Have you got troubles with letting movies to prisoners for financial reasons? Well, you could save more money by releasing innocent inmates instead of wasting it on judicial manipulation to keep them in.
(The publisher to the Boise prison management, October 15, 2002)

Das System scheint tatsächlich die Hinrichtung Unschuldiger zu erlauben / The system indeed seems to allow the execution of innocent people / Järjestelmä näyttää todella sallivan syyttömien ihmisten teloituksia / Näib nagu et systeem lubab tõesti süütute inimeste hukkamist
Sandra O'Connor
Richterin am Obersten US-Gerichtshof / Judge at the US Supreme Court
tuomari Yhdysvaltain Korkeimmassa Oikeudessa / Kohtunik Ameerika Kõige Kõrgemas Kohtus

I would apply, but I'm too honest and possess too much integrity to tell lies everyday!
(Mark Lankford commenting on an prison warden's job vacancy. See **here**.)

Click here for some good prison humour

Mark Henry Lankford

English - **Suomi** - **Eesti**

DEUTSCH

* 25. April 1956. Opfer amerikanischer Justizmanipulation, sitzt seit 1983 unschuldig in der Todeszelle. Infolge eines Bundesgerichtsurteiles wurde er im Juli 2002 vom Todes- in den Hochsicherheitstrakt verlegt. - Justizmanipulationen sind in den USA legal infolge der Wählbarkeit von Richtern. Diese haben sogar das Recht, ihrer Laune unpassendes Beweismaterial unter Verschluss zu halten. - Im Gegensatz zu seinem Leidensgenossen Mumia Abu-Jamal (Pennsylvania, seit 1982 in der Todeszelle) ist Mark kein Opfer des Rassismus, sondern seines jüngeren Bruders Bryan, der ihn des Mordes an zwei Touristen beschuldigte, den er aber selbst begangen hatte. Obwohl Bryan selbst einsitzt, konnte selbst ein späteres **Geständnis** Mark nicht rehabilitieren. Mir liegt ein achtseitiges Dokument The story of Mark Henry Lankford vor, in amerikanischer Sprache. Übersetzungsversuch **hier**. Die Laufenden Nachrichten sind auf dem Blatt **Notizen.htm** einzusehen. - Kontaktadresse für Bitt- und Kritikschreiben am **Schluss** des Blattes. - **Gedichte** Marks aus der Todeszelle und dem Hochsicherheitstrakt

- - - Aktuell: Enthüllungen über illegale Abhöraktionen und Drogenschieberei - Richter und Sheriff angeklagt. Siehe Badjudge.htm - - -

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ENGLISH

Dear English-speaking Mark Lankford supporters!

As a consequence of persistant nuisance by fraud attempts and large amounts of Spam sent in English, e-mails in English arriving from senders unknown to me are in risk of being erased unread or vanishing down a server-based spam filter. Any new readers of this website folder that do not speak German, Finnish or Estonian and wish to contact me, please send your first message to **Mark** as e-mails forwarded to me from his address are being secured by a name-based message filter.

Mark Lankford was born on 25th April, 1956. Victim of American judicial manipulations, jailed innocently and held in Death Row since 1983. As a consequence of a Federal rule, in July 2002 he was transferred from Death Row into the Maximum Security unit. Judicial manipulations are legal in the US as a consequence of the electability of judges. These have in fact the right to lock away all evidence that opposes their will. Contrary to his fellow-sufferer Mumia Abu-Jamal, of Pennsylvania and in Death Row there since 1982, Mark is not a victim of racism but of his younger brother Bryan who blamed him for murdering two tourists, a crime he (Bryan) had committed himself. Although Bryan is in jail himself, not even his later **confession** got Mark into freedom. - The story of Mark Lankford. An eight-page print available from me. Current news updates are available on the sheet **News.htm** - Address to send pleas and complaints to at the **bottom** of this sheet. - **Poetry** from Death Row and Maximum Security by Mark Lankford

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SUOMI

Mark Lankford syntyi 25. huhtik. 1956. Yhdysvaltain oikeuskäsittelyn väärinkäytön uhri, vangittu ilman syytä v:sta 1983 lähtien ja tuomittu kuolemaan. Korkeimman liitto-oikeuden tuomion seurauksena, heinäkuussa 2002 hänet oli siirretty kuolinosastosta huipputurvallisuusosastoon. Oikeusväärinkäyttö on Yhdysvalloissa laillinen tuomarien valittavuuden avulla. Tuomarit saavat jopa sulkea mielikuvaansa vastustavat todisteet vastapuolen ulottumattomiin. Vastoin toista tuttua oikeuskäsittelyn väärinkäytön uhria Mumia Abu-Jamalia Pennsylvaniasta, joka on siellä kuolinosastossa v:sta 1982 lähtien, Mark ei ole rotusyrjinnän vaan oman veljensä Bryanin valheen uhri. Tämä oli murhannut kaksi turistia ja syyttänyt Markia siitä. Vaikka Bryan itse on vangittu, ei edes hänen myöhempi **tunnustuksensakaan** saanut Markia vapauteen.- Olen saanut 8-sivuisen amerikankielisen asiakirjan The story of Mark Lankford. Saksankielinen käännös **tästä**. - Ajantasaiset uutiset saa lehdestä **Uutiset.htm** - Pyyntö- ja valituskirjeiden kohdeosoite tämän lehden **lopussa** - Markin **runoja** kuolin- ja huipputurvaosastosta

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EESTI

Ma väga tänan Tartu elanikku eestikeelse tõlke eest. Tartu on ju heade mõtete linn...

Mark Lankford on sündinud 25. aprillil 1956. Ameerika õiguskuritarvitamise ohvrina viibib ta alates 1983. aastast süüta Boise vanglas, Idahos, ning on surma mõistetud. Õiguskuritarvitamine on Ameerikas seaduslik, sest rahvas valib ka kohtunikud. Nemad tohivad isegi oma mõtete ja veendumuste vastu olevad tõendid opositsioonilt kõrvaldada. Vastupidiselt teisele süütule vangile Mumia Abu-Jamalile, kes elab aastast 1982 Pennsylvania vanglas, ei ole Mark rassilise diskrimineerise, vaid oma venna Bryani tegude ohver - nimelt on Bryan mõrvanud kaks turisti ja süüdistanud selles Marki. Kuigi Bryangi on **sama** mõrva pärast vanglas, ei saanud Mark vabaks. Olen saanud inglisekeelse dokumendi The story of Mark Lankford. Saksakeelne tõlge **siit**, eestikeelse tõlke saab minult. Uudised saab küljelt **Uudised.htm**. - Aadress, kuhu võib saata inglisekeelseid palvekirju, on selle külje **lõpus**. - Marki **luuletusi** vanglast

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Weitere Internetseiten (deutscher Rechtshinweis **hier**) **/ Other websites / Muita kotisivuja / Muud kodulehed**
Englischsprachig, wo nicht anders angegeben / In English unless otherwise stated / Englanniksi ellei toisin mainittu / Inglise keeles kus ei ole muide mainitud)

http://www.americanindianprisoners.com/Pages/States/idaho.htm
Eine holländische Seite über amerikanische Gefangene in Idaho / A Dutch site on American prisoners in Idaho / Hollantilainen kotisivu amerikkalaisista vangeista Idahossa / Hollandi koduleht Idahos elavatest ameerika vangidest

http://www.id.uscourts.gov
Die offizielle Internetseite der amerikanischen Justiz / The official American court site / Amerikkalaisten oikeusviranomaisten virallinen kotisivu / Ameerika kohtuministeeriumi ametlik koduleht

http://ccjr.policy.net/cjedfund/state/id
Eine amerikanische Seite zu Justizmanipulation allgemein / An American site about judicial manipulation in general / Amerikkalainen kotisivu oikeusväärinkäsittelystä / Ameerika koduleht õiguskuritarvitamisest

www.todesstrafe-usa.de/mark.htm (Deutsch / German / saksaksi / saksa keeles)
Ein Blatt zu Mark bei Alive gegen die Todesstrafe eV / A sheet on Mark at the German Alive Against Death Penalty Association's website / Saksan "Alive Kuolinrangaistuksen Vastustajat" ry:n kotisivulehti Markista / Saksa "Alive Surmanuhtluse Vastased" -liidu kodulehekülg Markist

www.ambweb.de/Lankford.html (Deutsch / German / saksaksi / saksa keeles)
Ein Blatt zu Mark auf der Seite des Künstlers Andreas Mayer-Brennenstuhl aus Nürtingen / A sheet on Mark on the website of artist Andreas Mayer-Brennenstuhl at Nürtingen, Southern Germany / Lehti Markista etelä-Saksan Nürtingenin taiteilijan Andreas Mayer-Brennenstuhlin kotisivulla / Kodulehekülg Markist lõuna-saksa Nürtingeni kunstniku Andreas Mayer-Brennenstuhli kodulehel

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Deutsch-, italienisch- und englischsprachige Kontaktadresse in der Schweiz
Jennifer Pfiffner, Tel./Fax 0041 81 / 8 60 07 70, Mail **jennipfiffner@yahoo.de**

Italienisch- und englischsprachige Kontaktadresse in Italien: Giulio Bellucci, **gbellucci@yahoo.com**
Bericht seines Besuches 2004 in Italienisch **hier**.

Spendenkonto in Deutschland:
Alive eV, Deutsche Bank 24 Bocholt BLZ 428 700 24, Konto 310 00 88, Stichwort (wichtig!) "Mark Lankford"

Betrachtungen und Berichte Marks in amerikanischer Sprache / Random reports, observations and brilliant analyses by Mark / Markin ajatuksia ja julkaisuja amerikan kielellä / Marki mõtted ja jutustused ameerika keeles:
Random-1.htm (12.8.02) / **Random-2.htm** (12.1.03) / **Random-3.htm** (25.4.03) / **Random-4.htm** (3.7.03) / **Random-5.htm** (29.10.03)
Random-6.htm (16.2.04) **Random-7.htm** (3.10.04) / **Solit-1.htm** (3.8.04) / **Random-8.htm** (7.2.05) / **Solit-2.htm** (28.2.05) / **Random-9.htm** (10.8.05) / **Recevent.htm** (8.2.06) / **Solit-3.htm** (13.12.06)

Ein Brief eines Vertreters der amerikanischen Mennoniten / A letter from a representative of the First Mennonite Church / Amerikan Mennoniittikirkon edustajan kirje / Ameerika Esimeste Mennoniitide Kiriku esindaja kiri: **Bollman.htm** (3.9.03)

Ein Interview / An interview / Haastattelu / Intervjuu
Roman Krause, Wuppertal, Germany: **Roman.htm** (Juni / June / kesäkuu / juuni 2005, English only)

Verabschiedung des Wärters Greg Fisher / Farewell message to warden Greg Fisher / Jäähyväisviesti vartija Greg Fisherille / Hüvastijätisaate valvur Greg Fisherile: **Fisher.htm** (Juli / July / heinäkuu / juuli 2005, English only)

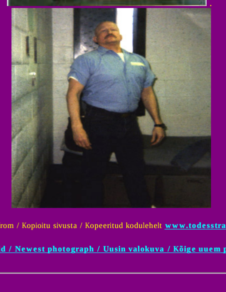
Die neuesten Enthüllungen über juristische Ungereimtheiten zu Marks Lasten: Richter Reinhardt selbst vor Gericht / The latest news on judicial offenses on Mark's expense: judge Reinhardt being tried himself / Uusimmat paljastukset viranomaisten rikoksista Markin pahaksi: tuomari Reinhardt itse oikeudessa / Kõige uuemad paljastused ametlikust õiguskuritarvitamisest Marki pahaks: kohtunik Reinhardt ise kohtuprotsessis: **Badjudge.htm** (Juli / July / heinäk. / juuli 2006, deutsch und englisch)

