

Dear Reader,

This information packet is published and provided by the European Association for Human Rights in cooperation with Gerald Marshall. Gerald Marshall was convicted to death by the State of Texas in 2004. He is currently on death row in Livingston, Texas.

Our organization accepted the case of Gerald Marshall as the main project since we are convinced that he is innocent. Marshall did not receive qualified legal representation to protect his rights. This information packet will show how Gerald Marshall's rights have been violated and that he was wrongfully convicted to death. To avoid another unjust execution in Texas, we depend on donations and the help of other human rights organizations, innocence projects, attorneys and investigators. We would look forward to get your support.

Please visit our website www.human-rights-association.org to learn more about our association, to make a donation or to read more about our different types of membership.

May 2013,



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1 THE EUROPEAN ASSOCIATION FOR HUMAN RIGHTS

The **European Association for Human Rights** is a nonprofit organization that campaigns for the promotion, advancement and protection of human rights and the promotion, monitoring and support of people in emergencies at national and international level. It is registered in Germany, but aimed at members of different nations. Currently we have members from Germany, England, Switzerland, Italy, Belgium, France, Canada and the USA.

The association is aimed at people in special situations to help them overcome their social, financial, health, mental or emotional difficulties. The promotion, monitoring and support of the association can be realized on an emotional, moral, organizational and financial level. **Our charity work is focused on taking care for prisoners and their children and abolishing the death penalty.** We emphasize the protection of prisoners' rights throughout the world, including fighting against unjust convictions.

Many people on death row are dismissed in their search for help and support from the established human rights organizations. There is a lack of capacity or the project is not sufficiently effective in advertising. Our association especially wants to support people who are already looking for the help of non-profit organizations for a long time. We decided to focus on quality rather than quantity. We don't work superficial on a large number of projects, but very intensive on a few selected projects. This way it is possible to realize a project successful and to help the people in distress appropriately.

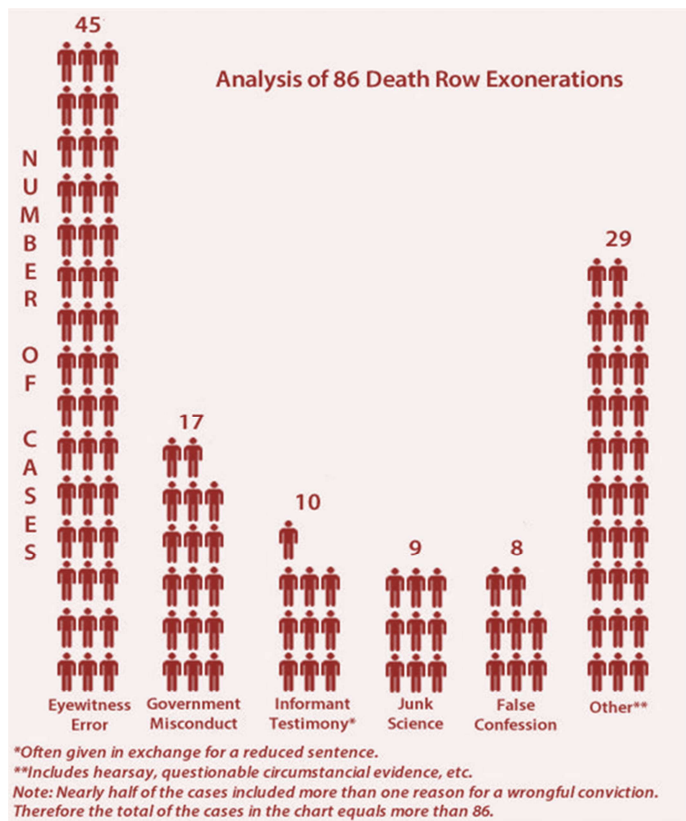
2 CAUSES OF WRONGFUL CONVICTIONS

Texas Governor Rick Perry has overseen the execution of over 240 people in Texas. During a nine year span 41 DNA exonerations have occurred, most notably 12 have been exonerated from Texas' death row. The overall statistics in America paint a dark picture that depicts innocent human beings sent to death row and executed.

