

JIM LEITNER
FIRST ASSISTANT



CRIMINAL JUSTICE CENTER
1201 FRANKLIN, SUITE 600
HOUSTON, TEXAS 77002-1901

**PATRICIA R. LYKOS
DISTRICT ATTORNEY
HARRIS COUNTY, TEXAS**

January 12, 2011

Public Information Office
Donna Hawkins
George Flynn
(713) 755-3320

Texas Court of Criminal Appeals Sides with DA; Orders End to Death Penalty Hearing

Houston, Tx -- The Texas Court of Criminal Appeals (TCCA) agreed with arguments by Harris County District Attorney's Office in issuing a ruling today to end a pretrial hearing on a defendant's challenges to the state's death penalty statute.

Appellate judges ruled that state District Judge Kevin Fine does not have the legal authority to continue his hearing into the constitutionality of the state's capital murder law. The appeals court ordered him to dismiss the motion that had prompted the session for defendant John Edward Green, Jr.

The 16-page TCCA ruling concurred with the concerns of District Attorney Patricia Lykos and her prosecutors. They argued that a trial court inquiry into general death penalty issues was both irrelevant and inappropriate at this preliminary stage of the case.

This ends the months-long contested debate over whether or not the death penalty statute is constitutional as applied under Texas law.

Lykos credited her exceptional appellate attorneys led by Alan Curry with their diligent work to resolve this matter and is pleased with the decision by the appellate court.

"We are gratified by the decision of the Court of Criminal Appeals of Texas. This means that the administration of justice, which was delayed by the extra-judicial proceeding in the 177th Judicial Court, can move forward.

People of good will can disagree about the death penalty and debate the issue. A court of law is not the venue for speculative oratory. Courtrooms are the place where relevant and material evidence is introduced before judges and juries who have sworn an oath to be unbiased. Verdicts are based on the law and evidence.

The Texas legislature passed our death penalty statute and attendant laws, which have been upheld by the Supreme Court of the United States. Discussions as to whether capital punishment should be retained or abolished can be conducted in many forums, including the Texas Legislature. The people through their elected representatives make the decision."

The Green case is now free to proceed with trial. The State is seeking the death penalty for the brutal 2008 robbery and murder of Tina Vo. (END)