Postadresse des Gefangenen / The prisoner's postal address / Vangin postiosoite / Vangi postaadress
Mark Henry Lankford #20489
IMSI, B-Block, PO Box 51
Boise, Idaho 83707-0051, USA
An diese Gefängnisadresse dürfen weder Päckchen und Pakete noch Drucksachen und Geld gesandt werden. Bücher und Zeitungen kann Mark nur direkt über die Verlage beziehen / Do not send parcels, printed publications and money to this prison address. Mark can get books and newspapers from the publishers only / Tähän vankilaosoitteeseen ei saa lähettää paketteja, kirjoja, sanomalehtiä ja rahaa. Mark saa kirjoja ja sanomalehtiä ainoastaan kustantamoilta / Sellele vangla-aadressile ei tohi saata pakke, raamatuid, ajalehti ja raha. Raamatuid ja ajalehti tohib Mark saada ainult kirjastustelt

E-Mail/sähköposti **marklankford@comcast.net**
Die Nachrichten kommen bei Marks Vertrauensperson Frances an, die sie ihm ausdruckt und mit der Briefpost zusendet / Messages arrive at Mark's person-of-trust Frances who prints them for forwarding by ordinary mail / Viestit saapuvat Markin luottamushenkilö Francesille joka tulostaa ne lähetettäviksi kirjepostitse eteenpäin / Teated saab Marki usaldusinimene Frances kes prindib ja saadab need kiripostiga edasi

Marks Anwalt / Mark's lawyer (attorney) / Markin asianajaja / Marki advokaat
Andrew Parnes
P.O. Box 5988
Ketchum, Idaho 83340, USA
Fax 001 208 / 7 26 11 87
E-Mail / sähköposti: **aparnes@mindspring.com**

Bilder / photographs / valokuvat / päevapildid:
14.12.2002* / 11.1.2003 / 24.1.07**



* Kopiert von / Copied from / Kopioitu sivusta / Kopeeritud kodulehelt **www.todesstrafe-usa.de/mark.htm**

Neuestes Bild / Newest photograph / Uusin valokuva / Kõige uuem pilt, 24.1.07

Orgchart.pdf
Das Organigramm der Haftanstalt, Stand Juli 2004 / The orga chart of the prison as of July 2004 / Vankilan hallitusrakenne, ajan tasalla heinäk. 2004 / Vangla valitsuse struktuur, viimati muudetud juulis 2004

Adresse des Gouverneurs von Idaho / The Idaho Governor's address / Idahon maaherran osoite / Idaho kuberneri aadress
Governor James E Risch
Office of the Governor
700 West Jefferson, 2nd Fl.
PO Box 83720
Boise, ID 83720-0034, USA
001 208 / 3 34 21 00
E-Mail **governor@gov.idaho.gov**

Titelblatt letztmals aktualisiert am / Title sheet updated last on
Otsikkolehti ajan tasalla / Avaleht viimati muudetud
24.1.07

Seiteninhaber / Website holder / Kotisivun omistaja / Kodulehe omanik:
Thomas Michael, Im Schüle 10, D-70192 Stuttgart
Tel./Phone/Puh. + Fax: +49 711 / 2 57 66 99
E-Mail/sähköposti: **thomas.michael@foni.net**

Zum Haupttitelblatt / To main title sheet / Kotisivun pääotsikkolehteen / Kogu kodulehe avalehele

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ADDENDUM TO THE SPRING 2003 FREE MARK LANKFORD DEFENSE UPDATE

The following is an exact account of a letter written by Bryan Stuart Lankford on 25 April 2003 while he was in the "hole" at ICC (Idaho Correctional Center). He was in the "hole" for allegedly assaulting a corrections officer. This letter was sent by Bryan to Andrew Parnes (my attorney [lawyer]) and District Court (Federal) Judge Edward Lodge in Boise, Idaho: [For name correction, see comments in yellow below]

Andrew Parnes April 25th 2003
Attorney [lawyer] at Law Ketchum Idaho

Dear Mr. Parnes:

First I want you to know that I was told that you did not want me to testify at the deposition here some months back when you were with Joan Fisher and I.

I did put that into the transcript later. Had I not been told that, I would have testified regarding the deaths of the Bravences in June' 83. And it is true that I and I alone killed the Bravances. I didn't intend to kill them, it just got out of hand.

Mark and I had gotten into an argument about a mile or so up the road from the campground (Sheep creek) and I left Mark there and walked until I came upon the Bravences camp and seeing the license plate from Texas I figured that would be a good van to steal so I walked into camp with my 12 gauge shot gun and told them to get on the ground, the dog was tied up. and I only intend to tie them up and take the van. But as I went around to tie Mr. Bravance up, he tried to make a move on me and I knocked him out with the gun butt, then Mrs. Bravence tried to get up to tend to him and in my half drunk drug enduced state I knocked her out too, then I got scared. And this might sound odd but I believe it was at that point that I became possessed by a demon like people were in the Bible when Jesus cast them out of them and like I said I was never intending on hurting anyone but I couldn't help it, it was like it wasn't me doing it. I remember picking up a head size rock and hitting both the Bravances several times each and then throwing the rock in the creek or little river there by the camp and just like that the Demon left me. and I was scared and crying and didn't know what to do. so I got into the van and drove till I found Mark walking along the road. And I told him what I did and ask him to help me. And after a while he said okay. And I drove back and we put the bodies in the van and I drove up to where we had been camping, it was already dark then and I told Mark After we had carried the bodies out in the woods and put some logs on top of them to just leave me there and I would kill myself.

But he calmed me down and we left and drove to California. And later took a bus to San Antonio Texas.

And This is really what happened those many years ago and if necessary I'll take a Polygraph to all this and testify in any Court.

Also I'm sending a handwritten copy of this to:
Judge Lodge,
ATTN: Clerk of the Court
550 West First Street
Boise Idaho 83724
Sincerely yours.
(signed) BRYAN LANKFORD

Zusatz des Übermittlers: Dieser Brief wurde unangetastet aus einer per E-Mail erhaltenen doc-Vorlage übertragen. Marks Vertrauensperson **Frances** schrieb dazu, der Stil mit allen Fehlern lasse auf Bryans geistigen Zustand schließen. Sie korrigierte zudem den Namen des Richters. Richtig ist William Flemming Neilsen aus Spokane Washington (die Adresse hierüber ist somit ungültig, Bryan hatte die Namen verwechselt). Hier der Originalwortlaut der Übersetzung von **Margrit Sprecher**, die auch versucht hat, den fehlerhaften Schreibstil zu demonstrieren:

Mark und ich begannen, ungefähr eine Meile vor dem Campingplatz (Sheep creek), einen Streit, worauf ich Mark verließ und weiterging, bis ich den Campingplatz der Bravences erreichte. Als ich das texanische Kennzeichen auf dem Kleinbus entdeckte, dachte ich, dass das ein gutes Auto zum Stehlen sei. Ich schlenderte auf den Campingplatz mit meiner 12 Schuss-Schrotflinte und sagte ihnen, sie sollten herauskommen, der Hund war angebunden. und ich will sie nur fesseln und den Wagen nehmen. Aber als ich Mr. Bravance fesseln wollte, versuchte er, sich mir zu nähern und ich schlug ihn mit dem Kolben, dann versuchte Frau Bravence, aufzustehen, um ihm beizustehen, und in meinem durch Drogen reduzierten Zustand schlug ich sie ebenfalls zusammen, und dann bekam ich Angst. Das scheint seltsam, aber ich glaube, ich befand mich in der Gewalt eines Dämons, wie die Menschen in der Bibel, als Jesus sie aus ihren Körpern austrieb und wie ich sagte, ich wollte nie jemanden ernsthaft verletzen, aber ich konnte es nicht verhindern, es war, als ob mich etwas [Anderes als ich selbst] dazu trieb. Ich erinnere mich, dass ich einen kopfgroßen Stein ergriff und jeden der beiden Bravences mehrmals damit schlug und dann den Stein in eine Bucht oder kleinen Fluss warf und währenddessen verliess mich der Dämon. und mich packte das Entsetzen, ich heulte, und wusste nicht, wie weiter. so kletterte ich ins Auto, und fuhr, bis ich Mark traf, der allein auf der Straße ging. Und ich sagte ihm, was ich tat und bat ihn um Hilfe. Schließlich willigte er ein. Und ich fuhr zurück, und wir luden die Körper in den Wagen und fuhren zum Ort, wo wir kampierten, es war schon dunkel und ich erzählte Mark Nachdem wir die Körper in den Wald geschleppt hatten und mit ein paar Holzstücken beschwert hatten, dass er mich dort lassen solle und ich mich selbst umbringe.

Aber er beruhigte mich, und wir gingen weg und fuhren nach Kalifornien. Und später mit einem Bus nach San Antonio (Texas).

Und das ist, was wirklich passierte vor diesen vielen Jahren und es ist notwendig, dass ich einen Polygraphen nehme, um dies vor irgendeinem Gericht auszusagen.

Und ich sende eine handgeschriebene Kopie davon an...

Siehe Fallgeschichte (**Lankford.doc**). Das handgeschriebene Original des Briefes als Bitmap hier - **Seite 1** - **Seite 2**, zus. 192 kB; eine Projektion ins Winword mit besserer Druckqualität auf Anfrage (1,6 MB)

Addition by the publisher: This letter has been transferred untouched from a doc file received by e-mail. Mark's person-of-trust **Frances** commented to it that the style together with all grammar mistakes revealed Bryan's mental condition. She also corrected the judge's name to be William Flemming Neilsen, of Spokane Washington (so the above address is invalid, Bryan had got the names wrong). The letter is supposed to prove Mark's innocence. The hand-written original in bitmap format here - **page 1** - **page 2** - together 192 kB; a Winword projection in better print quality upon request (1,6 MB)

Välittäjän lisäys: Tämä kirje on siirretty muuttamatta sähköpostiliitteenä tulleesta doc-tiedostosta. Markin luottamushenkilö **Frances** kirjoitti siitä, että tyylistä kielivirheineen voidaan arvioida Bryanin henkinen tilanne. Hän lisäksi oikaisi tuomarin nimen; oikea on William Flemming Neilsen Washington-osavaltion Spokanesta (siis ylhäällä oleva osoite on väärä, Bryan oli saanut nimet sekaisin). Bryan kuvaa kuin v. 1983 oli Hiiden valtaamana ja siis vastoin tahtoaan murhannut Bravencet saadakseen heidän autonsa käyttöönsä. Kirjeen tarkoitus on siis todistaa Markin syyttömyys. Kirjeen käsinkirjoitettu alkuperäisversio bmp-tiedostona tästä - **sivu 1** - **sivu 2** - yht. 192 kt; Winword-kuva parempine tulostuslaatuineen kysyttäessä (1,6 Mt)

Kodulehe omaniku lisaus: Selle kirja kohta ütles Marki usaldusisik **Frances**, et kiri kõigi oma vigadega viitab Bryani psüühilisele seisundile. Originaal bmp-failina **lk.1** - **lk. 2** (kokku 192 kB). Originaali Winwordis parema prindilaadiga (1,6 MB) ning kirja eestikeelse tõlke (mis meie tartu toetaja kirjutas) saab kui küsitakse

Back to Lankford **title sheet** / Zurück zum Lankford-**Titelblatt** / Takaisin Lankford-**otsikkolehteen** / Tagasi Lankford-**avalehele**
Back to Lankford **Newssheet** / Zurück zum Lankford-**Nachrichtenblatt** / Takaisin Lankford-**uutislehteen** / Tagasi Lankford-**uudisteküljele**

...

