lastly, to my wife and to my kids, I love y'all forever and always. That's it."

Early Thursday afternoon the 5th US Circuit Court of Appeals rejected appeals on Preyor's behalf. The Texas Board of Pardons and Paroles did not recommend clemency for Preyor and Republican governor Greg Abbott did not grant clemency or commute his sentence to life in prison. Abbot has not stopped an execution since taking office in 2015 and has now presided over 25 state-sanctioned killings.

Preyor's attorneys argued before the federal and high court during earlier stages of his appeals and that he deserved a reprieve so his appeals could be reviewed more fairly. They argued that he was represented by a succession of inept counsel.

This counsel included a penalty-phase lawyer who failed to interview key witnesses or seek critical mental health testing; a post-conviction attorney who met him only once, on the day of his habeas evidentiary hearing; and federal habeas counsel by a disbarred lawyer and a real estate lawyer who failed to bring a significant

constitutional claim of Preyor's prior counsel's ineffectiveness.

Preyor's current attorneys argued that Michael Gross, the lawyer who represented him during his sentencing, also failed to present evidence about their client's abusive childhood, which they argued could have convinced a jury to give him life in prison instead of a death sentence.

Attorneys Cate Stetson and Hilary Sheard wrote in a filing to the Texas Court of Criminal Appeals last week, "Gross failed to hire a mitigation specialist, failed to investigate known red flags regarding Preyor's childhood, neglected to interview family members regarding Preyor's childhood and social history, and neglected to follow up on not one, but two, medical professionals' recommendations that Preyor be screened for mental illness or other executive-function issues affecting his capacity and judgment."

Gross claimed in an affidavit that he "adequately" represented Preyor and talked to family members, school officials, friends and Preyor himself and "If they had given me any such information, I would have developed that evidence and presented it as mitigation at trial."

Frustrated over her son's legal representation, Preyor's mother turned to Philip Jefferson, a disbarred California attorney who presented himself as retired, according to a recent court filing in Preyor's defense. Preyor alleges Jefferson utilized the assistance of Brandy Estelle, a California attorney specializing in probate and real estate law.

Preyor's attorneys allege that Estelle relied on Wikipedia to research Texas habeas procedures. They wrote: "The federal habeas petition filed in this court ... was so abysmal that it subsequently became an exemplar, circulated among habeas attorneys, as an

example of what not to do.”

The attorneys also allege that Estelle committed fraud against the court by requesting payment for her legal services from the appellate court, despite the fact that Preyor’s family had already paid her. A federal court dismissed these claims Monday, saying Estelle had “competently represented” Preyor.

Stetson told the press Monday evening, “Mr. Preyor experienced severe sexual and physical abuse as a child, but that compelling mitigating evidence has never been heard by any court.”

Preyor’s attorneys claimed that he suffered a “harrowing” childhood “marred by severe physical and sexual abuse,” and that he “turned to alcohol and drugs at a young age to cope with this unrelenting abuse.”

This abuse included witnessing his mother being beaten by numerous boyfriends, one of them threatening him with a knife when the young boy tried to intervene. Preyor’s attorneys say he was repeatedly sodomized by a close family member while still in elementary school. As a teenager he also broke his ankles when he jumped off a fourth floor balcony to escape his mother, who was chasing him with a knife.

All of these pleadings were rejected by Bexar County prosecutors, who requested that the execution proceed, saying that it “has been postponed for over a year in order to accommodate [Preyor] and his attorneys, but at the expense of the victims and the state’s interest in finality.”

Preyor’s execution was the fifth carried out in Texas this year, and the 16th nationwide. Texas has executed 543 of the 1,458 people put to death since the US Supreme Court reinstated the death penalty in 1976, more than any other state.



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