

Conviction reversed in 30-year-old death row case

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HOUSTON -- A white man on Texas death row for nearly 30 years could be freed because an appeals court has ruled that prosecutors improperly excluded blacks from his jury in the belief that blacks empathize with defendants.

Jonathan Bruce Reed was convicted and condemned for the November 1978 rape-slaying of Wanda Jean Wadle at her Dallas apartment.

But now the 5th U.S. Circuit Court of Appeals has ruled Dallas County prosecutors improperly excluded black prospective jurors from Reed's trial and ordered him released unless prosecutors choose to retry him quickly.

"Although we do not relish adding a new chapter to this unfortunate story more than 30 years after the crime took place, we conclude that the Constitution affords Reed a right to relief," a three-member panel of the New Orleans-based court wrote in the ruling posted late Monday.

Jamille Bradfield, a spokeswoman for Dallas County District Attorney Craig Watkins, said it was premature to comment on whether Reed would be retried.

"We still need time to dissect the opinion," she said Tuesday.

Reed has been on death row since September 1979, making him among the longest-serving prisoners awaiting execution in Texas.

The 5th Circuit said Reed's case mirrored the capital murder case of Thomas Miller-El, on Texas death row for nearly 20 years until the Supreme Court overturned his verdict, citing racial discrimination during jury selection. Miller-El last year took a life prison sentence as part of a plea deal.

The Supreme Court cited a manual, written by a prosecutor in 1969 and used for years later, that advised Dallas prosecutors to exclude minorities from juries. Documents in Miller-El's case described how the memo advised prosecutors to avoid selecting minorities because "they almost always empathize with the accused."

"Reed presents this same historical evidence of racial bias in the Dallas County District Attorney's Office," the 5th Circuit panel said.

Reed, now 57, was identified as the man who attacked Wadle and her roommate, Kimberly Pursley, on Nov. 1, 1978. He'd apparently entered their apartment by posing as a maintenance man.

Pursley survived an attempted strangulation by feigning unconsciousness. Two other residents identified Reed as the man they saw in the apartment complex just before the time of the attack.