Mark Henry Lankford

Newssheet

Deutsch - Suomi - Eesti

Jump ahead to **newest entry**

Summary September 2002 to the end of 2005

In September 2002, Mark has been on a hearing on his case at court, and the briefing is through. An account of the event, in his own words, is available **here**. Mark's possible release in November 2002 has by surprise been delayed by severe illness of a relative and a case of maternity leave among important judicial staff. A new date set for February 2003 went untouched as well. As from September 2002, due to national budget cuts, prisoners at Boise have been set to **starvation**!

17th May, 2003 - A horror day: a new trial was denied. A new reprsentation would have cost several million dollars. After reading the 38 pages of the judge William Flemming Neilsen's decision Mark realised that what was written in this decision will make an excellent case in the 9th Circuit Court. The judge stated that the original trial lawyer assigned to Mark's case was inexperienced, didn't know the applied law and was unprepared. Mark published a **letter** that Byan had written to the judge. - On 28th November, Mark was moved to Block J and has got a cell comrade, Randy J McKinney. He was allowed out four hours a day and thus could meet the other inmates of the block. He was allowed to have visitors from outside the prison as well. However he was no longer allowed his art-work which was his sole source of income, as this is the Solitary prisoners' privilege.

An exhibition of Mark's paintings titled "Finale totale" ran from 10th December 03 to 11th January 04 in the Stuttgart Artists' League's house. In the course of this exhibition, my e-mail correspondence to Mark, Frances and the organiser of the exhibition was blocked by AOL as Spam, but I could outwit the barrage. Frances moved Mark's and her own e- mail to Bellsouth. - 6th January 2004: On the exhibition site, Petra E Herrmann from the German Alive Against Death Penalty Association lectured on death penalty and judicial manipulations in the US. - I have bought **this** painting of Mark's from the exhibition (own photograph). A live broadcast on the Free Radio for Stuttgart was aired on 10th February 6-8 pm German time on death penalty in the US with the organiser of the exhibition, Andreas Mayer-Brennenstuhl. In the first hour (News Team) I mainly presented Petra E Herrmann's lecture from 6th January, in the second hour he continued as guest of the Culture Team's Andreas Bär in the "Bär on Air" programme with his art project. - The sale of paintings in Stuttgart had got Mark a total of 600 euros. A second exhibition of Mark's paintings was in June and July 2004 at Nürtingen, southern Germany. Due to the location only a few paintings could be sold. - Already on 16th April Mark's term in General found a sudden end when Nazi inmates dropped upon him and a notice of further plans was found. In July there was another attack that brought Mark a broken nose bone; since then he lives in Solitary again in **Block C** as the wardens saw themselves unable to keep control over the Nazi gangs. "Neo-Nazi Skinheads control prison" read a **headline**. Mark lost $500 worth of property and had only $200 refunded by this summer. He complained of headaches, memory blackouts and breathing problems from his broken nose. Warden Greg Miller pretended, despite photographs taken, not to have any knowledge of the attacks from 14th July and refuses appreciation to supporters' correspondence. The attackers were named to be Clifford Adair und Brandon Spurway, and it is by now known that there are five known racist groups among the inmates. The facility faces extensive staff changes due to bad pay. A new poem of Mark's where he describes the attack has been added to the **poetry collection**, and in a **prose text** from 29th July which I got on 3rd August, he wrote of a visit of an Italian suporter.

In September 2004 my e-mail spreader has had a second address in Italy and one in France; the latter has links to a Belgian human rights association as well. On the 13th, Frances has seen Mark in Boise and filed me this **report**. - Prison staff pressure Mark and comfort Bryan. Mark is to sign a waiver freeing the guards from any charges if he, once returned to General population, should be attacked by Nazis again. Only Mark's signature would enable him to return to normal conditions after the Nazi gangs have been moved to another prison. Meanwhile I had copies of some correspondence that prove that Bryan is being comforted in his effort to return (!) to General and being asked for patience until he is safe from the Nazis and Mark (!). Bryan has to my knowledge never been in General, nor has Mark at any time had intentions to drop upon his brother. There is evidence that the two are being exchanged to create a confusion. The warden responsible for Mark's new Solitary term, Greg Fisher, seems to have made himself a sample to copy to demand in order to more easily ward off the letter bombardments by Mark's supporters. I received mail from Mark and found enclosed Fisher's letter to another supporter which was almost identical to the one I had. Fisher blindly believes everything that has an official seal although he admits the legalty of judicial manipulations by judges elect. Since Fisher blames Mark of having made himself enemies, Mark has to do six months of Solitary, although the risk is gone, before his case will be examined again. - On 30th October 2004 Italian supporter Giulio Bellucci has delivered a **report**, in Italian language, of his own visit to Mark earlier this year. Mark is in Solitary (Administrative Segregation) ever since.

In January 2005, Mark Lankford went "eest". An entry in the German website guest-book of the Estonian city of **Tartu** made the case known there. In February a reply came from a reader of the guest-book who made a full translation of the title text, the newssheet and the Story. In October 2004 I had started learning Estonian and visited Finland's closest language kin in late summer 2006. In February 2005 a Swiss supporter made the case known in South Africa. Meanwhile I received a new Department of Corrections (=prison) **document** which is found not to be in accordance with Mark Lankford reality. On 11th June, news spread that Greg Fisher has retired and been replaced by John Hardison. In August, it was learned that there are indeed still Nazis in the prison. Hardison wrote that "there remains a high risk of harm coming to Mark from unknown parties if he were released to general population housing". Mark was moved to Block J because of "Jerry next door" - a good friend who has fallen seriously ill and awaited execution in a short amount of time.

News updates as from 2006

11th Febraury 2006 - A mediation was held. The parties were unable to come to an agreement and Mark is back before the 9th Circuit Court of Appeals waiting for a decision

8th March 2006 - Mark published a new **letter** with encounters of recent events and Random Obvservations

13th May 2006 - Anything between a month or two to wait for the next hearing, says Frances. The Associated Press reported on the issue in mid May

22nd May 2006 - A Swiss supporter has a month's American tour behind her travelling on Mark's roads. Read **here**

10th July 2006 - Latest revelations about dirty practices by judge Reinhardt and sheriff Baldwin were reported this month to the juries. Together with comments by Mark. **Details**

8th November 2006 - After four months of silence good news: the 9th Circuit Court demand Mark to be retried soon or else released. For the state of Idaho, the new trial will turn out to become very expensive. The report in full detail **here** (PDF, 28 kB)

13th December 2006 - Frances filed me Mark's latest observations and a news report on his future: **Solit-3.htm**

Christmas 2006 - Frances moved Mark's and her own private e-mail to another carrier (Mark: **marklankford@comcast.net**

22nd January 2007 - Mark filed a criminal **complaint** - see also 10th July 2006 - and asks supporters to write to the addresses shown

30th January 2007 - "The state's petition for rehearing and rehearing en banc was denied" (Andrew Parnes), or: Idaho's attempt to throw the ball back to the 9th Circuit Court was unsuccessful. If the Idaoans really want to retry Mark, they must organise and pay the retrial themselves. It is very unlikely that the Supreme Court will accept the case

To title sheet

Sheet last updated on 30th January 2007

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The story of Mark Lankford's hearing in September and October 2002

(The publisher has copied the report from a raw-text e-mail sent from Mark's person-of-trust)

Deutsch

Mark Henry Lankford was arrested on 2 October, 1983. He was accused of the murder of Robert and Cheryl Bravence in the wilderness area of Central Idaho, in the Northwestern United States. Mark was arrested with his brother, Bryan, the actual killer. The arrest took place in the remote Trinity River area of East Texas, where the brothers had been born and reared. Mark and Bryan were put on trial in Grangeville, Idaho in the spring of 1984, before juries. Both men were convicted that spring. There was no evidence putting Mark at the scene of the crimes, but there was evidence implicating Bryan, who was also on Probation in Texas for armed robbery. Bryan would have gone to prison for violating his Probation due to drunk driving and eluding police in a car chase. Bryan made a deal with the State of Idaho, attempting to save himself from the death penalty, with the possibility of being released in seven years. Bryan would have to testify against Mark to receive this leniency and this is what he did. The prosecution denied there was a deal in Mark's trial, but when both brothers were sentenced the judge called Bryan the "Prince of Deceit" and sentenced them both to death, over the recommendation of a lesser sentence for Bryan from the prosecutor.

I, Mark Henry Lankford, write this on 2 October 2002, 19 years from the day of my arrest. The appeal process has been long and tedious. Bryan spent about 9 years on death row, in solitary confinement, before the US Supreme Court reversed his sentence on the grounds that the judge was unfair. Bryan was resentenced to Life without parole in 1993, but this sentence was then reversed by the Idaho Supreme Court. This court found that there had been a "deal" between Bryan and the state, which had been denied by the State in every appeal of Mark Lankford. In 1999, Bryan was sentenced to Life with Parole, meaning he could be released on condition/supervision. Also, Bryan had recanted and confessed several times after conviction, claiming that he lied and that I, Mark, was innocent of the murders. These recantations did nothing to change my situation, for I have been held in solitary confinement since the day of my arrest 19 years ago.

When I came to this prison complex outside Boise, Idaho on 16 October, 1984, I did not leave until 17 September, 2002, when I was to attend an Evidentiary Hearing before us District Judge William Fremming Neilsen, at the US Courthouse in Boise, Idaho. After almost 18 years of living in a space the size of a bathroom, I was to leave in an automobile, to see things I had not seen in almost two decades. These are my observations and thoughts concerning these proceedings:

In a scenario out of Rip Van Winkle, I was taken from my cell, showered and strip-searched. I was then put into a Dodge Minivan and proceeded out the back gate of the Idaho Maximum Security Institution. As we drove from the prison, I noticed how small everything seemed. The minivan was small and not very well-constructed, with a lot of plastic parts and noise in the suspension. We were headed to Boise from the high desert. Boise is in the Treasure Valley and I had a huge vista when we moved over the ridge. The scene was quite beautiful to my eyes, as I was not accustomed to the outside world.

The officers were amazed that I had not been outside in so long, so they gave me the "scenic tour", pointing out the various sites (e.g. Boise River, State Capitol Building...) As we were waiting at a stoplight, little children headed to school zoomed past me on very small aluminum scooters. I had seen these things on television, but they seemed dangerous, for the children were surrounded by auto traffic. The officers were laughing at my amazement. When we reached the Courthouse, I was escorted in belly chains and leg shackles, which is how I was constantly restrained. We went up the elevator to the 7th floor, to a holding cell.

I had a short interview with my attorney [lawyer], Andrew Parnes, prior to the hearing beginning. We went down to the 6th floor to the Courtroom at 0930, where I met with my second attorney, Chuck Peterson. All the court personnel were in attendance and the Deputy Attorney General, Lamont Anderson was there as the Respondent. The judge entered the room and the hearing began with our witness, Dr. James Missett. The hearing had been moved to this day due to Dr. Missett not being available later, on 30 September, when it was to begin and would resume. Dr. Missett is a highly respected and eminent psychiatrist. He interviewed me on 21 May 2002 for six hours and produced a report for this hearing. He was to analyze me and to go over the methods and analysis of the original court-appointed analyst, Michael Estess, also known as "Dr. Death".

Dr. Missett testified that the analysis by Estess was, in his opinion "improper and below the professional standard" on many levels. The basic overview, from my perspective, is that Dr. Estess said what the judge and prosecution wanted him to say, with nothing to support his various conclusions. In essence, Estess is what we call a "hatchet man". It is quite telling that the State did not call Estess as a witness, to defend his position, though he was available. Estess had testified originally that I was not the sort of person to kill someone for material gain, which was the unsubstantiated motive assigned to me in the State's theory. In fact, the State did not call ANY witnesses throughout the hearing. We ended the day at 14:00, working through lunch, for the judge had to catch an early flight back to Spokane Washington. I was very tired, came back to the cell and went to sleep.

