



## Kriss Worthington

Councilmember, City of Berkeley, District 7  
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### CONSENT CALENDAR

September 11, 2007

To: Honorable Mayor and Members of the City Council  
From: Councilmember Kriss Worthington  
Subject: LETTER REGARDING KENNETH FOSTER

#### RECOMMENDATION:

That the Berkeley City Council adopt a motion to send a letter to the Governor of Texas thanking him for his decision to commute the sentence of Kenneth Foster and ask him to consider modifying the unjust Law of Parties.

#### BACKGROUND:

On August 15, 1996, Kenneth Foster was arrested along with three others for the robbery and murder of Michael LaHood, Jr. Mr. Foster was driving the car that Mauriceo Brown got out of to ultimately shoot Mr. LaHood. In 1997 Mr. Foster was convicted of capital murder and sentenced to die by lethal injection. There were a number of major defects with the trial that arguably make it unfair and unconstitutional. Not only was the evidence questionable but also none of it clearly demonstrated that Mr. Foster was guilty of capital murder or deserved the death penalty under Texas law. Since the trial courts decision Mr. Foster has appealed the ruling to a number of courts. The federal District Court ruled that Mr. Foster was entitled to a new trial. However the Fifth Circuit Court of Appeals found that he is not entitled to a new trial, even though they did not receive a clear presentation on his claim of innocence. Because Mr. Foster drove the car and drove away when the altercation started between Mr. Brown and Mr. LaHood he is being charged with murder. This decision is not only unjust but represents problems with not only our country's legal system but also with the system of capital punishment. On Thursday, August 30<sup>th</sup>, the Texas Parole Board voted 6-1 that the Governor spare the life of Mr. Foster. After the decision of the Parole Board, the Governor of Texas commuted the sentence of Mr. Foster. The Governor's decision was a remarkable act and proves not only that the decision to sentence Mr. Foster to the death penalty was flawed but also that the Law of Parties that condemned Mr. Foster was unjust. Therefore it is important that the City of Berkeley send a letter to the Governor of Texas thanking him for his decision and ask that he consider modifying the unjust Law of Parties that condemned Mr. Foster even though he did not commit murder.

#### FINANCIAL IMPLICATIONS:

NONE

#### CONTACT PERSON:

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