

Cause Number DICI10100069

IN RE: §
§ IN THE 299TH DISTRICT COURT
§ IN AND FOR
CAMERON TODD WILLINGHAM § TRAVIS COUNTY, TEXAS

STATE'S MOTION FOR JUDGE TO DISQUALIFY OR RECUSE
THE HONORABLE CHARLIE BAIRD

TO THE HONORABLE JUDGE OF SAID COURT:

The State of Texas, by and through her Criminal District Attorney, R. Lowell Thompson, presents this Motion to Disqualify or Recuse pursuant to Rules 18a and 18b of the Texas Rules of Civil Procedure. The State seeks recusal or disqualification of the Honorable Charlie Baird from Cause Number DICI10100069, styled IN RE: CAMERON TODD WILLINHAM.

I.

This motion is presented to Judge Baird for his consideration of the two options that are prescribed by law – options that must be exercised prior to taking any further action in this case. The Texas Code of Civil Procedure 18(c) holds prior to any further proceedings in the case, the judge shall either recuse himself or request the presiding judge of the administrative judicial district to assign a judge to hear such motion. If the judge recuses himself, he shall enter an order of recusal and request the presiding judge of the administrative judicial district to assign another judge to sit, and shall make no further orders and shall take no further action in the case except for good cause stated in the order in which such action is taken.

II.

The legal framework for the motions to disqualify and recuse is set out in *Tex. R. Civ. P. 18. Rule 18a(a)* of the rules state at least ten days before the date set for trial or other hearing, a party may file with the court of the court a motion stating the grounds why the judge before

Filed in The District Court
of Travis County, Texas

OCT 04 2010

At 4:58 PM
Amalia Rodriguez-Mendoza, Clerk

whom the case is pending should not sit in the case. This motion is filed two days before the hearing, however movant feels per Texas Law it is appropriate. *Tex. R. Civ. P. 18a(e)* states If within ten days of the date of trial or other hearing a judge is assigned to a case, the motion shall be filed at the earliest practicable time prior to the commencement of the trial or other hearing. In the instant case the Motion for Examining Trial was filed on the 24th of September, 2010, and filed on the parties that afternoon. This is twelve days prior to the hearing, however, the State, Navarro County, was not invited to participate or even given notice of the hearing until the afternoon of September 29th, 2010, only six days prior to the hearing. In *In re Ceole N. Stearman*, 252 S.W. 3rd 113, (Tex.App. Waco 2008), stated in its footnote four even though Ceole's recusal motion was procedurally defective because it was filed less than ten days before his rescheduled hearing. The Waco Court held that the ten day requirement is not absolute and does not contemplate the situation in which a party becomes aware of a basis for recusal less than ten days before the trial or hearing is set. The Court further held it is not for the trial court to decide whether an otherwise proper recusal motion is groundless, filed in bad faith, or filed for some other improper purpose. *Id* at 117. Further, in the *Martin v. State of Texas*, 876 S.W. 2d 396, (Tex.App. Fort Worth 2007) that Court held that a movant finding out a motion to recuse is appropriate after within the ten day notice does not waive the right to a recusal motion and it may be filed. Finally in *Metzger v. Sebek*, 892 S.W.2d 20, 49 (Tex.App. Houston – {1st Dist.}, 1994) that Court held that even though Brandt's motion was technically untimely under the Rule 18(a) because it was not filed at least ten days before the hearing on the defendant's motions for sanctions. However, Brandt did not even get ten days notice of the hearing. Therefore the State files the motion in the instant case within the ten days of hearing, however, the State was only given six days notice of the hearing scheduled for October 6th and 7th, 2010. (SEE ATTACHED 1)

III.