I was not scheduled to return to court until the 30th, so I spent the intervening days making ready for the hearing. I had several meetings with my attorneys [lawyers] and quite a few telephone calls with friends about my experience and opinions. I wanted to testify at the hearing, for I thought and continue to think that it would have been educational, instructive and that the judge would be interested in hearing me. This view was not shared by my attorneys, for they thought we had nothing to gain and it was a risk. The underlying feeling that I took away from our meeting was that I would seem mentally aggressive when being questioned by the agents of the State, whom I consider liars. This is a cogent consideration, but one that diminishes the opinion of my abilities when confronted with adverse conditions. Over my strenuous protests, my attorneys decided I would not be allowed to testify.

The hearing resumed on Monday, 30 September and I went through the same regimen as before, without the surprise of seeing the outside world. If anything, I am very adaptable. We began on the 30th with my original attorney, Gregory Fitzmaurice. He testified about how he presented the case at trial and sentencing; his interactions with family members, friends; and me and his experience as an attorney.

Concerning the latter, Mr. Fitzmaurice was not very experienced, having only been involved in one felony case, that being a cattle rustling charge when he was a deputy prosecutor. The judge in Grangeville, Idaho was also inexperienced, having recently been elevated from a Magistrate position. So I faced a judge that was not elected, an inexperienced attorney that had previously worked for the prosecutor, a very rural, tribal-type community over 2000 miles from my home and no experts/investigators to assist us on my defense! Add to this the dealmaking between my brother and the state and you get a recipe for disaster and manifest injustice. Fitzmaurice testified in various degrees about the above, but he attempted to diminish his lack of skill as an ingredient comprising ineffective assistance of counsel, which was the scope of the Federal Evidentiary Hearing. Today, with the current standards of effective counsel in Capital litigation being more stringent, he would not have allowed to represent a capital defendant. Fitzmaurice is not a bad man and is a far better attorney today than he was nearly 20 years age. At that time, he was not qualified and was in far over his head on. such a complicated defense case as mine. I never had confidence in. his ability and said as much to him at the time I knew what was happening and that I faced a corrupt court there in Grangeville. Fitzmaurice said that he felt the State was deceiving him about the deal they had made with Bryan and was also deceiving the court. He tried, valiantly, to bring this up time and again, only to be rebuked by the judge.

After Fitzmaurice, we called Keith Roark, an attorney of great experience and eminence here in Idaho, to critique the work of Fitzmaurice and his effectiveness. Mr. Roark is running for Attorney General for the State of Idaho in the upcoming election. He is the former mayor of the city of Hailey, Idaho; has been the President of the Idaho Prosecuting Attorneys Association, is currently a member on the Idaho Supreme Court Civil Rules Committee and the Federal Criminal Advisory Committee. Roark is a very sharp, intelligent and skillful attorney, having never lost a case on the original charge. He stated in testimony 'and in a separate' report that Fitzmaurice should have, but did not:

1. Hire an investigator. The funding was available, but Fitzmaurice failed to hire an investigator, expert or anyone else to assist in my defense.

2. Hire a forensic pathologist to rebut the State's case against me and the slipshod manner employed by the State's expert witnesses.

3. Carefully and systematically cross-examine Bryan about his prior testimony and various statements. Had this occurred, with a forensic pathologist to discount Bryan's obviously false story, the jury would have been able to come to a conclusion that would more closely reflect the truth, that I am innocent.

4. Assign investigators to interview as many people as possible falling into two groups: those who knew me growing up and that could testify to the extreme abuse I suffered at the hands of my father and: those that knew me as an adult in my work and my life as a regular person. This would have shown that I was not/am not a violent person, but instead I am a "defender" of others.

All of these things that Fitzmaurice either did not or could not do resulted, in a completely ineffective defense as I faced two counts of First-degree murder, and was facing the ultimate sanction, the death penalty. Fitzmaurice fell below the standard of effective counsel today and in 1983-84. Fitzmaurice also requested jury instructions that were misstatements of Idaho law at the time and instead of helping the jury, actually were confusing, shifting the burden of proof from the prosecution to the defense. This in itself is reversible error and should be the basis for a new trial for me. Fitzmaurice also failed miserably concerning the instrumentality used to effect the deaths of Mr. and Mrs. Bravence, which Bryan stated was by use of a "nightstick", but later recanted, testifying that he killed them with a "large rock". Had all of these things been done properly, it is more than likely that I would have never been convicted, sentenced to death and tortured by living in solitary confinement for almost two decades!

I thought that Roark was an excellent witness and he would make a fine Attorney General for Idaho. I think that with all things being equal, we produced a very good presentation and if I didn't know better, I would think we would win, strictly on the witnesses up to this point. We ended the day at 1730 hours and I was very tired, having had only a small bag of chips for lunch. On the 17th, I was not allowed to wear regular clothes, for the US Marshals are in charge of the rules at the courthouse. Since 11 September 2001, security has been enhanced across the board, for obvious reasons. However, the judge ordered that I could wear regular clothes for the remainder of the hearing. A hand-tailored suit from Rome, Italy was to arrive for the 30th, but US Customs had let it get all the way to Idaho without inspection (Homeland Security at work!) When I came to court on 1 October, the virgin wool suit was there, which brought a huge smile to my face and compelled my attorney to say I looked better than he. I doubt this, for my baldhead makes me look like a very pale, balding dead man in a nice suit! We tried to get photos taken, but this was not allowed, sadly.

The audience on 30 September included my Spiritual Advisor, Rick Bollman, a fine man, father of three girls, husband to Marj and an elementary school principal here in Boise. He sat through the entire day's testimony and I will soon know what he thought about it, as I was only briefly allowed to exchange words with him. I did not see any media or anyone else that I know there.

1 October became the last day of the hearing, as we moved faster than originally anticipated. The witnesses began with my cousin, Linda Goss Masters. She is my father's sister's oldest child and is very nice, soft-spoken Texas girl. I had not seen her since 1981, which was at my father's funeral. She testified concerning my childhood, the abuse I suffered and that she had never seen me act violently, but was instead a sweet person. It was not my idea to call anyone to speak about my abuse, for this smacks of fishing for sympathy and when my grandmother was mentioned, it almost made me cry. My grandmother, Nora Ester Lankford was a very fine woman and she loved me greatly. She passed away in 1995 at 85, having never been able to visit me, due to Idaho's barbaric statutes restricting visitors to those condemned to death. Linda also testified that she had never been contacted about my trial/sentencing and if she had been, she would have been willing to testify in my behalf. She was just as nice as I always remembered her.

The next witness was Linda's brother, my cousin Carlton Ray Goss, who is a retired schoolteacher in Huntsville, Texas. He basically testified to the same things Linda did, except that he had been around me more often. He also testified that he had never seen me act violently and that Roy Ralmuto, a sexual predator now deceased, had victimized my brother Robert and that I had words with Ralmuto concerning his homosexual victimizing of my younger brothers. The fact is that Ralmuto was what we call a "chicken hawk", a man that preys sexually on adolescent boys. He had relationships with three of my younger brothers and I was constantly trying and succeeding in moving them out of his home and counseling them to not be involved with him. For this reason, Ralmuto hated me and was instrumental in seeing that I did not have many family members testify in my behalf at. my trial/sentencing. In fact, he talked them into helping Bryan and going against me. He also testified against me, denying his predatory homosexuality. In Bryan's resentencing hearing in 1993, the family members stated that what I had accused Ralmuto of was true. My cousin verified this and also called me a "protector" of my siblings, which is accurate.

The next witness was a friend I have known since 1979, Beth Earthman Hall. We had met when I worked at Dresser Industries in Houston, Texas in finance. Dresser was an oil field services firm and now part of Halliburton. Beth testified that I was a good, loyal friend, even though I like the Dallas Cowboys! We continue to have contact, mostly by phone calls She raises quarter horses and golden retrievers in Cleveland, Texas. She also testified that she had never seen me act violently, but that I was sweet and wonderful. The latter is a matter of perspective! She also mentioned that I was a groomsman in her wedding to Jerry Johnson in 1981, for which a photo was produced in which I had hair! Beth is a great, sweet woman and her testimony was helpful, to counter the state's inaccurate portrayal of me a human being.

The last witness was Dr. Todd Grey, a Chief Medical Examiner for the State of Utah. He is an expert in forensic anthropology and has examined thousands of cases involving forensics. He had examined all forensic evidence available in this case and was asked his opinion, concerning the two theories of cause of death. Grey testified, concisely and intelligently, that it was more likely that Mr. and Mrs. Bravence were killed with a large rock, which conforms to Bryan's testimony at my Second Motion for New Trial, where he testified that I was INNOCENT, not even at the scene of the crimes. He stated that the evidence does NOT conform to Bryan's testimony at his trial and my trial, where he said I killed them with a "nightstick". Neither weapon has ever been found, making it more difficult to ascertain the exact causation or event pattern. If he had been retained as an expert in my defense, his opinion would have had great weight and merit with the jury, thereby making the likelihood of my conviction less probable. It also shows the further ineffectiveness of my original attorney.

The hearing went very well and my attorneys are confident, yet I remain circumspect and cautious. The nature of the judicial system in the US does not lead me to be sanguine about this proceeding. I do acknowledge the observed fairness and professionalism of the judge, a first for me. He mentioned that I had conducted myself as a "perfect gentleman" and gave us more latitude than I had been led to believe by prior rulings and experience. Briefing by both parties are due on 15 October and Replies by 21 October. We anticipate a decision from the Court in November. Overall, everyone was very nice to me, even most of the US Marshals, who are simply doing their jobs and following orders. I would even commend the prosecution on their presentation, for they are doing their jobs, albeit indefensible. Any reports/documents or anything else I can supply to, anyone wishing to help, please contact me. To my friends and supporters, I say "THANK YOU"! To anyone wishing to join the effort, I say "WELCOME ABOARD"!

Thank you for your time,
Mark Henry Lankford - Death Row

Übersetzung und Bearbeitung von Margrit Sprecher, erhalten 16. Oktober 2002:

In dieser Woche entscheidet sich, ob ich nach achtzehn Jahren den Todestrakt als freier Mann verlassen kann.

Sonntag [29. September 2002]
An Händen und Füßen gefesselt, werde ich in einen Dodge-Minivan verfrachtet und durch den Hinterausgang des Todestraktes von Idaho hinunter nach Boise gefahren. Zum ersten Mal nach achtzehn Jahren Einzelhaft wieder in der Welt. Mr Lankford goes to town! Meine kindliche Begeisterung amüsiert meine Bewacher so sehr, dass sie eine Extra-Sightseeing-Runde durch die Stadt einlegen: Hier das Capitol, dort der Boise River... Vor einer roten Ampel flitzen Kinder auf winzigen Aluminiumschienen über den Fußgängerstreifen. Das habe ich noch nie gesehen.

Mein letztes eigenes Auto war ein Chevrolet-Sportwagen gewesen. Ich hatte in der Finanzabteilung einer internationalen Ölfirma in Houston gearbeitet, bis man mich am 2. Oktober 1983 wegen Raubmordes am Ehepaar Bravence in der Wildnis von Idaho verhaftete und zum Tode verurteilte. Morgen beginnen hier in Boise die Anhörungen, die ich zur Wiederaufnahme meines Verfahrens wegen Prozessfehlern brauche. Dafür habe ich fast zwei Jahrzehnte gekämpft.

