

QUESTIONS & ANSWERS SHEET

1. Q: Who is Anthony Graves?

A: Anthony was 26 when he was arrested for the Somerville murder of Bobbie Davis, her daughter and four grandchildren. It was a gruesome murder in what could typically be described as a small, sleepy Texas town (population 1,704) settled between Houston and Austin.

The oldest child of his large family and a young father himself, Anthony would be found guilty of capital murder two years after his arrest and subsequently sent to death row for a crime that prosecutors admit he did not commit. At the age of 46 and after serving 18 years in prison, Anthony is poised to rebuild the life that Charles Sebesta took away from him.

2. Q: Why was Anthony Graves incarcerated?

A: Graves was incarcerated after investigators pressed *Robert Carter*, the individual that committed the crime, to divulge the name of his “alleged” accomplice. Carter eventually implicated Graves after hours of interrogation. The investigators never stopped to ask Carter fundamental questions that would have shown that Graves was not at the Davis home the night of the murders. Carter was never asked to admit to his role in the killings, or how Graves was able to find a gas can in a storage room of a house he had never visited. No evidence was ever found that connected Graves to the crime scene.

3. Q: Why did Carter commit the crimes?

The true motive for the killing remains to be unknown. However, after the funeral, the Rangers visited *Carter* at his home in Brenham, Texas. The Rangers had learned that four days before the killing, *Carter* had been served with a paternity suit filed by *Lisa* as preliminary suit against him to obtain child support, this may have set him off.

4. Q: Why is Anthony Graves filing a grievance?

A: Graves is filing a grievance because former District Attorney, Charles Sebesta, did not fulfill his ethical duty to disclose exculpatory information that he received from Carter. This ethical failure was a violation Texas Disciplinary Rules of Professional Conduct.

5. Q: What happened to the first grievance?

A: The first grievance filed by Houston, Texas , licensing and ethics expert attorney Bob Bennett, was dismissed by the Office of Disciplinary Counsel for procedural technicalities. The statute of limitations for filing a grievance does not begin to run until the facts of the offense—such as withholding evidence favorable to the accused—become discoverable.

Bennett, who filed the past grievance, argued that the Fifth Circuit’s ruling “was the official notice of what had taken place.” And one of *Graves’s* attorneys, *Nicole Cásarez*, believes that’s “key”. While it’s true that *Graves’s* lawyers learned in 1998 that *Carter* had repeatedly told *Sebesta* of *Graves’s* innocence, when they took a deposition from *Carter* at that time, it was simply a defendant’s word against that of a sitting district attorney. It was not until 2006 that the Fifth Circuit made an official finding that *Sebesta* had withheld evidence, among other ethical violations

6. Q: How is Attorney Bob Bennett involved?

A: Mr. Bennett was originally hired as a testifying expert in the recusal of the Burleson County District Attorney. Graves' litigation team and Mr. Bennett were successful in having the District Attorney recused which led to the appointment of Kelly Siegler. Siegler informed defence counsel that there was no evidence that tied Graves to the crimes. The charges were dropped.

7. Q: Who was the Prosecutor who almost retried Graves' Case?

A: *Bill Parnam*, who succeeded *Sebesta* as Burleson County DA had his office recused. He brought in Veteran prosecutor and former Harris County Assistant District Attorney *Kelly Siegler* as a special prosecutor for Graves' retrial after the recusal. This conclusion was confirmed and supported by Texas Ranger; Ray Coffman, the case's lead investigator and former Texas Rangers' chief. *Siegler* looked into *Graves'* conviction and determined that the former Burleson County District Attorney *Sebesta* manufactured evidence, misled jurors and elicited false testimony. *Siegler*, who has sent nineteen men to death row in her career, went even further and laid the blame for *Graves's* wrongful conviction squarely at the feet of *Sebesta*. Based on *Siegler's* recommendation, *Graves* was released from prison on October 27, 2010.

8. Q. What is the standard for Office of Chief Disciplinary Counsel to accept a complaint?

A. According to the *Texas Disciplinary Rules of Professional Conduct*, Rule 1.06 (U), the standard of review applicable to Grievances before the *Chief Disciplinary Counsel* of the *District Grievance Committee* is "**Just Cause.**" Such cause as is found to exist upon a reasonable inquiry that would induce a reasonably intelligent and prudent person to believe that an attorney either has committed an act or acts of Professional Misconduct requiring that a Sanction be imposed, or suffers from a Disability that requires either suspension as an attorney licensed to practice law in the State of Texas or probation.