In 2001, the *Center on Wrongful Convictions at Northwestern Law School* analyzed the cases of 86 death row exonerates. They found a number of reasons why innocent people are wrongly convicted in capital cases:

- eyewitness error/misidentification
- government misconduct
- informant/snitch testimony
- junk science
- false confessions
- other

We want to outline two important causes of wrongful convictions since they play a major role in Gerald Marshall's case: eyewitness misidentification and snitch testimony.



Source: Death Penalty Information Center; <http://deathpenaltyinfo.org>
2001, Center on Wrongful Convictions at Northwestern Law School

2.1 EYEWITNESS MISIDENTIFICATION

An Ohio study estimated the number of wrongful convictions to be about one in every 200. There are approximately 4500 people wrongly convicted every year due to eyewitness misidentification. Eyewitness misidentification occurs when a victim or eyewitness to a crime says they saw somebody, and then subsequently picks the person, the wrong person, out of a photo line-up or live line-up. Both types of line-ups consists potential suspects being showed to witnesses, along with several people who had nothing to do with the crime.

Numerous studies have been published about the fallibility of eyewitness identifications. Most notably a psychologist named Elizabeth Loftus pioneered the scientific study into eyewitnesses who chose the wrong person during line-ups. Her findings concluded that once an officer investigating a crime has a specific suspect in mind, he begins to give subtle hints to any witnesses who were at the crime scene, he is telling the witness who he thinks the robber, killer or rapist is.

Most times, according to Loftus' research, this process starts off with the cop who suspects a person. He interviews the witnesses and gives them subtle hints as to who they should point out, but because the witness has not seen anyone he gets no positive identification. The officer doesn't stop here; he insists and supports the witnesses' cooperation by showing photos of the potential suspect. So after showing the witnesses photos of the potential suspect, the officer takes the witness to the police station and gives them a photo line-up.

When the witnesses is showed for a second time a photo of the suspect police think is responsible for the crime, they pick out the person the officer showed them days earlier. Then they are given a live line-up, where the suspect is showed for the third time to the witness. Naturally they pick this person out of the live line-up. After these identifications the police think they have what they need to convict at trial and a trial begins. At the trial the witnesses will testify that the person they saw commit the crime is the same person on trial that day. They then give an in-court identification pointing to the defendant, in most cases this in-court identification is all juries need to send an innocent man to death row.

This is a classic case of eyewitness misidentification, it has occurred in numerous cases where the defendant has been sentenced to death, or given lengthy prison terms. Most notably is the case of Troy Davis. Davis once had several witnesses saying they saw him murder someone, only to have those witnesses say that police officers coerced their identification. Davis was still executed. Nationwide, 85 death row prisoners have been released from prison after their convictions were overturned by evidence of innocence. In that same period 610 people have been executed; thus approximately one innocent person is sentenced to death for every seven executed.

You can find further information about the fallibility of eyewitness identification on the website of the “Eyewitness Identification Research Laboratory at the University of Texas at El Paso” on <http://eyewitness.utep.edu/consult02a.html>. You will learn more about eyewitness misidentification in Gerald Marshall’s trial in 3.3.

2.2 SNITCH TESTIMONY

Next to eyewitness errors, criminal informants, or “snitches”, play a major role in the wrongful conviction phenomenon. According to the *Center on Wrongful Convictions at Northwestern Law School*, 10 percent of documented wrongful capital convictions have been traced to false informant testimony. Judge Trott of the Ninth Circuit Court commented: *“Never has it been more true than it is now that a criminal charged with a serious crime understands that a fast and easy way out of trouble with the law is not only to have the best lawyer money can buy or the court can appoint, but to cut a deal at someone else’s expense and to purchase leniency from the government by offering testimony in return for immunity or in return for reduced incarceration.”*

The *Illinois Commission on Capital Punishment*, in reviewing the states wrongfully convicted capital defendants, identified *“a number of cases where it appeared that the prosecution relied unduly on the uncorroborated testimony of a witness with something to gain. In some cases this was an accomplice, while in other cases it was an in-custody informant”*.