Judge Charlie Baird should be disqualified or recuse himself because pursuant to Texas Rules of Civil Procedure 18b(2)(d) which states a judge shall recuse himself of any proceeding in which: he participated as counsel, adviser or material witness in the controversy, or expressed an opinion concerning the merits of it, while acting as an attorney in the government's service. While acting in the government's service, Judge Baird as a Justice for the Court of Criminal

Appeals issued a written concurring opinion upholding Cameron Todd Willingham's guilt. Further he was still on the Court of Criminal Appeals when the first Willingham's first Habeas relief was denied. Therefore pursuant to Texas Rules of Civil Procedure 18b(2)(d) Judge Baird shall recuse himself because acting as an attorney on the Court of Criminal Appeals, employed by the government, he issued an opinion concerning the merits of the case, that Willingham's guilt should be upheld, facts in issue in the Court of Inquiry, if a crime has been committed and that Mr. Willingham might possibly be innocent and the issuance of an order aiding in the restoration of Willingham's reputation.

Further, Judge Charlie Baird should recuse himself pursuant to Texas rules of Civil Procedure 18b(2)(a) which state's a judge should recuse himself in any proceeding in which his impartiality might reasonably be questioned. In determining whether a judge's impartiality might be reasonably questioned as to require recusal, the proper inquiry is whether a reasonable member of the member of the public at large, knowing all the facts in the public domain concerning the judge and the case, would have a reasonable doubt that the judge is actually impartial. Following an article in the *Austin-American Statesman* on Monday, September 27th, 2010, "Judge Baird to hold hearing in case of executed man." (SEE ATTACHED 1) In the article Judge Baird stated through an e-mail referred to in the article that he is issuing bench warrants in regards to a hearing. This fact could call into question Judge Baird's impartiality in the Judge is holding an evidentiary hearing after he stated he thinks a Court of Inquiry is appropriate. This does not follow the law as stated in Articles 52.01(b)(2) and 52.02 and 52.03 governing who may hold evidentiary hearings and how and who has subpoena power in an "actual" Court of Inquiry. The afternoon this article was published, the public forum which is for the general public's response to articles, garnered responses such as, "The problem with this "inquiry" occurring in Baird's courtroom is the outcome will have no more merit than the Forensic Science Report. I'd like to know the unbiased truth, but it's not going to occur in this courtroom. Despite his few supported showing up on this blog, it is well known among everyone working in the local criminal justice system not employed as a defense attorney that Baird dispenses his version of justice based on his own beliefs." "I also find it disturbing that in the last three months of his office Baird intends to rush through an "inquiry" into a matter that's how many years old? That itself is telling about where this is going." This quote from the comments following the article about this case shows there is a perception of impropriety, as well as Judge

Baird's impartiality in regards to this specific case has been called into question. Therefore Judge Baird should recuse himself or be removed.

Further, the proper procedures for a court of inquiry are set out in Article 52 of the Texas Code of Criminal Procedure. The Texas rule of law contemplates a multi-step process. This multi-step process incorporates checks and balances to prevent abuses of the court of inquiry process by an individual judge. There is a first step that must occur before any "hearing" on a court of inquiry takes place.

A district judge who, acting in capacity as a magistrate, decides to initiate the court of inquiry process may do so when the judge "has probable cause to believe that an offense has been committed against the laws of this state." Texas Code of Criminal Procedure art. 52.01(a). However, the rule of law requires more than the abstract state of mind of an individual judge to start the court of inquiry process. Any judge who wishes to initiate the court of inquiry process is required to enter into the minutes of the court and file with the district clerk a sworn affidavit "stating the substantial facts establishing probable cause that a specific offense has been committed against the laws of the state." *Id.* (emphasis added).

The second step – also carefully set out as the rule of Texas law – likewise involves an important check on the unfettered discretion of any one district judge to invoke the court of inquiry process. Once the sworn affidavit is properly executed and filed, the district judge who files the sworn affidavit does not himself convene the court of inquiry. Instead, the district judge makes a request to the presiding administrative judge of the judicial district to "appoint a district judge to commence a Court of Inquiry." Texas Code of Criminal Procedures Art 52.01(a) (emphasis added). To reinforce this check and balance against the ability of a single district judge to abuse the court of inquiry process, the statute carefully provides as follows:

"The presiding judge shall not name the judge who requests the Court of Inquiry to preside over the Court of Inquiry." *Id.* (emphasis added).

