

Austin American-Statesman

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FRIDAY, JUNE 26, 1998

Clemency recommended for Lucas

Parole board leaves Bush with tough decision

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Henry Lee Lucas, the convicted murderer who once confessed to being America's worst serial killer and then claimed it was all a lie, on Thursday won a ruling that could spare him from execution next Tuesday.

In a surprise decision, the state Board of Pardons and Paroles recommended that Lucas' execution be put off for 270 days — until after the November election

— and that his sentence be reduced to an unspecified lesser penalty.

Gov. George W. Bush now must decide whether to approve or reject the board's recommendation. Bush aides said they expect a decision within days, possibly as early as today, on the reprieve.

Lucas, 61, is scheduled to be executed Tuesday for the Halloween 1979 strangulation death of a still-unidentified woman whose body — wearing only an orange sock — was found along Interstate 35 north of Georgetown.

"This is not a decision about guilt or innocence, but whether this is the right decision in this case — and it is," said Parole Board Chairman Victor Rodriguez. "Realize that the net effect of this is that Henry Lee Lucas remains guilty, he remains no threat to the public and he remains in prison."

Thursday's decision was as historic as it was unexpected, the first time in 20 years that the parole board had

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Henry Lee Lucas

Reaction to the decision

■ **Parole Board Chairman Victor Rodriguez:** "Henry Lee Lucas remains guilty, he remains no threat to the public and he remains in prison."

■ **Williamson District Attorney Ken Anderson:** "He is a monster, who, even according to his most vocal defenders, killed his elderly mother, killed and burned up the body of 82-year-old Kate Rich and killed and chopped to pieces the body of his 15-year-old 'wife.'"

■ **Rita Radostitz, Lucas' Austin attorney, told Lucas of the decision by phone:** "He sounded a little like he didn't believe me."

Parole board recommends clemency for Lucas

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recommended a commutation without the support of law officers or prosecutors, or without court rulings overturning a guilty verdict.

Lucas had none of that, only his alibi — backed up by investigations by two Texas attorneys general — that he was working as a roofer in Jacksonville, Fla., when Orange Socks was slain. After initially confessing to the murder in 1983 he recanted, saying he was coached by law officers eager to solve dead-end cases.

“Without the attorneys general on his side, and without the questions as to his guilt, (Lucas) would have been a significantly less solid case. No doubt about that,” Rodriguez said.

Within minutes after Rodriguez announced the decision, Lucas' Austin attorney, Rita Radostitz, reached Lucas by cellular phone at the Ellis prison unit outside Huntsville.

“What do you think about that?” she asked Lucas. “What do you mean you don't know?”

After hanging up, Radostitz described Lucas as surprised and “very emotional . . . He sounded a little like he didn't believe me.” Asked whether Lucas was crying, she said, “He said he wasn't but, as



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Henry Lee Lucas' attorney, Rita Radostitz, talks with him on the phone after the parole board recommended a reprieve and reduced sentence.

I said, you can never believe anything Henry says. It sounded like crying to me.”

No matter what happens with the death sentence, Lucas is destined to remain in prison. He is serving four life terms plus 210 years for seven other Texas murders.

Radostitz said Lucas' attorneys will seek a meeting with Bush to urge him to approve the board's recommendation. State law allows Bush to accept or reject all or part

of it. Politically, Bush could face a tough decision. Should he approve the clemency and appear sympathetic to one of the state's most reviled killers? Or should he stick by his longstanding reluctance to override jury verdicts?

Bush, in Brownsville for a conference with governors of U.S. and Mexico border states, said that while Lucas “is guilty of committing a number of horrible crimes, serious concerns have been raised

about his guilt in this case.”

Williamson County prosecutors, who won the only death penalty against Lucas, called the decision disappointing and confusing.

“What threw me was the statement that he's still guilty as found, but they're going to commute his sentence,” said former Williamson County District Attorney Ed Walsh, who prosecuted Lucas in the Orange Socks case. “If you take the premise that he did kill this girl, which is what they're saying, how could you say Karla Faye Tucker should be executed and Lucas should be spared?”

Tucker, a born-again Christian who was executed earlier this year, admitted her guilt but sought clemency, saying she had turned her life around.

Ken Anderson, current district attorney in Williamson County, said the only reason the board could have had for recommending clemency is “for reasons of mercy.”

“There is no one less deserving of such than Lucas,” Anderson said. “He is a monster, who, even according to his most vocal defenders, killed his elderly mother, killed and burned up the body of 82-year-old Kate Rich and killed and chopped to piece the body of

his 15-year-old ‘wife,’ Becky Powell.”

Bob Prince, who led the Texas Rangers unit assigned to Lucas, said the decision reflects the doubt instilled by those who believe Lucas instead of the law officers who gathered his confessions.

“Because he says he didn't do it, we have a media frenzy that says he must not have,” Prince said.

San Angelo resident David Lindemann, one of the jurors who voted to send Lucas to the death chamber, said the parole board “must have had some evidence that we were not aware of.”

Jim Mattox, the former attorney general who investigated and then discredited Lucas' confessions in 1985, hailed Thursday's decision by the parole board. “Henry Lee Lucas didn't win today, our criminal justice system won,” he said.

He and Radostitz called for the Lucas-cleared murder cases to be reopened. “The victims' families deserve to seek the peace that has eluded them for so long,” Mattox said. Rodriguez said the commutation of Lucas' sentence to a life term was approved 17-1. Board member John Escobedo of Huntsville was the lone dissenter. The vote to grant Lucas a 270-day reprieve was 10-8.

Orange Socks case

■ **Oct. 31, 1979:** A farmer discovers a woman's body lying in a ditch along southbound Interstate 35 near the Walburg exit north of Georgetown. An orange sock on the right leg is the only piece of clothing on the body.

■ **June 22, 1983:** While being held on a murder charge in Montague County, Henry Lee Lucas provides a statement to the Williamson County sheriff. The statement described how Lucas picked up a young woman who was hitchhiking, had sex with her, strangled her and dumped her into the culvert.

■ **July 14, 1983** — Williamson County grand jury indicts Lucas on murder charge.

■ **April 2, 1984:** Trial starts in San Angelo, where it was moved on change of venue.

■ **April 18, 1984:** Jurors hand down death sentence.

■ **March 22, 1989, through Jan. 9, 1998:** Appeals have been reviewed by 23 judges, all of whom rejected the contention that Lucas' conviction in the ‘Orange Socks’ case should be overturned. One appeal is still pending.