In Texas happened a scandal called the “sheetrock scandal”. A group of police officers and informants set up dozens of individuals with fake drugs, which were actually gypsum, the main, non-narcotic component of cocaine. The suspects were typically Mexican workers, and many pleaded guilty or were deported before the scandal was uncovered. In Los Angeles, DEA informant Essam Magid not only avoided jail for his many crimes, but earned hundreds and thousands of dollars by serving as an informant. During this time, he framed dozens of innocent people before one person he targeted finally refused to plead guilty and revealed the arrangement. The now infamous Leslie White, the prototypical jailhouse snitch, sent dozens of suspects to prison by fabricating confessions and evidence for reducing the own sentence.

Prisoners facing long periods of time in prison have been allowed to do anything to get out of their sentence by giving testimony that is false to get convictions and send people to death row. **Learn how false testimony by a snitch was used to send innocent prisoner Gerald Marshall to death row as well in 3.4.**

3 THE CASE OF GERALD MARSHALL

Gerald Edward Marshall is incarcerated on Texas' death row since 2004 (Polunsky Unit Livingston, TDCJ-ID #999489). He was born 1982 and spent his childhood and youth in Houston, mostly in foster families. His childhood was marked by the drug abuse of his parents and physical and emotional abuse, even in his foster home. A failed deal with Ronald Worthy, Kenny Calliham and Gregory Love, in which Marshall was only minimally involved, resulted in the death of Christopher Dean in May 2003.

3.1 GERALD MARSHALL'S CASE IN HIS OWN WORDS

The more our association read about Gerald Marshall's trial, the more we were convinced that he is actually innocent of murder. In many conversations and letters we learned what actually happened and that Gerald Marshall did not kill anyone and was illegally convicted to death:

"My name is Gerald Marshall and I want to explain to you how one ill-founded decision ruined my life, and landed me on death row for a crime that I did not commit and had no involvement in. About two weeks before the crime happened, I met a Whataburger manager who I previously worked for at Popeye's Chicken. This manager Gregory Love was a parental factor in my life when I was 16 years old. He is six feet six inches with a charismatic personality. When we met again we started to reminisce about old times working at Popeye's. At this time I was out of a job and living with my sister who was being evicted from the two bed room apartment she lived in. My girlfriend was pregnant with my son so we were all badly hurting for money. "



Our association learned that Love expressed discontent with his managers and upper level management and suggested he'd like to stage a fake robbery. Initially Marshall was resistant to the idea because he knew it was wrong, he had never done anything like this before. But the more Love talked about it the more Marshall came to see how they could easily get away with it, and because Marshall needed help, it sounded like a good idea so he agreed. The only reason why Gerald Marshall agreed to be a part of this was because it was an inside job that was supposed to be completely safe; a fake robbery. The staged robbery was for the benefit of the other employees, it had to be done so it looked like Love was being robbed, this way he would not go to jail. At the time Gerald Marshall did not understand that the law does not differentiate between a fake robbery and a real one. So he is guilty of participating in a robbery attempt but only that.

During the fake robbery Ronald "Bo" Worthy climbed in the drive thru window with a silver pistol. But unknown to Marshall, Love changed plans. Instead of being there, he left money on a shelf in a bank deposit bag. To keep his self out of it – as Marshall learned at trial - Love was not there when the fake robbery was supposed to happen. Also unknown to Marshall was a conscientious employee, Christopher Dean, who was mildly retarded, saw the bank bag and dropped it in the safe deposit,

which he could not retrieve or open. Gerald Marshall did not learn how this happened until the time of his trial; in fact he thought Bo Worthy somehow shot Love the night of the crime.

The two co-defendants Ronald “Bo” Worthy and Kenny Calliham, the getaway driver, were allowed to be housed together in jail, a practice that is against court/jail rules. In this cell they collaborated with a jailhouse snitch to write statements which were self-serving and false. They teamed up and decided to say Gerald Marshall did everything alone and that he was the shooter. Since it was two of them against Marshall, the prosecutors took advantage of it and prosecuted Marshall for shooting Christopher Dean, when the truth is Ronald Bo Worthy was the only person to enter the store and did the shooting.

