



Written by [Alex Newman](#) on August 19, 2009

## Texas Judge Sharon Keller on Trial

A judge on Texas' highest criminal court is facing a special hearing before the state's Commission on Judicial Conduct after allegedly refusing to accept a last-minute appeal from a man on death row in September of 2007. If found guilty, she could be removed from her position.

Sharon Keller, sometimes called Sharon "Killer" for her tough attitude on crime, is accused of instructing the clerk's office to close at 5 p.m. even though she had received a phone call from the defendant's lawyer requesting more time to file the appeal. Computer problems supposedly prevented the public defender from submitting the necessary documents on time to delay the execution, so the defendant, Michael Richard, was executed by lethal injection later that night. He was convicted of the rape and murder of a nurse in Houston over 20 years ago.



The United States Supreme Court had decided that morning to review a case dealing with the constitutionality of lethal injections, but Judge Keller apparently needed to leave early to meet with a repair man. So when the lawyer called at 4:45 p.m. asking if the clerk's office could stay open late to accept the appeal, she said no.

In her defense, Keller argues that the appeal could have been filed with another judge who may have known about the case. She also wrote in a deposition that "if there had been some comment about computer problems I would have started thinking in a different direction."

Her lawyer claims Keller was responding to an administrative question about keeping the clerk's office open, not whether the death-row inmate could file an appeal after hours, which is normally allowed. "This whole case is about the confusion between the word court and clerk," he claimed.

Judge Keller gained notoriety — and picked up her nickname — in 1998 after refusing to grant a new trial for a mentally disabled man who was convicted of rape, even after DNA evidence revealed that the semen in the victim was not his. "We can't give new trials to everyone who establishes, after conviction, that they might be innocent," she said on television, adding that finality in the criminal justice system is important.

Critics, opponents of the death penalty, and the executed man's family have blasted the judge and her alleged decision to close the court and refuse the appeal. "At 8.23pm they pronounced him dead," the executed man's sister told ABC News. "Myself and the family only blamed one person and that's Sharon Keller." His brother-in-law added that "even the guilty are protected by the United States Constitution."



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"President Clinton was impeached for lying about his sex life," noted Lou Burnam, a Democratic legislator in Texas who pushed for punishing Keller. "This woman walked off the job and it resulted in the death of somebody."

The special prosecutor appointed to pursue the judge for the state judicial commission, Mike McKetta, said, "When the government has a death penalty, it is essential that there be not the perception but the reality that it is administered error-free." The commission charged Keller with willful or persistent conduct that cast public discredit on the judiciary, among other things.

The drama continued Wednesday with Keller offering more than an hour's worth of testimony. She is the highest ranking judge ever to be put on trial by the state's Commission on Judicial Conduct. If found guilty, she will likely be removed from her seat as the presiding judge on the court, or even be removed as a judge entirely.

*Photo: AP Images*



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