Montag
Besuch meines Anwaltes Andrew Parnes in der Häftlingszelle im siebten Stock des Gerichtsgebäudes. Er will nicht, dass ich während der Verhandlung spreche. Offensichtlich hat er Angst, dass mich meine Bitterkeit überwältigt und ich ausfällig werde. Er unterschätzt mich. Zwar habe ich achtzehn meiner 45 Jahre in der Todeszelle gesessen, aber körperlich und geistig bin ich fitter denn je. Nur meine Haare haben sich gelichtet, doch auf einer viel befahrenen Straße wächst eben kein Gras. Um 9:30 Uhr bringt man mich in den Gerichtssaal. Wiedersehen mit meinem ehemaligen Pflichtverteidiger Fitzmaurice, der mich 1984 im Mordprozess vertreten hatte. Fitzmaurice ist kein schlechter Mensch. Aber er war schlicht überfordert: abgesehen von einem Viehdieb war ich der erste Fall in seiner Karriere gewesen. Das mag er jetzt natürlich nicht zugeben.

Umso deutlicher drückt sich der nächste Zeuge aus: Keith Roark, Präsident der Strafverteidigervereinigung von Idaho. Nicht nur hatten damals weder Staat noch Verteidiger Spuren am Tatort gesichert. Mein Verteidiger hatte auch auf ein Kreuzverhör mit dem wahren Täter verzichtet, meinem mitangeklagten Bruder Bryan, der sich zunehmend in Widersprüche verwickelte. Kein einziger Entlastungszeuge war aufgeboten worden, und vor allem: statt, wie es das US-Recht verlangt, den Staat meine Schuld nachweisen zu lassen, verstrickte sich mein Verteidiger mit schülerhaftem Eifer in den Versuch, meine Unschuld zu beweisen.

Um 17 Uhr werde ich in meine Zelle zurückgebracht. Ich schlafe sofort ein.

Dienstag
Erstmals seit zwei Jahrzehnten in einem Anzug aus reiner Wolle! Das Geschenk meiner Brieffreunde aus Rom traf mit einem Tag Verspätung in Boise ein. Mein Anwalt findet, nun sähe ich besser aus als er. Wir versuchen, ein Foto für die Weltwoche zu machen; es wird nicht erlaubt.

Auftritt des Psychiaters Dr Missett. Er verurteilt mein damaliges verheerendes Gutachten eines im Todestrakt als Dr Death bekannten Psychiaters als unprofessionell und unsauber. Die übrigen Zeugen des Tages kennen mich aus meiner Jugendzeit. Alle beteuern, dass ich kein Mensch sei, der des Geldes wegen mordet. Sie loben mich so überschwänglich, dass es mir beinahe peinlich ist.

Der Richter hörte sie freundlich an. Anders als mein erster Richter, ein unqualifizierter Polterer, scheint er mir fair und professionell.

Mittwoch
Wieder keine Medien im Gerischtssaal. Weil der Richter das Nachmittagsflugzeug nach Washington nehmen will, machen wir mittags durch. Mein Mittagessen besteht aus einer Tüte Pommes frites. Auftritt des Gerichtsmediziners Dr Todd Grey. Er bestätigte, dass Mr und Mrs Bravence vermutlich mit einem großen Stein erschlagen wurden und nicht mit dem Gummiknüppel, den mir Bryan als Mordwaffe angedichtet hatte. Bryan hatte sich später mehrmals als Täter bezeichnet, doch sein schriftliches Schuldbekenntnis scheint spurlos im Gerichtslabyrinth verschwunden zu sein. Jetzt soll er sein Geständnis an meinem wiederaufgerollten Prozess wiederholen.

Um 15 Uhr werde ich in den Todestrakt zurückgefahren. Meine Zellennachbarn wollen hören, wie die Verhandlung war; wir können uns durch die Lüftungsklappen unterhalten.

Donnerstag
In der heutigen Zeitung jammert unser Gouverneur darüber, dass kein Geld da ist, um den vorgeschriebenen neuen, noch sichereren 100 Millionen Dollar [teuren] Todestrakt zu bauen. Lasst uns hoffen. Wenn ich alle meine bisher aufgelaufenen Kosten zusammenrechne, habe ich den Staat inzwischen vier bis fünf Millionen Dollar gekostet. Und dies allein für seinen Versuch, mich zu ermorden. Gut möglich, dass schlichter Geldmangel das Ende der Barbarei beschleunigt. Ein weiterer Schritt in diese Richtung ist das neue Verbot der Hinrichtung geistig Behinderter. Das rettet auch in unserem Trakt zwei oder drei Männer.

Freitag
Mein Anwalt ruft an. Er ist sich sicher, dass mein Prozess im November aufgerollt wird und ich als freier Mann den Gerichtssaal verlasse. Ich wäre nicht der Erste hier. Zwei unschuldig Verurteilte waren meine Zellennachbarn. Der eine, Don Paradis, verlangt vom Staat zwanzig Millionen Dollar Schandenersatz für zwanzig verlorene Jahre. Ich wünsche ihm viel Glück. Der andere, Charles Fain, ein christlicher Fundamentalist, hat mittags im Todestrakt gegessen und abends als freier Mann in der Stadt diniert. Die siebzehn Jahre Todestrakt haben ihn mindestens die Hälfte seines Verstandes gekostet. Er gehörte nicht zu den randalierenden Psychopathen; er war eher der Gefangene, der sich murmelnd mit den Wänden unterhielt.

Eigentlich hoffte ich, als hundertster unschuldiger Todestraktinsasse in die Freiheit zu marschieren. Inzwischen hat sich Ray Krone den Titel geholt. Die meisten verdanken ihr Glück der neuen DNA-Analyse. Das scheint selbst eine Sandra O'Connor, Richterin am Obersten Gerichtshof, derart zu verwirren, dass sie in einem Vortrag klagte, "Das System scheint tatsächlich die Hinrichtung Unschuldiger zu erlauben." Welch brilliante Analyse! Welch scharfsinnige Erkenntnis!

Das Leben hat mich Vorsicht gelehrt. und trotzdem: bis jetzt zeichnete ich mein Lieblingstier, die Schildkröte, immer mit eingezogenem Kopf. Das war, im Vertrauen gesagt, auch leichter hinzubekommen. Heute streckt meine Schildkröte erstmals den Kopf aus dem Panzer.

Zitiert in der Weltwoche, Nr. 42/02

Published by / Veröffentlicht von **Thomas Michael**

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Memorandum

by a certain Joe Klauser, Operations Administrator at the Idaho Department of Correction, dated September 17, 2002, to the Boise prison inmate population. Arrived a the editor's in December. The editor has neither made any language adaptations nor corrected obvious mistakes.

State of Idaho budget cuts

As you may know, the State of Idaho is experiencing a shortfall of revenues, which has seriously impacted the state budget. The State has imposed budget cut backs at all state agencies.

The Idaho Department of Correction's budget cuts will result in some programs being cut. We will strive to maintain a balance of programs and opportunities for habilitation.

The largest impact on the population will be a change in the menu. If you are at a facility that provides a hot lunch, the menu will be changed to a cold lunch of sandwiches*. This change will not impact the daily caloric requirements as standardized by the American Correctional Association.

Inmate pay for institutional work will be evaluated and standardized throughout the department. Some of you who earn more than $25 per month can expect a cut in pay.

Inmate clothing, for inmates who do not move outside their unit, will be changed from blue jeans to scrubs.

We appreciate that these cut backs affect both staff and offenders and will transition these cuts over a period of time.

* Here the prisoner added: Mon/Wed/Fri peanut butter sandwich, Tue/Thu chicken salad sandwich. He did not mention any week-end menu.

The editor's reply to the authority

(To Kempthorne and Beauclair, see **title page** for addresses)

Dear Sirs,

I was shocked and disgusted on reading the memorandum concerning budget cuts on the expense of the prisoners' health. This is particularly dreadful at the presence of the fact that there are inmates who have not committed any crime but are being held in prison for mere personal hatred (or maybe lack of more sensible work) of judges, lawyers and prison staff.

If you want to save money, you should stop wasting it on judicial manipulations and have the illegal prosecuters prosecuted instead. Their crime is, besides wasting national funds, whatever they blame their innocent victims for - in most cases murder! And sending an innocent to Death Row is attempted murder. There are hundreds of prisoners in the USA who are proved innocent but still not free!

I think it's time to start an initiative to stop tourism to the USA for its being too dangerous. It seems that in that part of the world everybody can get into prison for nothing. Besides, I do not give funds to a self-made world police force exploiting and polluting other countries to the bone for unlimited monetary gain and personal luxury of industrial managers.

Signed Initiative for the Protection of Commanded Workers (***iswa***)
Full address data on **Lankford** title sheet

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IDAHO DEPARTMENT OF CORRECTION STRATEGIC PLAN

Overview

The purpose of this strategic plan is to guide our behavior and decisions each day. This is an overarching document. It should be used as a starting point for each institution and district office to develop their own plan to move the department forward with its mission, vision and values. It is a living document and will change as current objectives are accomplished and as changes are needed.

MISSION

Our mission is to protect the public.

We safely manage offenders, provide opportunities for offenders to change, and successfully return offenders to communities.

VISION

To develop an organization respected for its professional integrity and ability to protect its communities, where each person actively participates in offender accountability and readiness for change.

VALUES/GUIDING PRINCIPLES

- We encourage open dialogue and feedback
- We commit to helping others
- We commit to the professional success of others
- We serve the entire organization
- We believe people can change
- We respect and appreciate each other's roles and contributions
- We are flexible
- We focus on quality
- We model what we value
- We are fair and consistent
- We foster dignity and respect for staff, offenders, and the public
- We are honest

Philosophical Statement of Intent

We envision a corrections system staffed by professionals recognized as a force for changing lives. We are effective and efficient. We match security levels to offender risk in prisons and the community. We work as a partner in the community, serving with other criminal justice and social service agencies to provide a comprehensive integrated system. We provide change opportunities for offenders.

KEY GOALS

Goal 1: Promote the professionalism of our department.

Intent: **We support our professional work force through training, opportunities for advancement and fair compensation.**

Goal 2: Facilitate open and honest communication both internally and externally.

Intent: **We are committed to enhancing open communication internally and externally.**

Goal 3: Initiate, support and encourage positive change within our organization, the criminal justice system, and our community.

Intent: **We use research-based programs and activities to provide opportunities for offenders to change.**
We will create and embrace better ways of managing offenders in facilities and the community.
We will build partnerships to enhance public safety.

Goal 4: Operate as a fiscally responsible, quality-driven organization.

Intent: **We will standardize business practices to maximize efficiency and quality. We are committed to implementing the Correctional Integration System and maximizing its use as an effective offender management tool and quality control instrument.**

Updated May 5, 2004

A letter of explanation regarding recent events

Uriah Heep Forum (updated, 11th February 1999)

Hi Folks!

