

September 9, 2011

Texas Board of Pardons and Paroles
8610 Shoal Creek Boulevard
Austin, Texas 78757

Dear Members of the Board of Pardons and Paroles, Governor Perry,
Attorney General Abbott & District Attorney Lykos,

In 1997, I was employed as an Assistant District Attorney for Harris County, where I sat as the second-chair prosecutor in the *State of Texas vs. Duane Buck*, a capital case. I left the Harris County District Attorney's Office in 2000. I am currently the division chief of the Special Prosecutions Unit in the Office of the Harris County Attorney.

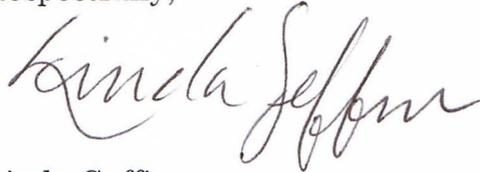
After I left the District Attorney's Office, and while Mr. Buck's case was in state post-conviction proceedings, the Office of the Attorney General recognized that the use of race as a factor in capital sentencing proceedings violates the constitution in a case styled *Saldano v. State*. Specifically, in a filing before the United States Supreme Court, Attorney General Cornyn wrote that it is inappropriate to allow race to be considered as a factor in our criminal justice system. On June 5, 2000, the United States Supreme Court agreed by granting, vacating and remanding, as requested, in his Response to the Petition for Writ of Certiorari, in the *Saldano* case. In a press release dated June 9, 2000, Attorney General Cornyn identified six other cases in which expert witness testimony used race as a factor to determine future dangerousness, including Mr. Buck's case. He is the only one of the seven who never received a new sentencing trial.

When I read about the clemency petition pending before the Board of Pardons and Paroles and Governor Perry, and about the motion in federal court recognizing that the Attorney General had previously acknowledged the improper injection of race in the sentencing hearing in Mr. Buck's case, I felt compelled to step forward. Mr. Buck committed a terrible crime, and he must be punished. But the Attorney General was right when he said that "it is inappropriate to allow race to be considered as a factor in our criminal justice system." It is regrettable that any race-based considerations were placed before Mr. Buck's jury. No individual should be executed without being afforded a fair trial, untainted by considerations of race.

I now join Phyllis Taylor, the surviving victim, in asking for the intervention of the Board of Pardons and Paroles, Governor Rick Perry,

Attorney General Greg Abbott and Harris County District Attorney Patricia Lykos. All of these parties should be motivated, as I am, to do everything within their power to ensure that our justice system is not tainted by unconstitutional considerations of race.

Respectfully,

A handwritten signature in cursive script that reads "Linda Geffin". The signature is written in black ink and is positioned above the printed name.

Linda Geffin

cc: Governor Rick Perry
c/o Office of the General Counsel
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Austin, Texas 78701

Attorney General Greg Abbott
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