III.

These first two steps must occur before any hearing is conducted on a court of inquiry. Furthermore, Article 52.01(a) of the Texas Code of Criminal Procedure clearly states that the

judge appointed by the administrative judge, is the judge with the authority to summon and examine any witness in relation to the offense in accordance with the rules hereinafter provided, which procedure is defined as a "Court of Inquiry." *Id.* Any efforts to short-circuit the process – for example, by a judge seeking to summon or examine witnesses thereby initiating the court of inquiry process and then conducting the hearing himself, or by a judge who not only conducts such a hearing but who also issues unlawful subpoenas and/or bench warrants to compel witness appearances at that hearing – would defy the rule of law. In his request for bench warrant, Attorney Gerald Goldstein states Johnny Webb is a necessary and material witness for the Court of Inquiry. Judge Charlie Baird has not followed the requirements of Article 52 of the Code of Criminal Procedure. Judge Baird has issued a bench warrant for a witness, whose testimony, the requesting attorney claims is material to the "Court of Inquiry." Johnny Webb was a witness in the case titled *The State of Texas v. Cameron Todd Willingham*. The magistrate's duties in regards to a Court of Inquiry, is to file a probable cause affidavit that the laws of this State have been violated. Allegations of Official Oppression, an offense for which all statutes of limitation have run, were made in movant's Petition. Mr. Webb would not have any knowledge of official oppression regarding Cameron Todd Willingham, and if he does it would be for the judge appointed to hold the Court of Inquiry to determine. Therefore, the result is a testimonial hearing under Article 52 without first submitting the required probable cause affidavit to the presiding administrative judge. In addition, Judge Baird is not allowed to conduct a court of inquiry as the Code of Criminal Procedure clearly states the administrative judge shall appoint a separate judge to preside over the court of inquiry and Article 52.02 of the Code of Criminal Procedure states it is this judge who has the ability to hear testimony orally, by deposition or by affidavit. At this point, Article 52.03 of the Code of Criminal Procedure gives this judge or his or her clerk the power of subpoena. The appearance of impropriety and or the general public could reasonably be questioned in that Judge Baird, knowing the law stated in his letter inviting participation that he had already read the motions and find the warrant a hearing (SEE ATTACHED 2). Judge Baird's impartiality could be called into question in that he already feels the facts warrant a hearing, however, for a reason the general public could speculate about, he is attempting, contrary to statute, to have the evidentiary hearing in front of his court, as mentioned in an article from the *Fort Worth Star Telegram* on Monday, September 27th, 2010, "Judge orders court of inquiry into Willingham's conviction, execution," written by Dave Montgomery the

Judge, in an telephone interview, stated "I have decided the petition warrants a hearing," The article (SEE ATTACHED 3) goes on to say the Judge he made the decision after reviewing the petition until midnight. By his words the Judge states that after he reviewed the petition he feels there needs to be a hearing. This calls into play Article 52 of the Code of Criminal Procedure which specifically states Judge Baird should not be the Judge to hold the hearing Tex. Code of Criminal Procedure Article 52.01(b)(2). In the above mentioned article Judge Baird states to the *Fort Worth Star Telegram*, "Obviously the most troubling aspect of this—and it just dwarfs everything else—is whether or not to believe that an innocent person has been executed by the State of Texas." While it is an important issue, Judge Baird's impartiality could be called into question due to the fact he is attempting to have the evidentiary hearing contrary to the laws of the State of Texas, his statements to the press along with the fact that Judge Baird was only this year the recipient of the "Courage Award" from the Texas Coalition to Abolish the Death Penalty. According to their website at TCADP.org (SEE ATTACHED 4) more than 120 anti-death penalty advocates from across the Texas gathered on February 20th, 2010 in Dallas for the 12th Annual Conference of the Texas Coalition to Abolish the Death Penalty. The event was entitled, "Seizing the Momentum – Building Capacity, Community, and Coalition. The web-site further states TCADP will present its annual awards to those who have made outstanding contributions to the abolition movement. The site goes further to state Judge Charlie Baird, who is retiring this year from the 299th District Court in Travis County and who served on the Court of Criminal Appeals from 1990 through 1998, will receive a Courage Award in recognition of his constant and courageous voice of opposition to the death penalty. This award was publicized in the *Gilmer Mirror*. The *Gilmer Mirror* article from February 25th, 2010 states Judge Baird's brother and his wife attended the luncheon at which the award was presented. Also at this same meeting the TCADP presented its Media Award to David Grann of the New Yorker for his in depth investigation of Cameron Todd Willingham case and his article "Trial by Fire: Did Texas Execute an Innocent Mann?(September 7th 2009.) (SEE ATTACHED 5) Given all the above facts, along with the fact that Judge Baird is receiving awards for his constant and courageous voice against the death penalty along with others receiving awards for their dealing with the Willingham case, it is clear Judge Baird's impartiality might reasonably be questioned therefore he should recuse himself or be disqualified.