As I'm sure you know, I've been away from the Uriah Heep Forum for a while now. I'm sorry for my absence, but I'm sure you understand that I have been very busy with the recent events in the band. I'm sure you have read about the events in the band in the last few weeks, and I'm sure you have read the rumours and speculation on the Forum. I'm sure you have read the official statement from the band, and I'm sure you have read the official statement from Lee Kerslake. I'm sure you have read the official statement from Trevor Bolder. I'm sure you have read the official statement from Mick Box. I'm sure you have read the official statement from Phil Lanzon. I'm sure you have read the official statement from Bernie Shaw. I'm sure you have read the official statement from Manfred Mann's Earthband. I'm sure you have read the official statement from Ken Hensley. I'm sure you have read the official statement from Gary Thain. I'm sure you have read the official statement from Lee Dorman. I'm sure you have read the official statement from Alex Harvey. I'm sure you have read the official statement from Colosseum. I'm sure you have read the official statement from Colosseum II. I'm sure you have read the official statement from Tony Ashton. I'm sure you have read the official statement from Jon Lord. I'm sure you have read the official statement from Ian Gillan. I'm sure you have read the official statement from Ian Paice. I'm sure you have read the official statement from Roger Glover. I'm sure you have read the official statement from Deep Purple. I'm sure you have read the official statement from Rainbow. I'm sure you have read the official statement from Gillan. I'm sure you have read the official statement from Whitesnake. I'm sure you have read the official statement from Michael Schenker. I'm sure you have read the official statement from Michael Schenker's Temple Of Rock. I'm sure you have read the official statement from Michael Schenker's Group. I'm sure you have read the official statement from Michael Schenker's Band. I'm sure you have read the official statement from Michael Schenker's Ensemble. I'm sure you have read the official statement from Michael Schenker's Orchestra. I'm sure you have read the official statement from Michael Schenker's Tribute Band. I'm sure you have read the official statement from Michael Schenker's Fan Club. I'm sure you have read the official statement from Michael Schenker's Cover Band. I'm sure you have read the official statement from Michael Schenker's Ex-Wives. I'm sure you have read the official statement from Michael Schenker's Ex-Girlfriends. I'm sure you have read the official statement from Michael Schenker's Ex-Boyfriends. I'm sure you have read the official statement from Michael Schenker's Ex-Pets. I'm sure you have read the official statement from Michael Schenker's Ex-Cars. I'm sure you have read the official statement from Michael Schenker's Ex-Houses. I'm sure you have read the official statement from Michael Schenker's Ex-Holidays. I'm sure you have read the official statement from Michael Schenker's Ex-Ex-Wives. I'm sure you have read the official statement from Michael Schenker's Ex-Ex-Girlfriends. I'm sure you have read the official statement from Michael Schenker's Ex-Ex-Boyfriends. I'm sure you have read the official statement from Michael Schenker's Ex-Ex-Pets. I'm sure you have read the official statement from Michael Schenker's Ex-Ex-Cars. I'm sure you have read the official statement from Michael Schenker's Ex-Ex-Houses. I'm sure you have read the official statement from Michael Schenker's Ex-Ex-Holidays. I'm sure you have read the official statement from Michael Schenker's Ex-Ex-Ex-Wives. I'm sure you have read the official statement from Michael Schenker's Ex-Ex-Ex-Girlfriends. I'm sure you have read the official statement from Michael Schenker's Ex-Ex-Ex-Boyfriends. I'm sure you have read the official statement from Michael Schenker's Ex-Ex-Ex-Pets. I'm sure you have read the official statement from Michael Schenker's Ex-Ex-Ex-Cars. I'm sure you have read the official statement from Michael Schenker's Ex-Ex-Ex-Houses. I'm sure you have read the official statement from Michael Schenker's Ex-Ex-Ex-Holidays. I'm sure you have read the official statement from Michael Schenker's Ex-Ex-Ex-Ex-Wives. I'm sure you have read the official statement from Michael Schenker's Ex-Ex-Ex-Ex-Girlfriends. I'm sure you have read the official statement from Michael Schenker's Ex-Ex-Ex-Ex-Boyfriends. I'm sure you have read the official statement from Michael Schenker's Ex-Ex-Ex-Ex-Pets. I'm sure you have read the official statement from Michael Schenker's Ex-Ex-Ex-Ex-Cars. I'm sure you have read the official statement from Michael Schenker's Ex-Ex-Ex-Ex-Houses. I'm sure you have read the official statement from Michael Schenker's Ex-Ex-Ex-Ex-Holidays. I'm sure you have read the official statement from Michael Schenker's Ex-

Der Tatort - ein Bericht von Sally Montana, Mai 2006

Sheep Creek campsite, US-14 zwischen Grangeville und Elk City. Der Tatort von 1983 liegt etwa 200 Meilen nördlich von Boise in den Bergen. Die Fahrt nach Grangeville führt mich durch eine seltsame Landschaft. Mal schlängelt sich die Strasse mühsam durch schneebedeckte Bergwälder, nur um sich von einer Sekunde auf die andere pfeilgerade über eine Weite zu erstrecken, bei der man vor lauter Schnee den Horizont nicht ausmachen kann. The white cube.Je näher ich Grangeville komme, desto weniger Schnee hat es. Ich finde die Abzweigung zur US-14. An dieser Strasse ist es passiert. Mark ist hier gefahren als er 27 Jahre alt war. Jetzt bin ich 27 und befinde mich am gleichen Ort. Mark ist mittlerweile 49. Meine Beklemmung steigt und Johnny Cash versucht sie zu bremsen. Ich suche Sheep's Creek camp site, finde sie jedoch nicht. 15 Meilen nach der Abfahrt US-13 / US-14 hätte sie kommen sollen. Das sind 25 Meilen im Nirgendwo, keine Zivilisation, nur der South Fork Clearwater River, Berge, Bäume und Moos. Ab und zu ein Adler. Nach ca 30 Meilen stosse ich auf eine Schneestation und frage nach dem Doppelmord von 1983. "You mean the old couple in the motorhome. Two brothers, ordinary and mean. They shot them or something. Jim Johnson from Elk City should know all about it." Die exakte Stelle kann sie mir beschreiben. Auf dem Weg zur camp site kommen mir immer wieder diese Worte in den Sinn. Ordinary und mean will so gar nicht zu Mark passen. Je näher ich dem Ort komme, desto mehr verspannen sich meine Muskeln. Ein Kiesweg führt fast parallel zur Strasse auf eine verlassene kleine camp site mit drei Feuerplätzen. Der Boden ist grasbedeckt, das Areal etwa 200 x 50 m, begrenzt durch die Strasse und South Fork Clearwater River. Ich habe das Gefühl, es ist auf dem hintersten der Plätze passiert. Etwa 2 Stunden lang kommen mir Bilder in den Kopf, die ich mir aus alten Fotografien von Mark und seinen Erzählungen des Tatherganges zusammenreime. Wie ein Omen liegt ein einzelner Stein ungefähr 6 Meter von der Feuerstelle entfernt und versucht, meine Gedanken zu beeinflussen. Allein der Anblick lässt mich erschauern. Die Bücherei von Grangeville hat ein Zeitungsarchiv auf Mikrofilm, das ich durchstöbere. Tatsächliche finde ich Artikel über ein Paar, das vermisst wird. Die Ausgabe vom 5. Oktober 1983 zeigt auf der Titelseite ein grosses Bild von Mark (27) und Bryan (23), die am 2. Oktober festgenommen wurden. Ich bin aufgeregt und wünschte, ich hätte hier oben zwei Wochen Zeit zu recherchieren. Bevor ich am nächsten Tag zu Mark fahre, klebe ich ein Polaroid vom Tatort in meinen Pass. Er erkennt den Ort wieder. Ohne Zweifel weckt dieses Bild viele Erinnerungen in ihm.

Sheep Creek campsite, US-14 between Grangeville and Elk City. The crime scene of 1983 is approximately 200 miles north of Boise. The drive to Grangeville takes me through a surreal landscape. Once the road meanders tediously through snow-covered mountain forests, only to open up in a wide plateau with now chance to make out the horizon in the next second. The white cube. The closer I get to Grangeville, the less snowy it is. I find the intersection to US-14. This is the road that played a major role in Mark's life. He was driving on this road when he was 27 years old. Now I am 27 and find myself in the same spot. By now, Mark is 50. My trepidation rises and Johnny Cash tries to calm me down. I am looking out for Sheep Creek campsite, yet I can't find it. I should have found it 15 miles after the intersection. That is 25 miles into nowhere, no civilisation, only South Fork Clearwater River, mountains, forest and moss. Eagles every now and then. I reach a snow station after 30 miles and ask for the double murder in 1983. "You mean the old couple in the motorhome. Two brothers, ordinary and mean. They shot them or something. Jim Johnson from Elk City should know all about it." The woman knows the site and explains the way. I can't forget her words. Ordinary and mean just doesn't describe Mark and how I've got to know him. The closer I get to the campsite, the tenser my muscles are. A gravel walk, almost parallel to the road, leads to the abandoned campsite with three fireplaces. The floor is covered with grass, the area about 220x55 yards in size, bordered by the road on one side and South Fork Clearwater River on the other. I imagine it happened on the rearmost of the clearances. I spend about two hours forming pictures in my head, based on old photos of Mark and the stories he has told me about this day. Like an omen, a single rock is left about 20 ft away from the fireplace, trying to influence my thoughts. Just to look at it sends shivers down my spine. Grangeville Library owns a newspaper archive I browse the next day. As a matter of fact, I find an article about a missing couple. The issue of 5 October 1983 shows a picture of Mark (27) and Bryan (25) on the front page. They were arrested on 2 October 1983. This gets me excited. If I could only spend two weeks up here doing research. I tape a polaroid of the crime scene into my passport before I visit Mark the next day. He recognises the spot and I can clearly tell that it wakes many memories in him.

Die Verfasserin, eine Schweizer Unterstützerin, hat zwischen 27. Februar und 30. März 2006 Marks Leben durch Besuche an Stätten durchleuchtet, die Bedeutung für ihn haben. Neben sieben Besuchen im **Gefängnis** hat sie auch seinen Rechtsanwalt sowie Verwandte und frühere Arbeitgeber Marks aufgesucht / The writer, a Swiss supporter, has visited places of interest for Mark's history between 27th February and 30th March 2006. Besides seven visits to Mark in **prison**, she has seen his lawyer as well as relatives and a former employer of Mark's.

Seiteninhaber / Publisher: see **title sheet**

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Enthüllungen über Justizmanipulationen zu Marks Lasten

"This affidavit is further proof of what I've always maintained, that Reinhardt was/is a corrupt/dirty judge not worthy to wear a robe! This proves my trial was not fair and could not ever have been fair with the collection of individuals vested by the public to oversee my trial. So far, these miscreants have not been punished for other criminal acts, but I foresee a day of accountability, which has been a long time coming! I need your help, as Reinhardt and his cronies are trying to stop all such enquiry into their dirty tricks! Namasté and onward, Mark H. Lankford" Mark Lankford, erhalten 10. Juli 2006

Dougall.pdf, 496 kB: eidesstattliche Erklärung einer langjährigen Assistentin des Richters Reinhardt zu dessen Ungereimtheiten und heimlichen Abmachungen zu Lasten Marks (affidavit = eidesstattliche Erklärung). Sie erklärt ihn in Absatz 8 als den am wenigsten fachmännischen Richter, mit dem sie je zusammengearbeitet habe

Wiretap.pdf, 817 kB: Eidesstattliche Erklärung über illegale Telefonabhörungen durch Sheriff Baldwin, Idaho, der auch in Drogengeschäfte verwickelt war. Reinhardt soll ihn dabei unterstützt haben. In der Kopie fehlen auf Seite 3 die Zeilen 1-6 und 14. Marks Botschaft dazu an die Öffentlichkeit im Originalwortlaut, datiert 21. Juni 2006:

This affidavit of Ronald D. Howen, Former Assistant, United States Attorney has a great deal of relevance in my case, Mark Henry Lankford v A. Arave. George Reinhardt III was the judge in my case and in other forums; I've accused him of being dirty and a criminal. Randy Baldwin was the Detective Sgt. For the Idaho County Sheriff's Office and was integral to my case. I say he perjured himself at my trial. This document speaks for itself and a full investigation needs to be started in every case on which Reinhardt sat as judge. The corrupt culture of Idaho County has not changed to this day only the names are different.

Letter by Rick Bollman to the Idaho **Statesman**, sample for all supporters to send to the same address, issued 30th November, after the Ninth Circuit Court had demanded Mark to be retried on Idaho County expense or else released (see **Newssheet** entry of 8th November 2006)

"The State of Idaho needs to release Death Offender inmate Mark Henry Lankford immediately and compensate him for the loss of over 23 years of his life while being incarcerated. On Tuesday, 7 November [2006], the 9th Circuit Court of Appeals ruled that Mr. Lankford must receive a new trial or be released due to errors made by his attorney at his original trial. How could it have taken so long to discover this error? Does Idaho not have any other competent judges that could have discovered this fact many years ago? It is criminal that the State of Idaho has held this innocent man captive for a crime that he didn't commit and that it has taken this long for anyone to take proper action. The state would be in error again, if they were to retry this man. It would be a waste of time and resources as all the evidence points to his innocence. Let's hold the state responsible for this error. How many other innocent people are being held in US prisons? Think about it!"