9. Q: Why *Sebesta* should be prosecuted for His Unethical Behaviors:

A: Under the *Texas Disciplinary Rules of Professional Conduct*, *Sebesta* violated Rule 3.09(d): Disclosure of information favorable to accused.

Sebesta deliberately violated this duty and instead, withheld evidence that could have helped prove *Graves'* innocence. *Sebesta* violated this duty by failing to disclose that another man had confessed that he alone had committed the murders for which *Graves* was convicted. And according to the U.S. 5th Circuit Court of Appeals ruling, *Sebesta* not only has violated his duty to disclose according to the *Texas Rules of Professional Conduct*, but he had also violated the *Brady* rule by failing to disclose exculpatory evidence.

Sebesta further violated the *Texas Disciplinary Rules of Professional Conduct Under Rule 3.03(a)(5): Introducing false evidence*

- (a) A lawyer shall not knowingly:
- (5) Offer or use evidence that the lawyer knows to be false.

Sebesta had not only withheld powerful exonerating evidence in the Graves case, he also had obtained false statements from witnesses. *Sebesta* had allegedly used threats to scare Graves' alibi witness from testifying. He also bullied Charles Carter, a key witness, into testifying against Graves by threatening to prosecute Carter's wife. (Carter, who was prosecuted and convicted for the killings, had repeatedly insisted that Graves had nothing to do with the crimes.) *Sebesta* coerced the key witness, misinterpreted physical evidence, and withheld exculpatory evidence. Sadly, *Sebesta* was successful in his endeavor and Anthony Graves lost 18 years of his life because of it.

10. Q. What Type of misleading statements does *Sebesta's* website contain?

A. *Sebesta's* website includes many misleading statements, such as:

- “The State Bar cleared *Sebesta* of any wrongdoing in the case.”
- “Had I withheld evidence in the Graves Trial, ‘sanctions’ would and should have been appropriate. But that did not happen and the State Bar of Texas obviously agreed with their dismissal of the grievance!”
- “The [bar’s] Grievance Committee said the allegations ‘Lacked Just Cause’ to proceed, which in layman’s terms means that there was no evidence to justify a formal hearing.”

11. Q: Who is Nicole Casarez and what was her role in Anthony Graves’ case?

A: For eight years, Nicole Casarez worked tirelessly to seek justice for death row inmate Anthony Graves.

The Houston-based attorney and journalism professor knew that Graves had been wrongly imprisoned for murder, and she was determined to see him freed.

Finally, in 2010, after spending 18 years in prison -- 12 on them on death row -- Graves was exonerated, largely thanks to the efforts of Casarez and her students at Houston's University of St. Thomas. Several months later, he was awarded \$1.4 million by the Texas Legislature for wrongful incarceration. *Graves* established a college scholarship in Casarez's name; “*NICOLE B. CASAREZ ENDOWED SCHOLARSHIP IN LAW.*”

Sources of Information
&
Contacts Regarding Anthony Graves Case

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As an **Expert in Ethical and Licensing Matters** with more than 20 years in handling grievances, *Bennett* centers his practice on serving the distinctive needs of professionals whose livelihoods have come under attack. *Bob. Bennett & Associates* firm applies litigation experience and knowledge of the relevant procedures, laws and ethical codes to help each of his clients present a compelling defense of their professional licenses and reputations.

Bennett's achievements and expertise were recently recognized by being rated as "Top Lawyer Award of 2013 for Professional Licensing and Ethics" by the Houston Magazine "Houstonia." (www.Houstoniamag.com)

1. http://www.bennettlawfirm.com/?attachment_id=678
2. http://www.bennettlawfirm.com/?attachment_id=679

Bennett is one of the few attorneys in Texas who enjoys a 10.0 rating on Avvo, and an A.V. rating on Martindale. His AVVO rating is based on over 153 client review. (www.avvo.com/attorneys/77002-tx-robort-bennett-110674.htm)

For further information on client reviews and peer recommendations please visit:

1. www.avvo.com
2. www.martindale.com:
3. **Twitter:** www.twitter.com/barristerbob
4. **Facebook:** www.Facebook.com/bobbennettandassociates
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1. agbeleives@gmail.com
2. **CBS News**; www.cbsnews.com
3. Texas Monthly Magazine (*Pamela Colloff's* October, 2010 Crime Investigative Report)
4. deathpenaltynews.blogspot.com
5. www.innocenceproject.org
6. katiecouric.com
7. **Huffington Post**: www.huffingtonpost.com
8. **Dallas News**: deathpenaltyblog.dallasnews.com
9. **Facebook.com**
10. **Twitter**: @anthonycgraves

Videos:

<https://vimeo.com/83400512>

Senator John Whitmire

Occupation: Attorney

Education: University of Houston, B.A.; Bates College of Law, University of Houston

Legislative Experience: House Member, 1973 - 1982; Senate Member, 1983 - present

Hometown: Houston

Party: Democrat

Senator John Whitmire represents the 15th Senatorial District comprised of north Houston and parts of Harris County. He was elected to the Texas Senate in 1982 after serving 10 years in the Texas House of Representatives. With over 30 years of service in the Texas Senate, Senator Whitmire ranks first in seniority and is the "Dean of the Texas Senate."

Office Information

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Senator Rodney Ellis

Occupation: Partner - Rice Financial Products Company; Shareholder - The Tagos Group; Of Counsel - Reaud, Morgan, & Quinn

Education: Texas Southern University, B.A.; LBJ School of Public Affairs, M.P.A.; University of Texas Law School, J.D.

Legislative Experience: Senate Member, 1990 - Present

Hometown: Houston

Party: Democrat

Senator Rodney Ellis was elected to the Texas Senate in 1990. During his tenure, he has earned praise as a leader on economic development, education, civil rights, responsible environmental policy, tax cuts for the middle class, and criminal justice issues, having passed over 600 bills.

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Brandon Dudely

Brandon Dudley, Chief of Staff/Legal Counsel

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Brandon joined Senator Ellis' office in January of 2004. Prior to joining the Ellis team, Brandon directed various educational and empowerment programs for at risk youth, and worked for a number civil rights organizations doing legal and policy work in the areas of criminal justice, education, civil liberties and voting rights.

Brandon has also served as the policy advisor for the Innocence Project, a non-profit organization that works to exonerate the wrongfully convicted and develop and implement reforms throughout the criminal justice system.

Brandon received his BA in Political Science and attended the Graduate School for Social Work at the University of Texas at Austin, and received his Doctorate of Jurisprudence from the University of Houston Law Center.

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Pamela Colloff

Executive editor at Texas Monthly
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Pamela Colloff is an executive editor at Texas Monthly and has been writing for the magazine since 1997. Her work has also appeared in the New Yorker and has been anthologized in three editions of Best American Crime Reporting as well as the e-book collection, Next Wave: America's New Generation of Great Literary Journalists. Colloff is a four-time National Magazine Award finalist.

She was nominated in 2001 for her article on school prayer, and then again in 2011 for her two-part series, "Innocence Lost" and "Innocence Found," about wrongly convicted death row inmate Anthony Graves. One month after the publication of "Innocence Lost," the Burleson County district attorney's office dropped all charges against Graves and released him from jail, where he had been awaiting retrial. Colloff's article—an exhaustive examination of Graves's case—was credited with helping Graves win his freedom after eighteen years behind bars.

In 2013 she was nominated twice more, for "Hannah and Andrew" and "The Innocent Man," a two-part series about Michael Morton, a man who spent 25 years wrongfully imprisoned for the brutal murder of his wife, Christine. The latter earned Colloff her first NMA.

Colloff holds a bachelor's degree in English literature from Brown University and was raised in New York City. She lives in Austin with her husband and their two children.

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Mr. Manne is well-recognized as one of the premier trial lawyers in America. Chambers USA's comprehensive surveys of clients and other lawyers repeatedly rank Manne as one of the best commercial litigators in Texas.

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The Texas Coalition to Abolish the Death Penalty (TCADP) will recognize Nicole Casarez, University of St. Thomas professor of communication, for her tireless efforts to exonerate former death row inmate Anthony Graves. A reception, "Seizing the Momentum: Honoring Houston's Champions of Justice," honoring Casarez, Rep. Jessica Farrar and David Dow, will be held at 7 p.m., Thursday, Sept. 15 at the Station Museum of Contemporary Art, 1502 Alabama Street.

Proceeds from the event will benefit TCADP's ongoing advocacy efforts and educational outreach to citizens to raise awareness about the flaws and failures of the death penalty.