IV.

WHEREFORE PREMESIS CONSIDERED, the State prays that the Judge recuse himself or immediately request the Presiding Judge of his administrative district to assign another judge to hear this motion, and that upon such hearing the Judge of the 299th District Court be disqualified from presiding in this case.



R. Lowell Thompson

Navarro County Criminal

District Attorney

300 West 3rd Ave., Suite 203

Corsicana, Texas 75110

State Bar Number 24004951

(903) 654-3045

(903)872-6858 (FAX)

VERIFICATION

STATE OF TEXAS

COUNTY OF NAVARRO

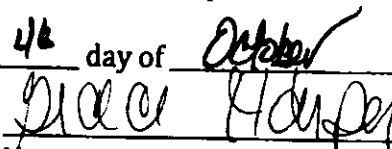
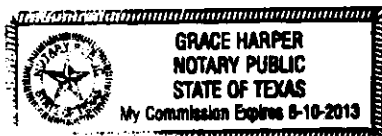
BEFORE ME, the undersigned authority, personally appeared, R. Lowell Thompson, a person known unto me, and who, upon his oath, did state and depose the following:

My name is R. Lowell Thompson and I am the Criminal District Attorney of Navarro County, Texas. I hereby swear and verify that the facts contained in this motion to recuse are true and correct based on factual information and/or personal knowledge.



R. Lowell Thompson


SWORN TO AND SUBSCRIBED before me on the 4th day of October, 2010



Notary Public, State of Texas

Certificate of Service

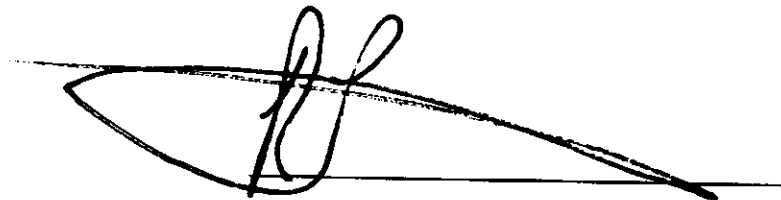
I do hereby certify that a true and correct copy of the above and foregoing State's Motion to Recuse was deliver via facsimile to Gerald Goldstein at (210) 226-8367 and Barry Scheck at (212) 364-5341, Attorney for the petitioners, this is the 4th day of October, 2010.

A handwritten signature in black ink, appearing to be 'R. Lowell Thompson', written over a horizontal line.

R. Lowell Thompson

PRESENTMENT OF STATE'S MOTION TO JUDGE BAIRD

I hereby intend to present State's Motion to Recuse to the Honorable Judge Baird three days after filing said motion pursuant to Rule 18a(B) of the Texas Rules of Civil Procedure.

A handwritten signature in black ink, appearing to be 'R. Lowell Thompson', written over a horizontal line.

R. Lowell Thompson

Cause Number DICI10100069

	§	
IN RE:	§	IN THE 299 TH DISTRICT COURT
	§	IN AND FOR
CAMERON TODD WILLINGHAM	§	TRAVIS COUNTY, TEXAS

ORDER

The Court has considered the State's Motion to Recuse and the Honorable Charlie Baird, Presiding Judge of the 299th District Court, recuses himself from Cause Number DICI10100069

Signed this _____ day of _____, 2010.