Marshall explains: *“At my trial, Calliham, Bo Worthy’s close friend, along with a jailhouse snitch, testified that I was the shooter which resulted in my illegal conviction to death.”* Marshall agreed to participate in an inside job, a staged fake robbery, a business deal where the outcome was already assured, no one would get hurt! Marshall’s only participation was running to the back door to stop anyone from exiting the store so that the police would not be alerted. But he did not see the back door nor did he see anyone outside the store. *“I had no interaction with anyone at all! I only agreed to be handed some money that my family badly needed. I was illegally convicted on fabricated testimony of witnesses and a jailhouse snitch, and a co-defendant’s testimony which was uncorroborated as required by Texas law. I admit to you, I was no angel! But I do not deserve what is happening to me now either. I did not shoot or kill Christopher Dean; I did never enter the store! I did not threaten anyone, I did not pull a gun on anyone in that crime, I did not, nor would I today, participate in anyone’s death.”* Marshall agreed to be involved only because he was convinced by Love that it would be absolutely safe, and no one would get hurt or threatened. He only agreed to be handed some money that his family needed. *“Every day I blame myself for not going in the store. If I went into the store Christopher Dean would still be alive.”*

Ronald Bo Worthy demanded of Dean a key to open the safe and killed him for failing to produce it. But having worked in restaurants like this before Marshall knew the safe didn’t need a key. It was a combination lock, with only managers and assistant managers having codes to open it. *“I could’ve told Ronald Bo Worthy since Love was not here let’s just go home and maybe the situation would not have spiraled out of control the way it did. My conscience struggles with this every day I am here on Texas death row. If I could change everything that happened I would, if I were able to give my life to bring Christopher Dean back, I would. But I know that this is not possible, yet there is a way to bring out the truth and show Dean’s family who is really responsible for killing him. I am asking you for your help to prove I did not kill Christopher Dean so that I won’t be unjustly executed by the state of Texas; also we may bring the truth out in a second trial. I also would like to show young kids that there is no easy money and fate is a fickle character. I went into this thinking that just by watching a door for five minutes I’d get the money to help with my sisters rent and bills, put food on the table for my kids and help with bills for my son’s birth. What I got instead is a death sentence for a crime I did not commit.”*

3.2 INVOLVED PEOPLE AND MAIN WITNESSES

Gerald was illegally convicted and sentenced to death with the help of the following people:

- **Gregory Love (manager, co-defendant)**

Love was the manager who worked at Popeye’s when Gerald Marshall was 16. He suggested and agreed to stage the fake robbery and would get a cut of the money at a later date. He received a life sentence for capital murder.

- **Ronald “Bo” Worthy (shooter, co-defendant)**
 Ronald Worthy shot Christopher Dean. He and Kenny Calliham were best friends, according to the lead investigator in the case, which resulted in Calliham and Worthy saying Marshall did everything. He received a life sentence for capital murder.
- **Kenny Calliham (getaway driver, co-defendant)**
 Calliham drove the getaway car. He testified that he had no idea that a crime was going to happen, but he lied. A prisoner by the name of Dennis Meyer testified that Calliham told him he passed out guns to everyone before the fake robbery. In Calliham’s first statement he told police that Marshall had a brown gun, but when he testified against Marshall he said that Marshall had the silver gun. **In exchange for testifying against Marshall, Calliham received 10 years of probation for the lesser charge aggravated robbery.** He is now serving 45 years in prison for violating his probation.
- **Tony Ketchum (store clerk, witness)**
 Ketchum was an employee who was also at the Whataburger. He testified he was not able to see the shooter’s face when he came in, but in his statement to the police **he stated that he saw the shooter coming in the window with a silver gun in his left hand. Ronald “Bo” Worthy is left handed. Marshall is right handed;** only one person went into the store.
- **Wilbert Marsh (store clerk, eyewitness)**
 Marsh, another employee at the Whataburger restaurant, testified at Marshall’s trial as the key eyewitness. He too – with Ketchum – stated a person entered the drive thru window with a silver pistol in his left hand. He also said that the person who entered the store was the person who shot Dean. **Moreno, the officer who lead the investigations, showed Marsh a photo line-up with suspects after the crime and said that Marsh IMMEDIATELY picked out a person, and that person was NOT Gerald Marshall (see also 3.3, eyewitness misidentification in Marshall’s case).**
- **Clarence Green (jailhouse snitch)**
 Green was facing 25 years to life in prison for physically assaulting his wife and a female police officer. **Green went from facing a life in prison to a one year sentence for testifying against Marshall, saying he committed the murder secretly (see also 3.4).**
- **Dennis Meyer (prisoner housed with co-defendants)**
 Dennis Meyer, a prisoner with 25 convictions on his criminal record, was housed in jail with Calliham and Worthy. Meyer testified that he helped them prepare affidavits to lie on Marshall saying that he was the person who did everything. He also testified that he heard them plotting to write affidavits; also that Worthy said that he went into the store but didn’t want to put that into the affidavit. This would show that Worthy was the person in the store and who killed Dean; both Marsh and state prosecutors said that one person went into the store – the shooter.
 After Meyer gave this knowledge to the police in an interview, the prosecutors offered Meyer a time reduction to testify against Calliham and Worthy. From the court documents it is evident that Calliham is protecting Worthy and Worthy entered the Whataburger, as he told Meyer but didn’t want to include it into the evidence.

