

A State of Denial:

Texas Justice and
the Death Penalty

Texas Defender Service

Robert Nelson Drew

Robert Drew was convicted of robbing and murdering Jeffrey Mays. Of the two other people present when Mays was murdered, one testified at Drew's trial and the other, who also faced capital murder charges, did not. The witness who testified, Bee Landrum, had earlier given a statement to police that was diametrically opposed to his trial testimony. The police, however, hid the existence of this pretrial statement, which did not surface until long after Drew's trial. The other man facing charges, Ernest Puralewski, later pled guilty to Mays's murder; before doing so, however, he admitted to several people that he alone had murdered Mays, and that Drew was simply a terrified bystander.

I. Key Facts

- A. When Ernest Puralewski first met Landrum, Mays, and Drew, he bragged that he was an ex-con who had been in prison with Charles Manson, and that he wanted a reputation like Manson's.
- B. Ernest Puralewski's buck knife, according to the State's expert, definitely inflicted the stab wounds that killed Jeffrey Mays and could have inflicted the non-lethal cuts on Mays's neck.
- C. None of Mays's blood was found on Drew's tiny pocketknife.
- D. Prior to trial, Bee Landrum told police in an audiotaped statement that he had not seen what happened during the murder, and passed a polygraph exam about that statement. The statement was never turned over to Drew's lawyers; at Drew's trial, Landrum claimed to have seen Drew slashing Mays's neck.
- E. Before he pled guilty to murdering Jeffrey Mays, Ernest Puralewski told at least three other people that he acted alone in killing Mays, and that Drew had been present but did not assist him or participate in any way. According to Puralewski, Drew feared for his own life.
- F. After he pleaded guilty to murdering Jeffrey Mays, Puralewski admitted in a sworn statement that he alone had killed Mays and that Drew was innocent.

II. The Crime

Robert Drew, then 24, was hitchhiking from Florida to Oklahoma in early 1983 when he was picked up in Louisiana by teenage runaways Jeffrey Mays and Bee Landrum. Mays promised to take Drew to Houston in return for gas money. The trio picked up a second hitchhiker, Ernest

Puralewski, and the four young men drove westward together, drinking heavily and smoking marijuana in what was later described as "a rolling party."

The group continued driving west toward Houston. Everyone but Mays was armed: Puralewski had a large, heavy "buck" knife with a blade longer than three inches; Landrum had a martial arts throwing star; and Drew had a tiny, one-sided pocket knife with a blade less than two inches long and about 1/3 inch wide. At some point, Mays angered the others by deciding he wanted to return to Alabama, and Drew protested that he had paid Mays for a lift to Houston. Some time later, Landrum pulled the car to the shoulder and Mays, Puralewski, and Drew all got out. It was nighttime. Outside the car in the darkness, Mays was stabbed to death. A few minutes after getting out of the car, Puralewski and Drew got back into the car and the trio drove on to Houston. Drew and Landrum were arrested there a day or so later for traffic violations; Puralewski was arrested several days later in Lake Charles, Louisiana, still in possession of the murder weapon.

III. The Trial

At Drew's trial, only Landrum testified about the events immediately surrounding Mays's murder. Puralewski, awaiting trial for capital murder, refused to testify. Landrum testified that Drew held a knife on Mays in the car, calling him a liar and a punk. Landrum further stated that Puralewski then said if they "were going to do it, get everything he has got so he won't have no identification." According to Landrum, Drew then took Mays's wallet and watch. Landrum pulled the car over to the side of the road, and Puralewski, Mays and Drew got out. According to Landrum's trial testimony, he could see all three men after they left the vehicle. Mays stood with Drew behind him, and Puralewski beside him. Landrum testified he saw Drew pull Mays's head back and make slashing motions across his throat. After Mays was down, testified Landrum, he saw both Drew and Puralewski making "up and down" motions with their arms toward Mays.

The medical evidence showed that Mays died from three stab wounds to the chest, all of which were inflicted by Puralewski's buck knife. It was undisputed that Drew's tiny pocketknife could not have caused the fatal wounds. Mays also had six small "superficial" wounds on his neck that could have been caused by either knife, according to the State's expert.

IV. The Appeals

After Puralewski pled guilty, Drew's attorneys learned that before doing so, Puralewski had admitted to two people in different conversations that he alone had murdered Mays. Drew's attorneys obtained an affidavit from Puralewski in which he confirmed that Drew was innocent and had simply stood by, terrified, while Puralewski stabbed Mays. Drew's attorneys sought a new trial in 1984 based on this information, but their motion was denied because it had been filed after the statutory deadline. That decision was affirmed on appeal.

Landrum, interviewed by Drew's lawyers in 1988 after their appeal was denied, admitted he had been "unable to see who did the actual killing," since he was inside the car and "never looked

back” at what was happening outside. He also indicated he had told police the same thing prior to Drew’s trial. Confronted with this information, the State produced the tape, which confirmed that Landrum had originally told police he did not actually see the killing take place, because he “shut [his] eyes and turned away.” The existence of this tape had never been previously disclosed to Drew’s lawyers, nor had the fact that Landrum passed a polygraph concerning his account shortly after making the tape-recorded statement.

Although Landrum later disavowed these admissions in yet *another* affidavit, signed in 1993 at the request of the prosecutors seeking Drew’s execution, no court ever conducted a live evidentiary hearing at which Drew’s attorneys could confront and impeach Landrum on his widely disparate statements and meaningfully test Puralewski’s claim that Drew was innocent.

V. Conclusion

Bee Landrum gave multiple, impossibly inconsistent stories about what, if anything, he saw on the night of Jeffrey Mays’s murder. In jail prior to pleading guilty to murder, Ernest Puralewski, whose knife indisputably inflicted the fatal stab wounds, told several people and signed an affidavit confirming that he acted alone in killing Mays. Robert Drew, Puralewski confirmed, had simply been a terrified bystander who feared for his own life. No court ever conducted an evidentiary hearing on these allegations. Puralewski received a 60-year sentence for his role in the murder, while Drew was put to death.

The State of Texas executed Robert Nelson Drew on August 2, 1994.

For further information about Mr. Drew’s case, see the court files in: Ex parte Drew, (CCA No. 374913-C); Drew v. Scott, (S.D. Tex. 94-2607); Drew v. Scott (5th Cir. 94-20553).