JUDGE PRESIDING

Cause Number DICI10100069

IN RE: §
§ IN THE 299TH DISTRICT COURT
§ IN AND FOR
CAMERON TODD WILLINGHAM § TRAVIS COUNTY, TEXAS

ORDER OF REFERRAL

The Court has considered the State's Motion to Recuse and the Honorable Charlie Baird, Presiding Judge of the 299th Judicial District, refers Cause Number DICI10100069 to the Chief administrative judge for the 299th Judicial District.

Signed this _____ day of _____, 2010

JUDGE PRESIDING

- ▶ Alberto Garcia death penalty case
- ▶ Appellate Courts
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- ▶ Assault cases
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- ▶ Colton Pitonyak
- ▶ Colton Pitonyak/Laura fall
- ▶ Court technology
- ▶ Courthouse happenings
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- ▶ Paul Devoe case

Lawyers for Willingham's family served their 62-page suit along with the hundreds of copies of exhibits on officials at Gov. Rick Perry's office, the state fire marshal's office, the Navarro County district attorney's office and the office of the state prosecuting attorney, which represents the state in cases at the Court of Criminal Appeals.

**299TH DISTRICT COURT****CHARLIE BAIRD****Judge**

(512) 854-9442

BLANCA VERASTEGUI

Court Coordinator

(512) 854-9442

ART GUERERRO

Bailliff

(512) 854-9355

TRAVIS COUNTY COURTHOUSE

P. O. BOX 1748

AUSTIN, TEXAS 78767

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Court Clerk

(512) 854-9420

MARTI RUBY

Official Court Reporter

(512) 854-9353

September 27, 2010

District Attorney's Office
Navarro County District Attorney's Office
R. Lowell Thompson
300 W. 3rd Avenue, Suite 203
Corsicana, TX 75110

IN RE: Cause No. D-1-DC-10-100069; In re Cameron Todd Willingham.

Dear Mr. Thompson:

On Friday, September 24, 2010, the surviving relatives of Cameron Todd Willingham filed a Petition to Convene a Court of Inquiry and for a Declaration to Remedy Injury of Mr. Willingham's Reputation Under the Texas Constitution. The certificate of service indicates that you were served with a copy of the Petition on that date.

I have reviewed the Petition and believe a hearing is warranted. That hearing will be held in the 299th District Court on Wednesday and Thursday, October 6 and 7, 2010, beginning at 1:30 p.m.

This letter is to inform you of the hearing and to invite you to attend and participate if you would like to offer evidence on, for or against the allegations in the Petition.

This letter is not a court order but simply a notification of the hearing date(s) and time, and an invitation for you to participate if you wish. Please notify my court coordinator, Blanca Verastegui, if you will attend so arrangements may be made to accommodate you.

RECEIVED

SEP 29 2010

DISTRICT ATTORNEY'S
OFFICE

Sincerely,

A handwritten signature in cursive script, appearing to read "Charles F. Baird".

CHARLES F. BAIRD

A handwritten number "2" enclosed within a circle.

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Judge orders court of inquiry into Willingham's conviction, execution

ARTICLE

By DAVE MONTGOMERY

dmontgomery@star-telegram.com

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News tip? Tell us

AUSTIN — A Travis County judge today ordered a court of inquiry to determine if Cameron Todd Willingham was wrongfully convicted and executed in the deaths of his three daughters, who perished in a Corsicana house fire in 1991.

Judge Charlie Baird, who also conducted a court of inquiry that led to the exoneration of wrongfully convicted inmate Tim Cole of Fort Worth, told the *Star-Telegram* that he has decided to move forward with the court of inquiry into the Willingham case after reviewing a petition filed Friday by lawyers representing Willingham's relatives.

"I have decided that the petition warrants a hearing," Baird said in a telephone interview. The inquiry will be held in his courtroom on Oct. 6-7, but Baird said it could be extended if necessary.

