



ATTORNEY GENERAL OF TEXAS

G R E G A B B O T T

September 4, 2008

The Honorable John Roach
Collin County District Attorney
210 South McDonald Street, Suite 626
McKinney, Texas 75069

Dear Mr. Roach:

I write to inform you about legal action the Office of the Attorney General will take tomorrow involving convicted murderer Charles Dean Hood. As you know, Hood is scheduled for execution on Wednesday, September 10, 2008.

Unsubstantiated allegations have arisen regarding the relationship between the trial court judge and the prosecuting attorney in Hood's case. As Attorney General, I believe that the unique issues in this case, which involve the impartiality and fairness of his trial, warrant thorough review before his sentence is carried out. Tomorrow, the Office of the Attorney General will file an amicus brief asking the trial court to fully review this matter, even if doing so requires delaying the defendant's execution.

The facts surrounding Hood's criminal conduct are not in question. Indeed, he is a career criminal who was found guilty of brutally murdering two innocent victims. Importantly, Hood's legal pleadings have never claimed that he is innocent. Thus, there appears to be little doubt that Hood deserves the sentence he was given.

However, a death sentence is the most serious and solemn act of any state. The impartiality of a defendant's trial and conviction must be beyond reproach. Thus, before the State carries out the ultimate, irreversible punishment, the appropriate trial court should thoroughly review this matter.

As you know, this case was prosecuted by the Collin County District Attorney's Office. We acknowledge that the Office of the Attorney General lacks jurisdiction over this matter at this time. For precisely that reason, we are acting in an amicus capacity, as a friend of the court. We do not purport to have authority to speak for the prosecution in this case. But because of the unique nature of the issues in this matter—and to protect the integrity of the Texas legal system—we will ask the court to thoroughly review the defendant's claims before the execution proceeds.

Unfortunately, too many capital murder defendants and their lawyers wait years before raising last minute claims which could have been addressed earlier in the process. This unnecessary delay is often traumatic for the victims' families, who desperately want, need, and deserve finality. With that in mind, I understand and regret that this action may further delay justice for families whose loved ones were murdered by Hood nearly twenty years ago. However, if the execution proceeds as scheduled, before questions about the fairness of his trial are legally resolved, neither the victims nor justice will be served.

We seek this action in order to ensure that justice is certain and beyond question for the victims and their families, as well as to preserve the integrity of Texas' criminal justice system.

Sincerely,

Greg Abbott
Attorney General of Texas