To prove that Marshall was the one who shot Dean, the State of Texas used the testimony of Marsh, Green and Calliham.

3.3 EYEWITNESS MISIDENTIFICATION IN GERALD MARSHALL'S CASE

Wilbert Marsh is the main reason that Gerald Marshall was convicted for shooting Dean. He testified at trial that he saw Marshall that night, and that Marshall was the person who killed Dean. According to the court transcripts, Marsh saw the shooter that night while the shooter's face was covered. The parts that were covered were the eyes and the mouth.

Two days after the crime Marsh was given a photo line-up. In the photo line-up was Gerald Marshall and several suspects. **Marsh picked out a dark skinned man, NOT Gerald Marshall. Moreno, the officer who gave Marsh the photo line-up, said that Marsh IMMEDIATELY picked out that person. He picked out a suspect named Robinson. According to officer Moreno there was a "strong resemblance" between "Bo" Robinson and "Bo" Worthy (dark skinned, tall, skinny).**

During Marshall's trial Marsh would testify that he was given a photo line-up and he picked Marshall out. He would also point at Marshall during trial saying that Marshall was the person he saw, the person who shot Dean.

But there was some compelling evidence that came out during Marshall's trial as well. Before Marshall's trial an investigator named Harry Johnson interviewed Marsh where he found out that Marsh had been given a second photo line-up, during this line up he picked Marshall out. **But before he was given the second photo line-up he was told by officer Moreno that he picked out the wrong person during the first photo line-up!**

Excerpt: Testimony of investigator Harry Johnson (A) at Gerald Marshall's trial about interviewing the eyewitness Wilbert Marsh

Q: Did he tell you that whether or not he was able or did he identify someone in that photo spread?

A: Yes sir, he identified someone in the photo spread.

Q: He told you he did?

A: Yes sir he said he picked someone out.

Q: And did he tell you that the person he identified was the person who entered the restaurant and shot the complainant in this case?

A: Well he said he picked some one out, but he was told he had picked the wrong person out.

Q: But did he tell you that the person he picked out was the person he was identifying as the person who

came in the restaurant and shot the man?

A: Yes Sir. [...] He said he could only see them from the waist down.

Q: Did he tell you why he could only see them from the waist down?

A: He was hiding, he was on the floor.

Q: But did he tell you that he could see both Dean and the man from the waist down?

A: Yes Sir. [...]

After reading this testimony it is evident that the eye witness was told to pick out Marshall during the second photo line-up, Marshall was the only person in the first photo line-up and the second line-up. He is the only person of all of his co-defendants to be put in a photo line-up.

We believe that even though Marsh picked out Marshall during the second photo identification, that he did so because officers suggested that Marshall was the person they wanted him to pick out. This is blatant eye witness misidentification, and the number one reason why Gerald Marshall is currently on death row.

The day after the offense, the police received a crime stopper's tip that two persons nicknamed *Bo* and *Tank* were involved in the crime and that *Bo* was the shooter. Marshall's nickname is *Tank*. Worthy was known as *Bo*. But Worthy's photo was never presented in a photo line-up.