Willingham was found guilty of deliberately setting the fire that killed his daughters — 2-year-old Amber and 1-year-old twins Karmon and Kameron. The unemployed Corsicana mechanic went to his death in 2004 insisting that he was innocent.

The case became the center of national attention after several fire experts concluded that the arson investigation against Willingham was flawed and based on outmoded techniques. It has also been the focus of a controversial review by the Texas Forensic Science Commission, which opened an inquiry into the arson investigation in 2006.

Baird said he made his decision early this morning after staying up until midnight Sunday reviewing the 55-page petition.

"Obviously the most troubling aspect of this — and it just dwarfs everything else — is whether or not to believe that an innocent person has been executed by the State of Texas," he said.

The inquiry could lead to Willingham's posthumous exoneration if the findings warranted, said Baird. He said he has no preconceived view on Willingham's guilt or innocence but felt that questions raised by Willingham's case justified further examination.

"I agree with them that they're entitled to a hearing but I wouldn't say at any level that he's innocent," Baird said. "A lot of this stuff has either been done piecemeal or in secret and this will bring it all to light."

Baird said he has ordered a subpoena to demand the appearance of the jail trusty who testified that Willingham admitted the crime while he was in jail awaiting trial. He also sent invitations to Gov. Rick Perry's chief counsel, the Texas Fire Marshal, the Navarro County district attorney and the state prosecuting attorney, but said their appearance wasn't necessary.

Perry has defended the execution, describing Willingham as a "monster" whose appeals were repeatedly rejected by state and federal courts. Willingham supporters have accused Perry of interfering with the commission's inquiry by ordering a shakeup of the membership during a crucial phase of the inquiry, but the governor has dismissed those assertions.

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Baird said he could make a ruling within two weeks after the court of inquiry concludes its review.

Dave Montgomery is chief of the Star-Telegram's Austin bureau, 512-476-4294



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Texas Coalition to Abolish the Death Penalty

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Abolitionists Gather in Dallas for Annual Conference

UNCATEGORIZED

FOR IMMEDIATE RELEASE

Thursday, February 18, 2010

CONTACT: Kristin Houle, TCADP Executive Director

512.441.1308 (office) 512.751.7009 (cell), khoule@tcadp.org

Judge, priest, journalist and others to be recognized

(Austin, Texas) — More than 120 anti-death penalty advocates from across Texas will gather this Saturday, February 20, 2010 in Dallas for the 12th annual conference of the Texas Coalition to Abolish the Death Penalty (TCADP). This event, "Seizing the Momentum – Building Capacity, Community, and Coalition," is cosponsored by the Southern Methodist University Human Rights Education Program. It includes a panel discussion featuring Richard Dieter, Executive Director of the Death Penalty Information Center, murder victim's family member Gail Linda White, and Baylor University Law School Professor Mark Osler. Michael Landauer, assistant editor for the Dallas Morning News Editorial Page, will moderate the discussion on "Forming the Message for Diverse Constituencies."

During the conference, TCADP will present its annual awards to those who have made outstanding contributions to the abolition movement. Judge Charles Dahl, who is retiring this year from the 29th District Court in Travis County and who served on the Texas Court of Criminal Appeals from 1994 through 1999, will receive a Courage Award in recognition of his constant and courageous voice of opposition to the death penalty. Also receiving a

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Courage Award is Father Mark Miller, who serves as the pastor of St. Joseph's Catholic Church in Mesquite and is the founder and leader of the recently formed TCADP Mesquite Chapter.

The organization will present a Media Award to David Grann of the New Yorker for his in-depth investigation of the Clarence Elton Willingham case and his subsequent article "That by Fire: Did Texas Execute an Innocent Man?" (September 7, 2008). Willingham was executed on February 17, 2004 for the deaths of his three young daughters. Nine fire experts who have examined the case since the time of conviction have concluded that the evidence does not support the finding of arson for which Willingham had been sentenced to death.

