

Wilmer Pro Bono Defense Lawyers Score Victory in Reversal of Drug Convictions in Tulia, Texas

2003-04-02

In a decision prominently reported throughout the country -- including the front page of the *New York Times*, the *Washington Post*, and the *CBS Evening News* -- Wilmer has achieved an important victory in helping to correct a terrible miscarriage of justice in Tulia, Texas.

In 1999, 43 residents of Tulia -- representing more than 10 percent of the town's African-American population -- were arrested, paraded through the streets of Tulia, and most ultimately convicted as part of a purported undercover drug sting. Wilmer's client, Joe Moore, a 59-year old hog farmer, was the first defendant tried and he received a 90-year sentence for one alleged sale. All of the convictions rested on the completely uncorroborated testimony of Tom Coleman, a white undercover agent with a fondness for racist epithets, a history of getting fired from or quitting every law enforcement job he had ever held, and an arrest record of his own that was hidden by the prosecution.

At the request of the NAACP Legal Defense Fund, the firm took on the representation of Joe Moore a year ago in connection with the filing of a state *habeas* petition. Working alongside LDF and a team of lawyers from Hogan & Hartson, Wilmer presented enough facts regarding misconduct by Coleman and the prosecution to obtain an order from the Texas Court of Criminal Appeals remanding four cases, including Mr. Moore's, for an evidentiary hearing. One week into that evidentiary hearing, which produced devastating testimony against Coleman and the prosecution, Wilmer approached the judge and the prosecution to initiate settlement discussions that led, after stormy, late-night negotiations, to the Court's endorsing a joint request by the prosecution and the defense to vacate all 38 convictions resulting from the Coleman "investigations." The national media described it as a "stunning reversal" and the LDF lawyers said that relief of this breadth and magnitude is unprecedented in their long history of working on habeas petitions. Ultimate victory now depends on finalizing detailed findings and conclusions, and persuading the full Court of Criminal Appeals to approve this result.