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Court Withdraws Ruling in Death Penalty Case

(Houston, Tx) State District Judge Kevin Fine on Tuesday withdrew his March 4 ruling that found the Texas capital murder statute violates due process provisions of the U.S. Constitution. That ruling had effectively barred prosecutors from seeking the death penalty against John Edward Green Jr. on his capital murder charge in the robbery and killing of a Houston mother.

However, the judge Tuesday ordered both sides to submit legal briefs on the issue in about one month. An evidentiary hearing could follow, further postponing a trial that had been set to begin with jury selection on March 31.

Prosecutor Kari Allen states, "It is refreshing that a Judge was willing to rescind an order. However, it is unfortunate that we will not be able to proceed more quickly with the actual trial of the case."

Chief Appellate Prosecutor Alan Curry will be tasked with reviewing the court's ruling and drafting the State's response to the court order. Curry says, "We believe that the law in this area is well-settled, and we are confident that a review of the State's brief will clarify that the death penalty can be fairly and properly sought in the state of Texas." (END)