3.4 SNITCH TESTIMONY IN GERALD MARSHALL'S CASE

Clarence Green is what you call a habitual criminal. A habitual criminal is a person who has been to prison three times or more, and because he has such an extensive criminal record if he is arrested for another major crime he is automatically faced with a 20 year to life in prison term.

Green was facing 25 years to life for physically assaulting his wife and a female police officer, testified that he was put in a holding cage with Marshall for five minutes in which Marshall secretly confessed that he killed Dean. In his letter to the police and prosecutors he wrote that Marshall said the fake robbery occurred at a Wendy's, but on the stand he said he was mistaken, he said Wendy's because he liked it.

Green went from facing a life in prison to a one year sentence for testifying against Marshall. It is evident from the lengthy time he was facing that he would say anything to get out of jail. States all over America have taken notice to the unreliability of snitch testimony; some do not allow it to be used all together, even in Texas laws have been passed severely restricting the testimony of snitches. We are confident at a new trial Green would not to be allowed to testify against Marshall under these new Texas laws.

3.5 GERALD MARSHALL'S ATTORNEYS

In Texas when a person is arrested for a crime and he is poor, he will be given two court appointed attorneys. These attorneys are usually the worst attorneys and they take cases by appointment because they cannot find any paying clients. Marshall was given two court appointed attorneys when he was arrested for that case, at trial, then two for appeal. Because these attorneys have been failing Marshall they are helping Marshall's execution date draws near.

Marshall's trial attorneys Marshall Mack Arnold and Sid Crowley failed Marshall tremendously at trial. They did no investigations into Marshall's innocence; **they did not look at key evidence such as Marshall's statement to the police, where it is evident that Marshall was abused by officer Moreno, and the state prosecutors tampered with the tape to play it for the jury. They also failed Marshall by not interviewing Dennis Meyer, the person who helped Calliham and Worthy to write affidavits, as well as listen to the taped statement he gave to the police. Marshall's trial counsel failed Marshall in preparing a viable defense to prove that he was not the shooter which resulted in Marshall being convicted to death.**

On appeal, Marshall was given Wayne T. Hill and Richard "Dick" Wheelan. Hill, a respected attorney, helped Marshall by sending him his transcripts. Upon receiving them, Marshall began studying them and the law, he would then write to Wheelan about the problems with his case, the witness misidentification, the jail house snitches, Calliham's testimony, evidence that has been tampered with among a host of other things. **Wheelan would leave Marshall to believe that he was looking into the issues that Marshall told him about, but when he turned in Marshall's most important state writ, he did not file anything that would have get Gerald Marshall off death row.**

**"PEOPLE WHO ARE
WELL REPRESENTED AT
TRIAL DO NOT GET THE
DEATH PENALTY."**

Ruth Bader Ginsburg, U.S. Supreme Court

A couple of years passed with Marshall filing several things to the courts himself hoping to get these claims in his appeals when the Austin American Statesman published a series of articles about five of Texas' worst state habeas attorneys. Wheelan was one of them, as well as one of Marshall's trial attorneys. Soon after Wheelan died and Marshall was appointed to Jerome Godinich. **Only a few days later after the appointment Godinich was revealed to be a horrible attorney as well, he missed several important deadlines which resulted in the execution of a couple of prisoners.** Godinich is now representing Gerald Marshall and doing nothing to help him properly investigate his case.

3.6 VIOLATION OF RIGHTS

In America there is a law that states - during an interrogation by police - if the defendant says that he wants to stop the statement, the police officer has to stop the interview. The interview tape cannot be used to convict the defendant.

