

A State of Denial:

Texas Justice and
the Death Penalty

Texas Defender Service

David Stoker

David Stoker was convicted and sentenced to death in 1987 for the robbery and murder of a convenience store clerk in Hale Center, Texas. His conviction was based entirely on the testimony of three witnesses and a bullet seized from Stoker's car. None of the witnesses claimed to have first-hand knowledge of the murder, but each testified Stoker had confessed to them. Following his conviction, new evidence came to light that undermined the credibility and motives of the witnesses and demonstrated that local officials had perjured themselves to conceal the weakness of their case.

I. Key Facts

- A. During post-conviction proceedings, a key prosecution witness recanted his testimony. He stated he had testified against Stoker because the prosecutor had threatened him with a perjury conviction and because his wife had told him that Stoker had raped her, an allegation he no longer believed by the time of the trial.
- B. Prosecutors dismissed charges against their key witness in exchange for his testimony against Stoker, and then concealed the plea arrangement from the defense and the jury. The witness had instigated the prosecution of Stoker by providing police with the murder weapon.
- C. Local officials obstructed the investigation into the payment of reward money to two of their witnesses. They initially testified that no such payments had been made, but changed their testimony after Stoker's post-conviction counsel subpoenaed the cancelled check.

II. The Crime

Early on the morning of November 9, 1986, someone robbed Allsup's convenience store in Hale Center, Texas. During the robbery, store clerk David Manrique was fatally shot with a .22 caliber pistol. Several months after the crime, police acted on an informant's tip and arrested David Stoker, a local man known to the authorities as a drug dealer.

III. The Trial

The prosecution's case against Stoker rested almost entirely on the testimony of three witnesses: Carey Todd, Ronnie Thompson, and Debbie Thompson. Todd testified that Stoker had given him the murder weapon, which Todd had then given to the police. The police said they recovered a bullet from Stoker's car that matched the murder weapon and found his fingerprint on the gun. Todd denied under oath that the prosecution had offered him any incentives for his testimony. Both Ronnie Thompson and his wife Debbie swore that Stoker had confessed to the

murder. Debbie Thompson also provided additional evidence of a motive: Stoker needed money for a drug debt. The local police chief and a prosecution investigator denied that any reward had been paid to the witnesses for their testimony. Although the case against him was largely circumstantial and rested on testimony from witnesses of questionable character, David Stoker was convicted and sentenced to death.

IV. The Appeals

During post-conviction proceedings, Ronnie Thompson completely recanted his trial testimony. He stated he had testified against Stoker only because the prosecutor had threatened him with a perjury charge if he did not testify consistent with a statement he had signed earlier. That statement was drafted by his wife, Debbie Thompson, and Ronnie Thompson insisted he had not read it before he signed it. He originally had agreed to testify falsely against Stoker because his wife had told him Stoker had raped her. By the time of the trial, he no longer believed that allegation.

Although she never recanted her testimony, Debbie Thompson was an even less reliable witness than her husband. According to acquaintances, Debbie was a "methamphetamine whore," sleeping with anyone who had drugs to share. Moreover, during the proceedings against Stoker, she had left Ronnie Thompson and moved in with Carey Todd, the man who instigated the prosecution against Stoker and became the primary witness against him. She and Todd then split the Crimestoppers reward in the case, the existence of which local officials had denied.

Carey Todd was critical to the State's case. First, Todd told a local police investigator that Stoker had killed the clerk with a .22 Ruger pistol. Todd gave the gun to the officer, and Stoker's fingerprint was found on the trigger. But witnesses familiar with Stoker, Todd, and the Thompsons told Stoker's investigators that the pistol, like other guns, was regularly traded among these people for drugs. It also was regularly used by a number of people for target shooting. Todd himself was seen by two witnesses in possession of the pistol around the time of the murder. Moreover, Stoker's brother said that Todd gave Stoker the pistol so that he could fix the trigger, which Stoker did.

At the time of Stoker's trial, Carey Todd had a pending drug charge in a neighboring county. Those charges were dismissed after Todd testified against Stoker. At Stoker's trial, the State denied that Todd would receive anything in exchange for his testimony. During the post-conviction proceedings, Stoker's lawyers discovered a note in the prosecutor's file from Todd's drug case stating that the charges against Todd had been dismissed after Todd provided assistance against Stoker. Both the prosecutor and the investigator revealed that the file had contained a phone message slip stating that the prosecutor in the Stoker case had called to say that Todd had provided the required cooperation.

In addition, officials connected with the murder investigation obstructed fact-finding into the payment of the Crimestoppers reward money to Todd, which he had split with Debbie Thompson. Hale Center's police chief, Richard Cordell, initially testified there was no local Crimestoppers group, but was forced to acknowledge on the witness stand that he was, in fact, one of the group's founders. And Riley Rogers, an investigator for the district attorney's office, took the stand and

denied any knowledge of the \$1,000 payment. Bank records were later uncovered that linked him to the \$1,000 payment. Even then, they denied that Todd had been promised this reward.

Carey Todd figures at each critical juncture in the case against David Stoker. And at each of these points, Todd was in a position to manipulate the evidence to implicate Stoker. There is a substantial indication that he did just that.

V. Conclusion

The State's case against Mr. Stoker was entirely dependent on Carey Todd, a drug dealer who was in a position to set Stoker up, whose drug charges were dismissed in exchange for his testimony against Stoker, and who received a cash payment for his efforts. Neither Stoker's trial attorney nor the jury were aware of Todd's ulterior motives or those of the other prosecution witnesses. As one federal court of appeals judge noted during oral argument, in the final analysis it is just as likely that Carey Todd committed the crime as it is that David Stoker did.

The State of Texas executed David Stoker on June 16, 1997. After Stoker's execution, a member of the Texas Board of Pardons and Paroles sent one of Stoker's family members a heartfelt letter informing her that his vote to grant Stoker a commutation mistakenly had been recorded as a vote to deny all relief. The Board member said he had voted for Stoker because he doubted Stoker's guilt.

For more information on Mr. Stoker's case, see Steve Mills, Ken Armstrong & Douglas Holt, Flawed Trials Lead to Death Chamber: Bush Confident in System Rife with Problems, Chicago Tribune, June 11, 2000; and the case files in: Stoker v. State (CCA No. 70,031); Stoker v. Collins (N.D. Tex. 5:92-CV-148); Stoker v. Scott (5th Cir. No. 94-11089).