Criminal Complaint by Mark, filed to me in mid January 2007

The attached criminal complaint was filed with the U.S. Justice Department on 27 December 2006. The state of Idaho should be ashamed that these criminal acts were (and continue to be) done in their name. There are many other illegal and quasi-legal acts done by the named miscreants, which will be fleshed out shortly. Those that know these facts, yet do or say nothing, are not afforded the luxury of neutrality. They are complicit, for knowledge carries with it obligation. This philosophy seems to be in tatters today, but beats strongly in the hearts of those that possess real character, principle and ethics. It is possible to commit a sin by omission! Investigate and report! Damn the torpedoes! Fight the good fight and make a difference! I ask that you file a complaint to the U.S. Justice par Department, using this as a guide in my behalf! This cannot stand! Let's boycott Idaho!

Onward, **Mark H. Lankford**, December 27, 2006

U.S. Department of Justice, Civil Rights Division - Criminal Section
950 Pennsylvania Avenue, NW Washington, DC 20530
RE: Criminal Complaint v George R. Reinhardt III (Judge), Dennis Albers (Former Idaho County Prosecutor) and Gregory Fitzmaurice (Former Idaho County Public Defender)

I, Mark Henry Lankford, a 50-year-old American man and citizen, hereby request a criminal investigation and prosecution of the above-named individuals. My charge against these criminals is well-documented and I avow that they violated my civil and constitutional rights as an American citizen by conspiring to convict me of murders committed and confessed to by another and by having me condemned to death. These individuals should be prosecuted to the fullest extent of the law, as they have brought shame and disrepute to the American system of justice, which ostensibly is designed to search for the truth, promote order and give the citizenry a sense of safety and well-being. Those entrusted with this honorable responsibility should be held to a higher standard and when they violate the constitution, which they have sworn before God and man to uphold and defend, they should be strenuously held accountable.

The attached documentation [Dougall.pdf and Wiretap.pdf, see links on the top pf this sheet] is only the tip of the iceberg indicting these lawbreakers. On November 7, 2006, the Federal 9th Circuit Court of Appeals, in an Opinion (No. 99-99015), reversed and remanded my legal matter, ordering I be retried in a reasonable time or released. This, after being incarcerated for crimes I did not commit, since October 2, 1983. I am factually innocent and without the obvious conspiracy, I would have spent these 23 plus years as a free man, a productive citizen.

POINT ONE: George R. Reinhardt III, as a judge of the Second Judicial District of Idaho, is a criminal and should be in prison. The attached affidavits from a well-respected court reporter, Gloria McDougall and a former Assistant United States Attorney (Federal Prosecutor), Ronald D. Howen, easily depict a rogue jurist with no respect for the law or citizens. In the aforementioned 9th Circuit Opinion, Reinhardt approved and submitted an obviously illegal jury instruction (Idaho Statute 19-2117), which was not an oversight, but in conformance to his desire, stated to the court reporter, Gloria McDougall, (#4 in affidavit) about "Looking forward to giving Mark Lankford the death penalty." This statement was made with malice prior to the beginning of my trial. Reinhardt, during the trial, was actually the Prosecutor, as has studiously been documented in my more-than-20-year appeal process. He also denied two new trials, one in which my brother confessed, in open court and in detail, about how and why he killed Mr. and Mrs. Bravence and that I was not present. Such arrogance and criminality should not be countenanced in America: it must be punished.

POINT TWO: Dennis Albers, in concert with Reinhardt, conspired to violate my civil and constitutional rights on several legal grounds. The attached Exhibit, dated October 16, 2001, easily depicts Albers lying on the record and to the jury at my trial. Even after the Idaho Supreme Court Ruled that Albers had made a deal for sentencing with my brother, for his perjured testimony against me, Albers and Reinhardt continued to deny such a deal existed.

Poor Lamont Anderson, Idaho Deputy Attorney General, had to stand before a State District Judge at my brother's third sentencing and recommend Life With Parole, "According to the original deal." A deal Albers and Reinhardt still deny ever existed. Bryan's (Lankford) original attorney also divulged, under oath, that a sentencing deal did exist. I submit Albers also suborned perjury by various inducements and coercive tactics used against my brother to testify against me, which the 9th Circuit deemed, "Vital to the Prosecution." Amazingly, this idiot says he wants to spend the entire county's budget to try me again! This Idaho County Prosecutor's Office, I hereby request, along with the entire, tainted Second Judicial District of Idaho, should be disqualified from any and all legal proceedings having to do with me.

POINT THREE: Gregory Fitzmaurice, my original, inexperienced and unintelligent Public Defender, really abandoned me at trial and submitted an illegal jury instruction to Reinhardt to which neither Reinhardt nor Albers objected. What is their excuse for not knowing plainly-stated law? Fitzmaurice also cannot use ignorance of the law to evade the consequences, which similarly applies to Reinhardt and Albers. By sheer ignorance, Fitzmaurice is complicit in the conspiracy. There is no Defense. par I also request that a special Prosecutor be assigned to this case, as my attorney submits Tom Moss (U.S. Attorney - Idaho) is a former State Prosecutor who knows Albers and Reinhardt. Idaho is really corrupt in too many ways to enumerate. It's judicially incestuous. I filed two complaints against Reinhardt with The Idaho Judicial Council, which is like urinating in the wind. This alone, disqualifies Reinhardt and Albers from any of my future legal proceedings.

As an aside, before I wrap this up, I wish to voice my admiration for Alberto Gonzales and his achievement in reaching the Office of U.S. Attorney General. I am from Houston, Texas and call myself a "real Texan". My father was killed in an auto accident on May 23, 1981, on Highway 59 right there in Humble, Texas. I don't agree with A. G. Gonzales on the death penalty, but his recent "USA TODAY" profile concerning the terrible, pathetic, horrible child molesters, pedophiles and child porn purveyors really conforms to my views. Unfortunately, I have had to live around such as these, hearing them talk among themselves about their exploits and fantasies. A.G. Gonzales will know what I mean when I use an old Texas expression about my feelings and reactions to such people: "It's enough to get a bad man about half-hot!" Something more needs to be done to stop this cancer in this society, as little children and women are supposed to be cherished and protected, not abused, beaten, molested and raped. What should happen is not legal, for just desserts would be for such miscreant males that are duly convicted to relinquish their "hanging-down parts"! That's deterrence!

In conclusion, I respectfully request the aforementioned Reinhardt, Albers and Fitzmaurice be prosecuted under any and all Federal Statutes. Proceedings should also ensue in their disbarment, as who knows how many Other citizens they continue to harm? Contact me for any further information you may need, as the case history is voluminous.

Thank you for your consideration, **Mark H. Lankford**

Die nachfolgenden Adressen haben den Text von Mark erhalten. Bitte schreibt in eigenen Worten und unterstützt Marks Forderungen / The addresses below have received the above message. Please write in your own words and support Mark's demands / Seuraaville osoitteille Mark lähetti viestinsä. Olkaa hyvät ja kirjoittakaa omin sanoin ja avustakaa Markin vaatimukset / Nendele aadressitele on Mark saatnud selle kirja. Palun kirjutage oma sõnadega ja toetage Marki nõudmist

Cc:
1. USA Today, Craig A. Moon, Publisher
2. New York Times (Arthur Ochs Sulzberger, Jr) 229 W. 43 St., NY 10036, **www.nytco.com**, [001 212 / 5 56 12 34]
3. Senator Larry Craig (Idaho), US Senate, Washington, DC 20510, **www.senate.gov**
4. Associated Press, Chairman, 50 Rockefeller Plaza, NY, NY 10020, **www.ap.org**
5. Federal Bar Association, 2215 M St. NW, Washington, DC 20037, **www.fedbar.org**
6. US Conference of Catholic Bishops, 3211 4th St. NE, Washington, DC 200017, **www.nccbuscc.org**
7. ACLU, 125 Broad St, 18th Floor, NY, NY 10004, **www.aclu.org**
8. American Judicature Society, 2700 University Ave., Des Moines, IO 50311, **www.ajs.org**
9. Society of Professional Journalists, 3909 N. Meridian St., Indianapolis, IN 46208, **www.spj.org**
10. Idaho Statesman, Chairman, PO Box 40, Boise, ID 83707-0040, 001 208 / 3 77 64 32, **local@idahostatesman.com**
11. Richard S. Neubarth, Attorney and Counselor at Law, 233 Broadway, New York 10279, [001 212 / 3 46 77 77]
12. Eric A. Seiff, Seiff, Kretz & Abercrombie, 645 Madison Avenue, 20th Floor, New York City, NY 10022-1010 [001 212 / 3 71 45 00]
13. Gerry Spence P.O. Box 548 Jackson, WY 83001, **gerryspence@gerryspence.com**

Titelblatt / Title sheet / Otsikkolehti / Avaleht

Nachrichtenordner / News folder / Uutiskansio / Uudistealbum

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FOR PUBLICATION

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

MARK HENRY LANKFORD, *Petitioner-Appellant,* v. ARVON J. ARAVE, Warden, Idaho State Correctional Institution, *Respondent-Appellee.*	No. 99-99015 D.C. No. CV-92-00321-S-WFN OPINION

Appeal from the United States District Court
for the District of Idaho
Wm. Fremming Nielsen, Senior District Judge, Presiding

Argued November 15, 2005
Submitted October 30, 2006
Seattle, Washington

Filed November 7, 2006

Before: Stephen Reinhardt, William A. Fletcher, and
Jay S. Bybee, Circuit Judges.

Opinion by Judge Bybee

COUNSEL

Andrew Parnes, Ketchum, Idaho, for the appellant.

LaMont Anderson, Deputy Attorney General, Boise, Idaho, for the appellee.

OPINION

BYBEE, Circuit Judge:

In this pre-AEDPA case, we are called upon to review counsel's performance in a twenty-two year old capital murder trial. Finding that the record is clear that counsel requested critical jury instructions that were correct under federal law but clearly in error under Idaho law and that the error was not harmless, we reverse the judgment of the district court and grant the writ.

I. FACTS AND PROCEEDINGS

Robert and Cheryl Bravence were reported missing when they failed to arrive at a relative's house following an

extended camping trip in the summer of 1983. One week later, officials discovered their van abandoned at a Los Angeles bus terminal. In September, hunters found the couple's remains in a remote Idaho campground, not far from their last known campsite. The skulls of both were badly damaged, indicating they had died of blunt trauma to the head.

Two brothers, Mark and Bryan Lankford, were arrested for the murders. Investigators found Mark's car about a quarter of a mile from the victims' bodies and his handwriting on credit slips for food and lodging purchased with the victims' stolen credit cards. Investigators found both brothers' fingerprints in the Bravences' abandoned van, and they found Mr. Bravence's knife—with Bryan's initials newly carved into the scabbard—in Bryan's possession.

The brothers were convicted, in separate trials, and sentenced to death on the same day. Bryan's sentence was overturned on appeal based on the sentencing agreement he received in return for his testimony against Mark.[1] Although there was strong circumstantial evidence connecting the Lankfords to the murders, there were no witnesses to the crime, and no murder weapon was discovered. Bryan's testimony was critical to establishing the government's theory that Mark actually killed the Bravences. At Mark's trial, the state relied heavily on Bryan's uncorroborated eyewitness testimony that Mark committed the murders, beating the Bravences to death with a small club or nightstick. When interviewed by police, Bryan claimed that both brothers went to the campsite. While Bryan engaged the campers in conversation,

> Mark came running in to the camp and told the man to get down on the ground so he did and Mark pulled out a stick like a night stick that a policeman wears

[1]Under cross examination, Bryan admitted at trial that he expected to receive an indeterminate life sentence in return for his testimony.