In Marshall's case he gave a statement to the police, and then **said he wants to stop the interview. The police did not stop and moved on. This is a blatant violation of Gerald Marshall's rights.** The State of Texas did not say the police violated Marshall's rights before his trial; instead they illegally tampered with the portion of the tape that shows Marshall said he wanted to stop the interview. **At Marshall's trial during the playing of the tape Marshall's attorney heard Marshall saying he wants to stop the statement and the prosecutor even admitted Marshall said he wanted to stop the statement.**

4 SUMMARY, CONCLUSION AND WORDS TO THE VICTIM'S FAMILY

Gerald Marshall was convicted to death for SHOOTING and KILLING Christopher Dean. After thoroughly examining the trial transcripts and other legal documents we have found out that there are several things that show Marshall did definitely not kill Dean, among other lies and discrepancies that brought Marshall on death row. In summary, the main aspects that prove Marshall's innocence are:

- ➔ Marsh and Ketchum stated in their first statement to the police the day of the crime that the shooter came in the window with a silver pistol in his left hand. Ronald "Bo" Worthy is left-handed, Gerald Marshall is right-handed.
- ➔ The police never found the gun that was used in the killing, so there were no fingerprints. There were also no usable fingerprints at the crime scene.
- ➔ Worthy was spotted with a silver gun before and after the crime. Calliham changed his testimony regarding who had the silver murder weapon. He got a reduced sentence (10 years of probation) for testifying against Marshall.
- ➔ Officer Moreno testified that Marsh immediately picked out a suspect named Bo Robinson during the first photo line-up, and that there is "a strong resemblance to Bo Worthy".
- ➔ There was no blood or gunpowder found on Marshall's clothes.
- ➔ Worthy told Meyer that he went inside the Whataburger restaurant.
- ➔ The crime stoppers tipster had direct knowledge of the crime and gave police the correct address to Ronald "Bo" Worthy, and said that Bo was the shooter.
- ➔ Green went from facing life in prison to a one year sentence for testifying that Marshall committed the murder.

“THE REALITY IS THAT CAPITAL PUNISHMENT IN AMERICA IS A LOTTERY. IT IS A PUNISHMENT THAT IS SHAPED BY THE CONSTRAINTS OF POVERTY, RACE, GEOGRAPHY AND LOCAL POLITICS.”

Bryan Stevenson, death penalty lawyer

We believe that Gerald Marshall did NOT kill Christopher Dean, but he is scheduled to be executed for it. In addition to this evidence there are numerous things that show Worthy killed Dean. He was spotted with the gun directly before and after the crime, he also said that he was inside the building, when every witness said that there was only one person in the building, it had to be Worthy. We also believe that at no point, according to the court documents, that anyone was supposed to be killed that night since it was supposed to be a business deal and not a real robbery at

all. For these reasons we are fighting to get Gerald Marshall off death row and hopefully with some time that he can do, so that one day he can be a productive part of society.

Our association’s goal is to help Gerald Marshall to prove that he was wrongfully convicted. We understand that - according to Marshall - he had a minimal involvement in the crime, so he can face a lengthy prison term according to Texas laws. Yet it is evident that Marshall should not be executed because he did not kill Dean. **To save this innocent man we depend on donations and the help of other human rights organizations, innocence projects, attorneys and investigators. Several constitutional rights were violated; a lot of procedural errors were made. According to the law, Gerald Marshall deserves a new trial.**

We empathize with the victim and his family. With Christopher Dean they have lost a loved one. We understand how traumatic this crime was for the relatives. We agree that crimes must be punished. Nevertheless, according to our understanding of democracy and human rights, the death penalty is the wrong way.

Much more important in this case is that there is evidence that Gerald Marshall was not the murderer. His conviction was based solely on circumstantial evidence and false and revoked statements. A number of procedural errors were made. For these reasons, **Gerald Marshall deserves a fair trial with qualified attorneys and investigators. It should be in the interest of the victim’s family to find the actual murderer of Christopher Dean.** His family may be glad that somebody was convicted as the murderer. But do they know that evidence shows that Marshall was not the killer? Isn’t the State of Texas responsible to present the victim’s family the actual murderer than convicting somebody - even though there is no hard evidence - just to calm the family? **A new trial for Gerald Marshall will not just save an innocent man from being executed for a crime he did not commit. It will also bring justice for the victim’s family which deserves to know the truth about who killed Christopher Dean.**

5 HOW YOU CAN HELP

The criminal justice system in America is flawed. Already in 1928 Judge Sturgess: “Justice is open to everyone in the same way as the Ritz Hotel.” This quote is still up to date. People with more money get “justice” and those who are poor get done however the system pleases to do with them. It is not to say that people who are rich automatically get off. The way it works is these people are equipped to hire the best

“JUSTICE IS OPEN TO EVERYONE IN THE SAME WAY AS THE RITZ HOTEL.”