Ron Carlson of Houston will receive an Appreciation Award for his contributions to TCADP's Victims' Outreach Program, his involvement in the TCADP Speakers' Bureau, and his participation in the Texas 81st Legislative Session. On March 13, 2009, Ron testified in favor of House Bill 682, which called for the repeal of the death penalty in Texas. During the hearing, he shared with legislators the story of his sister's murder and his process of forgiving her killer, Karla Faye Tucker. The Academy of Oriental Medicine in Austin, which has provided TCADP with meeting and training facilities for more than 10 years, also will receive an Appreciation Award.

The theme of this year's annual conference reflects the tremendous shift that has occurred both nationally and here in Texas in the last few years—a shift toward abolition of the death penalty," said Kristin Houle, TCADP Executive Director. "In this time of economic uncertainty, we urge our elected officials to divert our state's valuable resources to programs that truly prevent crime and provide meaningful victims' services, rather than perpetuate the cycle of violence."

The 2010 TCADP Annual Conference will take place at Highland Park United Methodist Church in Dallas (3300 Mockingbird Lane) from 8:00 AM to 5:30 PM. All are welcome.

For more information, visit <http://www.tcadp.org>.

###

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Baird honored for his anti-death penalty work

02.25.10 - 11:16 am

Judge Charlie Baird of Austin received a Courage Award from the Texas Coalition to Abolish the Death Penalty when it met in Dallas Saturday for its 12th annual conference.

Judge Baird, Gilmer native who is the son of Mary Lee Baird and the late Jack F. Baird, is retiring this year from the 299th District Court in Travis County.

He served on the Texas Court of Criminal Appeals from 1990 through 1998. The award recognized his "constant and courageous voice of opposition to the death penalty."

The TCADP event, "Seizing the Momentum — Building Capacity, Community, and Coalition," was co-sponsored by the Southern Methodist University Human Rights Education Program. It was held at the Highland Park United Methodist Church.

It included a panel discussion featuring Richard Dieter, Executive Director of the Death Penalty Information Center; murder victim's family member Dr. Linda White; and Baylor University Law School Professor Mark Osler.

Michael Landauer, assistant editor for the Dallas Morning News Editorial Page, moderated the discussion on "Framing the Message for Diverse Constituencies."

Also receiving a Courage Award was Father Mark Miller, pastor of St. Joseph's Catholic Church in Odessa and the founder and leader of the recently-formed TCADP Odessa Chapter.

The organization presented a Media Award to David Grann of the New Yorker magazine for his in-depth investigation of the Cameron Todd Willingham case and his subsequent article, "Trial by Fire: Did Texas Execute an Innocent Man?" (Sept. 7, 2009).

Willingham was executed on Feb. 17, 2004 for the deaths of his three young daughters. Nine fire experts who have examined the case since the time of conviction have concluded that the evidence does not support the finding of arson for which Willingham had been sentenced to death.

Ron Carlson of Houston received an Appreciation Award for his contributions to TCADP's Victims' Outreach Program, his involvement in the TCADP Speakers' Bureau, and his participation in the Texas 81st Legislative Session.

On March 13, 2009, Ron testified in favor of House Bill 682, which called for the repeal of the death penalty in Texas.

During the hearing, he told legislators the story of his sister's murder and his process of forgiving her killer, Karla Faye Tucker.

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• Baird honored for his anti-death penalty work

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The Academy of Oriental Medicine in Austin, which has provided TCADP with meeting and training facilities for more than 10 years, also received an Appreciation Award.

"The theme of this year's annual conference reflects the tremendous shift that has occurred both nationally and here in Texas in the last few years — a shift toward abolition of the death penalty," said Kristin Houlé, TCADP Executive Director.

"In this time of economic uncertainty, we urge our elected officials to divert our state's valuable resources to programs that truly prevent crime and provide meaningful victims' services, rather than perpetuate the cycle of violence."

Judge Baird's brother, Jeff Baird, and his wife Lana of Gilmer attended the luncheon at which his award was presented, along with their cousin, Dr. Robert McClelland of Dallas.

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Re: Willingham/Judge Bares

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