

POLICE

Texas Execution Stopped with Last Minute Stay

Intervention prevented Texas from carrying out 300th death penalty

(AP)—Convicted killer Delma Banks had finished what would have been his last meal and was minutes from being strapped to the death chamber gurney.

He was ready to die when an intervention by the U.S. Supreme Court prevented him from becoming the 300th inmate executed in Texas since the state resumed capital punishment in 1982.

"I just thank the Lord," Banks said when informed of the reprieve Wednesday night, minutes before the execution would have begun. "Give Jesus all the credit."

He was transferred back to death row, about 50 miles to the east. "Delma expected to be back," fel-

low death row inmate Keith Clay said Wednesday. "He felt he would get a stay of execution. But he was already content that if he was executed, he was going home to the Lord."

Banks' reprieve means Clay, set to die March 20 for a 1994 fatal shooting and robbery, may become No. 300 to be executed.

Banks, 44, has spent more than 22 years on death row for fatally shooting and stealing the car of 16-year-old Richard Wayne Whitehead, a co-worker at a restaurant. Banks shot Whitehead "for the hell of it" after a night of drinking, according to a witness at Banks' trial. Wednesday was Banks' 15th execution date.

Three former federal judges had backed Banks' claims that he was wrongly convicted of the murder 23 years ago. One was former FBI Director William Sessions, who submitted a brief to the high court in which he cited "uncured constitu-



Sporting a tattoo reading "Delma Jr.," Dakinya Jefferson celebrates word of the stay of execution for her father Delma Banks just minutes before his scheduled death, outside the death house in Huntsville, Texas. (AP photo)

can't draw any conclusion from the granting of a stay."

The majority of last-minute death row appeals are rejected by the Supreme Court, although justices have stopped a handful of executions in the past few years.

"Delma Banks Jr., who has maintained his innocence from the beginning, found justice in the courts today and we are hopeful that this delay will allow a meaningful review of the serious crimes in his case," defense attorney George Kendall said in a statement.

The punishment would have been the 11th this year and second in as many nights in Texas. On Tuesday, murderer Bobby Glen Cook became No. 299 since Texas resumed capital punishment.

Despite the reprieve, the nation's most active death penalty state remains on a pace to surpass the record 40 lethal injections carried out in 2000. Texas accounts for more than a third of the 835 executions in the United States since 1976, when the death penalty resumed under a Supreme Court ruling. Virginia is second with 87.

As Banks' relatives hugged and rejoiced outside the prison, relatives of Whitehead, including his parents, waited inside. They declined comment.

"All these articles about poor Delma, poor Delma and how much of a raw deal he got," Larry Whitehead, whose son was killed, said earlier this week. "Stopping a youngster's life at 16 years old is a raw deal."

Delma Banks Jr., who has maintained his innocence from the beginning, found justice in the court's today.

—Defense Attorney George Kendall

tional errors" in the case.

Banks' lawyers told justices he was poorly represented at trial, prosecutors improperly kept blacks off the jury, and testimony from two prosecution witnesses was shaky. Banks is black, his victim was white and the jury was all-white. Prosecutors said they would

continue to seek Banks' execution.

"I wish we could have brought it to a conclusion today," said James Elliott, a Bowie County prosecutor who helped win Banks' conviction in 1980. "But I've been here 23 years and I'm prepared to stay here to see it through. The Supreme Court needs more time. You really



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CRIME STOPPERS

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Surveillance video at a southeast Portland gas station show a car that held four men wanted in connection with a serious assault. The car model is shown above.

Four Assault Suspects Wanted

Portland Police Bureau Homicide Detectives, in cooperation with Crime Stoppers, are asking for your help in locating a vehicle associated with an assault.

On Saturday, Jan. 18 at approximately 2:45 in the morning, near a gas station at Southeast 84th and Foster Road, 44-year old Joseph Claude Maestas and a male companion had a verbal exchange with four individuals who were in a car.

Maestas' companion, believing the confrontation was going to become physical, ran from the area. A short time later he returned and found Maestas lying critically injured in a pool of blood. Maestas later died of complications unrelated to the assault.

The four subjects are described as white males with Russian accents. The driver is approximately 20 to 25 years of age, 5 feet, 5 inches

to 5 feet, 7-inches tall, with a skinny build, light brown hair and clean-shaven.

The vehicle, which was captured on surveillance video at the gas station, is described as a medium-red, 1990's Honda Civic 2-door, DX Coupe, with a dark gray or black interior. The vehicle is in good condition and has white license plates with blue numbers.

Crime Stoppers is offering a cash reward of up to \$1,000 for information, reported to Crime Stoppers, that leads to an arrest in this case, or any unsolved felony crime, any you need not give your name. Call Crime Stoppers at 503-823-HELP.

Million-Dollar ID Theft Case Busted

Suspect tied to large scam against area businesses

On Thursday, March 6, North-east Precinct Officers arrested 50-year-old David James Moreland, a federal fugitive wanted for identity theft. Moreland was arrested after he attempted to cash a check at the Lloyd Center Branch of Key Bank.

Moreland and 36 year-old Tami Fidler, who was already in custody, were both subjects of a joint investigation conducted by the Portland

Police Bureau, Salem Police Department, U.S. Postal Inspectors and the U.S. Attorney's Office.

Investigators believe Moreland is responsible for the theft of more than one million dollars in cash and property from business and banks using identity theft.

According to East Precinct Special Crimes Team Officer Jim Lawrence, this case represents the largest loss he has ever been in-



David Moreland

involved in and may represent the largest known cumulative loss to area businesses through identity theft.

Officer Lawrence credits the Amerin's CrimeDex Network, which posted Moreland's information throughout their business network, with the arrest of Moreland. For more information about Amerin's CrimeDex Network, call James Hudson at 503-723-5990, extension 2 or 503-381-5860.

Settlement Paid to Man Shot by Police

An innocent bystander shot by a Portland police officer during a disturbance at a Martin Luther King Jr. Boulevard gas station will receive a settlement of \$200,000, the Portland City Council decided on Wednesday.

Bruce Browne, a 42-year-old fa-

ther of three from Vancouver, was shot twice in his upper right arm and once in his right knee when Officer Kenneth Duilio responded to a call about a man with a gun at the Fast Trip gas station on July 11, 2001.

Duilio mistook Browne for the

man after Browne had just wrestled a 9mm handgun from a teenager who threatened him with it. Duilio fired six shots and Browne was hospitalized for four days with a punctured lung. One bullet remains in his chest and bullet fragments are still in his knee.



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