Judge Sturgess (1928) on the US justice system

attorneys who spend a considerable amount of time investigating witnesses, testing evidence from the crime scene, and making sure that the state is not breaking any rules, or if they have they uncover them.

Most times in Texas they withhold key evidence from crime scenes, or break the law intentionally in order to get a conviction. They do so because they know if they send the prisoner to death row, the prisoner will most likely never have the funds to properly investigate any evidence that was withheld, or uncover any blatant injustice used to send the prisoner to death row. They send poor people to death row because they know that they will be able to execute them.

The European Association for Human Rights' goal is to hire the best representation for Gerald Marshall and allow this attorney to be able to hire the proper experts to prove Marshall's trial was unfair and that he is innocent of killing Christopher Dean. To do this we are seeking donations from laymen, organizations and businesses. You can help us raise funds to hire the best representation for Gerald Marshall.

How you can help

- ➔ **Join the association:** The association relies on donations and membership fees to fund our projects. By joining the association you'll support Gerald Marshall. We offer three different types of membership so that you can choose the best way for you to get involved.
- ➔ **Promote the association:** Once you join the association you will have access to fliers, packets and other promotional materials, as well as the association's main website and social sites. You can promote the association as much as you want with access to these documents. We will support your efforts in fundraising in your town or country.
- ➔ **Get your church or job involved:** The average rate for death penalty appeals is \$100.000. A great way to raise these funds is getting established entities involved. For instance you could pass out fliers at your job, church or school letting people know we are raising funds to save an innocent man's life.
- ➔ **Donate:** We encourage you to make donations of any amount. We offer several payment options on our homepage. Because of the high fees for regular bank transfer from another country to Germany we recommend a payment via PayPal for supporters from other countries. Donations can be sent to our registered email-address on PayPal: info@human-rights-association.org. Donations are tax deductible in Germany, and regarding the decision of the European Court of Justice in 2009 in the case of Mr. Persche they are tax deductible in the whole European Union because of the free movement of capital.
- ➔ **Promote Gerald Marshall's book:** The association published Gerald Marshall's memoir. We hope to sell enough books to hire the best representation for Gerald Marshall. You can help by purchasing a book, by asking friends and family members to help buy a book as well. Order a book today on our website www.human-rights-association.org!
- ➔ **Promote our charity online shop:** In our charity online shop we also offer original artwork from death row. Several death row inmates donated their artwork to our charity. You can purchase originals and prints. The sales profit will go towards the association's projects.

Thank you for taking the time to read this information packet about our project "Justice for Gerald Marshall". We would appreciate your support. If you have any suggestions or questions, please don't hesitate to contact us by e-mail: info@human-rights-association.org

6 MEMBERSHIP FORM

REQUEST FOR MEMBERSHIP



European Association for Human Rights e.V. · Frankfurter Str. 106A · 34121 Kassel · Germany
+49 176 4441 6881 · www.human-rights-association.org · info@human-rights-association.org

I want to join the *European Association for Human Rights e.V.* as¹

- active member passive member sponsor

name		profession	
company		phone	
address		cell phone	
city, zip code		email address	
country		Skype-name	
date of birth		Facebook	

- For sponsors only:** I want to support the association with the following amount: _____ €
Preferred frequency: _____ (e.g. yearly, monthly, etc.)

The annual membership fee or the donation will be transferred by:

- regular bank transfer to the association's bank account:

Account holder: European Association for Human Rights
Bank: Deutsche Skatbank
Account number: 4726855
Bank code: 830 654 08
IBAN: DE27830654080004726855
BIC: GENODEF1SLR

- PayPal to the registered email address: info@human-rights-association.org

There may be high fees for a regular bank transfer from another country to our German bank account. In this case we recommend sending money online by using PayPal or by sending money through the several online donation platforms listed on our homepage.

_____ location, date

_____ signature

Please send this request to our post address (see above)!

¹ Annual membership fee: active/passive members €10, sponsors: €50 minimum; membership termination is possible at the end of every year with eight weeks' prior notice.