

**TESTIMONY OF FORMER HARRIS COUNTY
ASSISTANT DISTRICT ATTORNEY LINDA GEFFIN**

Submitted to the Texas House of Representatives Criminal Jurisprudence
Committee
Regarding H.B. 2458: An Act Relating to Prohibiting Seeking or Imposing the
Death Penalty on the Basis of a Person's Race

April 16, 2013

I worked as an Assistant District Attorney in Harris County for ten years. As a lifelong prosecutor, I believe that the fundamental duty of the State is not to seek a conviction at all costs, but to seek justice. That is why I support the passage of House Bill 2458, the Texas Racial Justice Act, sponsored by Representative Senfronia Thompson. House Bill 2458 would prohibit the imposition of a death sentence or execution under any judgment that was sought or obtained on the basis of race. I offer my support of this legislative effort, because I believe that Texas cannot, and should not, allow considerations of race to taint the criminal justice process, particularly where the ultimate punishment is at stake.

In 1997, a jury in Harris County, Texas, sentenced Duane Buck to death. I know because I was one of the prosecutors. The jury was told that Mr. Buck was more likely to pose a future danger to society because he is African American. This inappropriate and offensive reliance on race was so improper that in 2000, the Texas Attorney General said that all seven defendants who had racially inappropriate evidence presented against them were entitled to new, fair, and color-blind sentencing hearings. And this offensive testimony was only the tip of the iceberg. A new study has revealed

that between 1992 and 1999, the Harris County District Attorney's Office, of which I was a part, was over three times more likely to seek the death penalty against African American defendants like Mr. Buck than against similarly-situated white defendants. This is simply unacceptable.

Individuals like Mr. Buck, who commit terrible crimes, must be punished for the irreparable harm they've caused. However, the Texas Attorney General John Cornyn was correct when he said that "it is inappropriate to allow race to be considered as a factor in our criminal justice system."

The Texas Legislature has a unique opportunity to demonstrate that the State of Texas will be guided by equality and justice – particularly when the ultimate punishment is on the line. I strongly urge the Texas Legislature to pass the Texas Racial Justice Act. It is the right thing to do.

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