TCADP and the Station are hosting this event to thank individual Houstonians whose efforts and victories have enriched the conversation with the public about the death penalty.

Nicole Casarez is an attorney and a professor at St. Thomas, where she teaches journalism, media law, public relations and media ethics. On October 27, 2010, Anthony Graves walked out of the Burleson County Jail after spending 18 years in prison – including 12 years on death row – for a crime he did not commit. Prosecutors dropped all charges against Graves and declared him innocent after conducting their own investigation of the case. Nicole and her students played a pivotal role in the exoneration of Anthony Graves, and their investigation has attracted significant statewide and national attention.

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A member of the *State Bar of Texas Disciplinary Rules of Professional Conduct Committee* and serves as a consultant and expert witness on lawyer and judicial ethics,

J.D., University of Houston Law School, 1989

33 hours towards M.S. in Accountancy, University of Houston, 1981-1983

Ph. D., English, University of Texas, 1978

B.A., Political Science, University of Houston, 1969 (obtained B.A. hours in 27 months of attendance, while a member of the debate team)

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A fifth-generation Texan, Lisa is a native of Seguin, where her interest in reporting was born at the high school newspaper. While studying journalism at the University of Texas, she covered the Texas Legislature for several capital bureaus. She joined The Associated Press' Dallas bureau in 2001, eventually becoming a regional writer covering Dallas and East Texas. She won Dallas Press Club awards for her reporting and was named Texas AP Writer of the Year in 2004. Falkenberg joined the Houston Chronicle in 2005, first in the Austin bureau, then moving to Houston in 2007 to write the column. She has earned several local and state awards for her column-writing, and has been named the Chronicle's Commentator of the Year. Falkenberg lives with her husband and two daughters in the Heights.

Kathryn M. Kase

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Kase has represented capital clients at trial the state courts of Texas and New York, and has served as learned counsel in federal court. Her capital defense work has addressed the complexities of intellectual disability, mental illness, and international law. She also consults with and assists trial-level defense teams, with a special focus on teams representing Mexican nationals who are facing the death penalty in the United States.

She received a law degree, cum laude, in 1990, from St. Mary's University School of Law, where she was an Articles Editor for the St. Mary's Law Journal. After a period in private practice in San Antonio and later in Albany, New York, she joined Texas Defender Service in 2002. Ms. Kase is a frequent speaker, in Texas and nationally, at CLE seminars devoted to capital defense. She also is a faculty member of the National Criminal Defense College in Macon, Georgia, and NACDL's Capital Voir Dire College. In 2002, the Criminal Justice Section of the New York State Bar Association named her the Outstanding Criminal Practitioner. In May 2005, Ms. Kase was elected to membership in the American Law Institute.

She is licensed to practice law in Texas, New York and the District of Columbia, and she is admitted to practice in a number of federal courts, including the Southern District of Texas, the Southern District of New York and the U.S. Supreme Court.

Innocence Project of Texas & New York

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A native of Kemp, Texas, Nicholas Vilbas obtained his Bachelor's of Science Degree in Biology from the University of Texas at Arlington before moving on to several positions in the criminal justice field, including law enforcement and court administration. He approached the IPTX representatives at the Texas Tech University School of Law during his 1L year and hasn't left the organization's side since.

During law school, Nick clerked for a local defense lawyer while simultaneously working with the IPTX clinic for two years. In 2009, he was honored with the IPTX "Member of the Year" award for his dedication to the organization. Nick joined the IPTX staff shortly after taking the Bar Exam to serve as the Case Director. A year later he became the Executive Director. Nick also serves as a Board member for the Innocence Network.

Paul Cates

Communications Director

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Cates joined the Innocence Project as the Communications Director in September 2010. Prior to coming to the Innocence Project, Paul served as a Senior Communications Strategist and as Director of Public Education for the LGBT & AIDS Project for the American Civil Liberties Union. He also worked at Pro-Media Communications, a communications firm that works with progressive nonprofits and social change agents. Before beginning his career in communications, Paul was an attorney for the Legal Aid Society in Brooklyn, where he represented indigent defendants in criminal prosecutions.

Paul graduated from the University of Georgia and the University of Georgia School of Law. He is the co-author with Leslie Cooper of the second edition of the ACLU publication, *Too High a Price, The Case Against Restricting Gay Parenting*.