

# Texas Judge Charged With Sabotaging Execution Appeal

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Convicted murderer and rapist Michael Richard was executed by lethal injection in Texas on Sept. 25, 2007.

**AUSTIN, Texas — A Texas judicial commission filed proceedings Thursday against the presiding judge of the state Court of Criminal Appeals charging her with improperly cutting off appeals for a condemned inmate the night of his execution.**

The action by the Texas Commission on Judicial Conduct against Sharon Keller, the court's presiding judge, could result in her removal from office.

Convicted killer Michael Richard was put to death the evening of Sept. 25, 2007, after Keller ordered a clerk to close the court's office promptly at 5 p.m. Lawyers for Richard had requested that the office stay open to permit a late appeal.

Keller had no comment on the commission's action, her office said Thursday when contacted by The Associated Press. She has 15 days to respond to five charges in the proceedings filed by the judicial commission.

Twenty lawyers, including a state legislator and a former appellate judge, filed one of the original complaints against Keller to the judicial commission accusing her of violating Richard's rights. They said Keller improperly cut off appeals even though the U.S. Supreme Court had earlier in the day accepted a case on the propriety of lethal injection.

The case the Supreme Court accepted had direct implications for Richard's execution, the lawyers argued.

The proceedings filed by the commission include more details on Keller's behavior the night in question from their investigation.

"I'm impressed that the people on this commission took it serious enough, they decided even if you're the presiding judge of the highest criminal court in the state that you're still subjected to justice," said Jim Harrington, director of the Texas Civil Rights Project, which filed the original complaint to the commission.

Richard, 49, was executed for the 1986 rape and fatal shooting of a mother of seven. His lawyers had called the state appeals court's clerk asking that the office stay open an extra 20 minutes so a request to delay the execution could be filed.

Seana Willing, executive director of the judicial commission, said the Texas Supreme Court will appoint a special master to hear the matter. According to commission documents, the special master is a sitting or retired district or appellate judge.

In the trial Keller has the right to counsel; to be confronted by her accusers; to introduce evidence; and to examine and cross-examine witnesses.

After the proceedings, the commission may adopt, change or reject the findings and then issue conclusions. The proceedings may end in dismissal, public censure or recommendation of removal. The decision is then sent to a review tribunal appointed by the Supreme Court of Texas. Only the review tribunal may remove the judge from the bench, and that decision could be appealed to the Texas Supreme Court.

"You've never seen this happen, but you've never seen them shut down the courthouse like she did, either," Harrington said.