

Lutte Pour la Justice-Languedoc-Roussillon,
Rickey Lynn LEWIS # 999097 Polunsky Unit D. R.
3872 F.M. 350 South Livingston, Texas 77351, USA



Execution scheduled : 4/9/2013

Petition

To Governor Rick Perry

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Rickey Lynn Lewis (TDCJ number: 0999097) has been convicted for the horrible death of George Newman and beating and rape of his wife, Connie Hilton.

Still there is a reasonable doubt about the culpability of Rickey Lynn Lewis. A ballistic examination established that given the angle from which the shot that killed George Newman was taken, the murderer had to be taller than Rickey-Lynn.

Considering this fact, the culpability of Rickey Lynn Lewis is uncertain. Texas wants to give its citizens a fair hearing. Nevertheless, despite human will and caution, human error may happen and cannot be excluded in this case. Adding the killing of somebody who might be innocent to the heinous crime which happened in September 1990, would be a dishonor for Texas and more widely for mankind. For this reason, thank you for considering this request for clemency.

1- The case

In September 1990, 3 or 4 people broke into the home of George Newman in Tyler, Texas. During the attack, George Newman was killed, his partner Connie Hilton raped, and the victims's car stolen. Three days later, on the strength of statements made by a drug dealer, the police arrested Rickey Lynn Lewis.

He was sentenced to death in 1994; his sentence was upheld in a new hearing in 1997

2- The inconsistencies, injustices and grey areas of the procedure

During his arrest, Rickey Lynn did not benefit from the help of a lawyer as stipulated by the law. His court appointed lawyers changed several times and being badly prepared, never defended him fully or effectively. Experts established that according to the angle from which the fatal bullet which killed George Newman was shot, the murder had to be at least 5 ft. 8 in. tall. Rickey Lynn is only 5 ft. 2 in. The details given in the course of the 1997 trial do not match Rickey in terms of height, hair style, face shape, first name, etc. The court appointed lawyers could not counter the Texas judiciary machine.

3- Actions taken

In May 2002, the French Association “Struggle for Justice” (LPJ Languedoc-Roussillon), along with the help of a group of associations and the band “Têtes Raides”, organised a week of action and discussions about the Death Penalty in Montpellier, France, culminating in a big concert featuring a dozen performers. The profits from the week financed the counter investigation carried out by Lisa Milstein into Rickey Lynn’s mental handicap.

Mike Charlton, one of Odell Barnes’s lawyers, was hired by the Association to try to save Rickey Lynn Lewis by referring to the Supreme Court decree (2002) which forbids the execution of the mentally handicapped.

His intervention resulted in obtaining a stay of execution just a few days before August 7th, 2003, the date set for his execution by lethal injection.

The Association also organises discussions throughout the year about the Death Penalty and Rickey Lynn’s case, a 43 year old, poor, black mentally handicapped man – locked on Death Row, Texas, for a crime he did not commit.

It is possible for you to help Rickey Lynn by writing to him, by buying and encouraging others to buy this book of which the profits go to improving his life in prison and to meet the costs of his defence.

4- Latest new

The file establishing his mental handicap is solid. There is no lack of evidence: the investigation undertaken by Lisa Milstein into his childhood spent in specialised institutions, the results of his IQ tests and witness reports.

Nevertheless, on February 15th, 2005, Tyler Law Court determined that Rickey Lynn Lewis is, admittedly, handicapped but not enough to merit the commutation of his sentence to life imprisonment.

The prosecution expert evaluated his IQ at 79 (as opposed to 59 by the defence expert). Nine more points than the threshold of 70 set by Court Supreme decree.

The appeal before the Court of Austin, capital of the state of Texas, prepared by our lawyer, Mike Charlton, was rejected. However, we have just learned that the Fifth Circuit Court has accepted our request (April 15th, 2005). So, all is not lost and we are preparing to continue our action.

More now than ever, Rickey Lynn Lewis needs the support of the chain of human solidarity especially because last August, he received a new execution date set for September 7th, 2005

which was immediately cancelled by a Federal Court judge. One can only imagine that political motives determined the decision taken by the local judge.

First of april 2008, three judges of the fifth Circuit's Court proposed to denied our appeal against the trial of the Tyler's Court.

John Wright pleaded 21 of May and sent this e-mail:

“Cautious optimism. The judges were listening and interested.”

And this e-mail received fifteen of august 2008 :

“We just got in a favorable opinion from the 5th Circuit.

I am hoping for a good result for Rickey. Keep the faith“.

The hot and cold winds of the perverse judicial system continue to blow!

Rickey's address

Rickey Lynn LEWIS # 999097

Polunsky Unit D. R.

3872 F.M. 350 South Livingston,

Texas 77351, USA

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

August 12, 2008

No. 07-70024

Charles R. Fulbruge III
Clerk

RICKEY LYNN LEWIS

Petitioner-Appellant

v.

NATHANIEL QUARTERMAN, DIRECTOR, TEXAS DEPARTMENT OF
CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION

Respondent-Appellee

Appeals from the United States District Court
for the Eastern District of Texas

Before BARKSDALE, GARZA, and BENAVIDES, Circuit Judges.

RHESA HAWKINS BARKSDALE, Circuit Judge:

Rickey Lynn Lewis appeals the denial, pursuant to the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA), of his successive-habeas claim, under *Atkins v. Virginia*, 536 U.S. 304 (2002) (execution of mentally-retarded defendant cruel and unusual punishment prohibited by Eighth Amendment). The issue for which the district court granted a certificate of appealability (COA) is whether, based on the evidence submitted in the state-court *Atkins* proceeding, and pursuant to our deferential review under AEDPA, the following decision by the Texas Court of Criminal Appeals (TCCA) was unreasonable: that Lewis failed to establish, by a preponderance of the evidence, that he had