> but only about a foot long and hit the man on the back of the neck [k]nocking him out he hit the man at least twice and the lady came up a few seconds latter [sic] and Mark told here [sic] to get down on the ground also and she did and then he hit her once I think . . . .

At Mark's trial, Bryan claimed Mark hit Robert Bravence "twice. It could have been once." At his own trial, Bryan described one blow and added, "I think he struck the man another time." He said the blows were aimed "both times in the back of the neck actually. Not in the head. Kind of across, you know, across the neck in the back." He testified that Mark then struck Cheryl, also "across the back of the neck," "one time as I can remember," "only once . . . . [I]t could have been more. I don't know." Although Bryan admitted that his emotions might have interfered with his perception, in both his trial and in Mark's trial he maintained that Mark hit the couple in the back of the neck, striking Robert twice and Cheryl once. Throughout the two trials, and in statements to investigators, Bryan described the murder weapon variously as possibly a "pipe," "sort of a nightstick" made of wood, "a little limb deal," and a "little club" only twelve inches long. Investigators found a nightstick in Mark's abandoned car, but could not tie it to the murders and did not introduce it into evidence.

Mark did not testify at either trial, but he maintained (in statements to his attorney and to the police) that Bryan had confessed to committing the murders and enlisted his help to hide the bodies. Mark claimed that Bryan went to the couple's camp while the brothers were separated and attacked the campers, crushing their skulls with a large rock. Mark said the brothers had traveled from Texas to Idaho because Mark was trying to get away from what he perceived to be his "materialistic" life in Texas, while Bryan wanted to escape an impending arrest for parole violations. They camped in Idaho at a remote site near Grangeville. After Bryan decided he wanted to return to Texas, Mark left Bryan to hitchhike his way into

town. He gave Bryan fifty dollars, told him not to do anything "stupid," and started walking back to the campsite. Before he reached the site some miles away, Bryan drove up in the stolen van. He initially refused to tell Mark how he stole the van, exclaiming "I got it. That's what counts" and complaining "what are all these questions, I told you, don't worry about it!" Finally after several questions, Bryan told Mark about his attack on the Bravences, claiming he hit Robert "in the head with my shotgun stock. I didn't hit him too hard, just to knock him out. I pinched his leg and he didn't move so I thought he was out of it." When Cheryl appeared, he struck her, too "but not as hard. She was out like a light." Mark insisted the two return to the Bravences' camp, telling Bryan "[I]t's not too late to save your ass, maybe." As the two neared the site, Bryan grew increasingly nervous. According to Mark, "[Bryan's] driving was getting reckless and he was chain-smoking the entire time." "The closer we got to the place, the more nervous [Bryan] became." At the site, Mark immediately spotted the two figures, each lying with its head in a pool of blood. He checked for pulses and told Bryan "they're both dead." Bryan replied "Are you sure?" "They can't be!" Mark then confronted Bryan: "shotgun butt? Tell me the truth." "It was just like I said," Bryan explained,

> But after I hit the woman, the man started trying to get up, so I hit him again. He went down, but was still moving a little. I hit him again, but he wouldn't knock out. So I saw this rock, I picked it up and dropped it on his head twice. He stopped moving. I picked it (rock) up again and hit the woman.

After Bryan and his brother were convicted in 1984, Bryan recanted his testimony against Mark on multiple occasions. He also recanted his recantations. In a conversation with a newspaper reporter, in a written statement after his own sentencing, and again at a hearing on Mark's second motion to reopen, Bryan admitted responsibility for the murders, claiming he killed the Bravences with a rock. Bryan contacted a

local reporter in June of 1984, after the brothers had been convicted, but before either was sentenced. In October of 1984, at a hearing on Mark's first motion for a new trial, the reporter testified that Bryan telephoned him to confess, saying he "[w]anted the truth to come out," and admitting that he killed the Bravences by knocking Mr. Bravence unconscious with a stick and then beating them both with a rock. In this version of Bryan's story, Mark was not on the scene. Bryan also testified at Mark's hearing, admitting to the confession but claiming it was a lie that Mark directed him to make so "he would get out, therefore, they would have to let me out."

Later, in 1985, Bryan wrote a letter to Mark's counsel again accepting full responsibility. This prompted a subsequent hearing on Mark's second motion for a new trial. This time Bryan testified that he entered the Bravences' camp alone, carrying a 12-gauge shotgun, and ordered the couple to lie down. He crushed their skulls with "a rock, a large boulder" that was "about a foot in diameter [and] probably weighed about thirty-five or forty pounds or more." He struck each camper three or four times, and then walked back to the road to enlist Mark's help in hiding the bodies. Bryan described the Bravences' campground and his attack on the campers in detail, and admitted that his earlier testimony against Mark was an attempt to "save [him]self." The court denied Mark's motions for a new trial. In 1998, while he was awaiting resentencing, Bryan again contacted Mark's counsel, asking to speak with him. Bryan's lawyer objected to the proposed interview, threatening to withdraw if Bryan insisted upon meeting with Mark's attorney. As late as April 2003 in a letter to Mark's appellate counsel, Bryan continued to assume full responsibility, confessing that he struck both the Bravences "several times" with "a head size rock."

Mark pursued his state appeals, post-conviction relief, and state habeas relief, then (after several false starts) he filed a federal habeas petition. His ineffective assistance claims were initially dismissed because they had not been properly pre-

sented to the Idaho courts. However, the parties stipulated to an evidentiary hearing on Sixth Amendment claims after we ruled in *Hoffman v. Arave*, 236 F.3d 523 (9th Cir. 2001), that Idaho procedural rules for state habeas claims "frustrate[d] [prisoners'] exercise of a federal right" and were "inadequate to preclude federal [review]." *Id.* at 531 (internal quotation marks omitted).

Among the grounds raised in his state and federal habeas proceedings, Mark contended that ineffective assistance from his trial counsel, Gregory FitzMaurice, deprived him of his Sixth Amendment right to counsel. Mark argued that FitzMaurice failed to consult with an independent forensic pathologist, which would have shown the weaknesses in the state's theory that Mark committed the murders; that FitzMaurice failed to impeach Bryan's testimony concerning the murder weapon; and that FitzMaurice requested an erroneous jury instruction that reduced the state's burden to provide corroborating evidence. The district court concluded that as to the forensic evidence, FitzMaurice made a "reasonable strategic decision" to present an alibi defense. The district court also concluded that FitzMaurice did impeach Bryan. Finally, with respect to the jury instruction, the district court found that FitzMaurice's requested jury instruction was erroneous and that his performance in this regard was deficient. The court concluded, however, that Mark did not suffer prejudice as a result.

FitzMaurice requested and received the following instruction on accomplice testimony, cited in the record as instruction number 15:

> An accomplice is one who unites with another person in the commission of a crime, voluntarily and with common intent. An accomplice does not become incompetent as a witness because of participation in the crime charged. On the contrary, the testimony of one who asserts by his testimony that he

> is an accomplice, may be received in evidence and considered by the jury, *even though not corroborated by other evidence*, and given such weight as the jury feels it should have. The jury, however, should keep in mind that such testimony is always to be received with caution and considered with great care.
>
> You should never convict a defendant upon the unsupported testimony of an alleged accomplice, unless you believe that unsupported testimony beyond a reasonable doubt.

(emphasis added).

FitzMaurice also submitted two additional instructions which contradicted instruction 15 by requiring that the jury find corroboration before accepting any accomplice testimony. Instruction 18 read:

> You are instructed that a defendant cannot be found guilty based upon the testimony of an accomplice unless such testimony is corroborated by other evidence which tends to connect such defendant with the commission of the offense.

Instruction 19 provided:

> To corroborate the testimony of an accomplice there must be evidence of some act or fact related to the offense which, if believed, by itself and without any aid, interpretation or direction from the testimony of the accomplice, tends to connect the defendant with the commission of the offense charged.
>
> However, it is not necessary that the evidence of corroboration be sufficient in itself to establish every

> element of the offense charged, or that it corroborate every fact to which the accomplice testifies.
>
> In determining whether an accomplice has been corroborated, you must first assume the testimony of the accomplice has been removed from the case. You must then determine whether there is any remaining evidence which tends to connect the defendant with the commission of the offense.
>
> If there is not such independent evidence which tends to connect defendant with the commission of the offense, the testimony of the accomplice is not corroborated.
>
> If there is such independent evidence which you believe, then the testimony of the accomplice is corroborated.

Mark claims that the instructions were not only inconsistent, but that instruction 15 is an incorrect statement of Idaho law. After three days of testimony, the district court held that the instruction was in error and found that FitzMaurice was ineffective in offering the erroneous instruction. The court also found FitzMaurice deficient in failing to research and present mitigating evidence at Mark's sentencing. However, the court ultimately denied the petition, finding there was no prejudice.

II. STANDARD OF REVIEW

Lankford's petition predates the Antiterrorism and Effective Death Penalty Act (AEDPA) and is therefore not governed by it. We review the district court's denial of the petition de novo. *Turner v. Calderon*, 281 F.3d 851, 864 (9th Cir. 2002). Because ineffective assistance of counsel is a mixed question of law and fact, we review this claim de novo.

See Silva v. Woodford, 279 F.3d 825, 835 (9th Cir. 2002). We review factual determinations for clear error. *Id.*

III. ANALYSIS

[1] Under *Strickland v. Washington*, 466 U.S. 668, 687 (1984), Lankford may only prevail in his claim of ineffective assistance of counsel if he can show deficient representation "so serious that counsel was not functioning as the 'counsel' guaranteed the defendant by the Sixth Amendment." He must also show "that counsel's errors were so serious as to deprive the defendant of a fair trial, a trial whose result is reliable." *Id*. These two elements of *Strickland* are generally referred to as the "performance" and "prejudice" prongs. We evaluate each in turn.

A

[2] As we review FitzMaurice's performance, we must refrain from second-guessing his strategies and acknowledge the "wide range of reasonable professional assistance." *Id.* at 689. Nevertheless, we must hold FitzMaurice to his "duty to bring to bear such skill and knowledge as will render the trial a reliable adversarial testing process." *Id.* at 688. Even considering "conduct from counsel's perspective at the time," in at least one respect, FitzMaurice's representation falls below the standard of "reasonable professional assistance." *Id.* at 689. We agree with the district court that there was no reasonable tactical advantage in requiring an erroneous jury instruction that would allow the jury to give greater weight to Bryan's testimony.[2] In this case, "[c]ounsel's errors with the jury instruc-

[2]In the evidentiary hearing in district court, the state attempted to characterize FitzMaurice's selection of the instruction as a tactical move, arguing that there was sufficient corroboration and that the jury would not be able to find Bryan credible beyond a reasonable doubt without corroborating evidence. FitzMaurice could not confirm the theory, explaining "I can't tell you at this point in time . . . my motivations of asking [for] that

tions were not a strategic decision to forego one defense in favor of another. They were the result of a misunderstanding of the law." *United States v. Span*, 75 F.3d 1383, 1390 (9th Cir. 1996).

[3] The error in the instructions requested by FitzMaurice is obvious. Instruction 15 left out a critical element of Idaho law controlling the use of accomplice testimony: the requirement of corroboration. Idaho law provides:

> A conviction cannot be had on the testimony of an accomplice, *unless he is corroborated by other evidence*, which in itself, and without the aid of the testimony of the accomplice, tends to connect the defendant with the commission of the offense; and the corroboration is not sufficient, if it merely shows the commission of the offense, or the circumstances thereof.

IDAHO CODE § 19-2117 (2005) (emphasis added). As the Idaho Supreme Court has explained, " '[the] statute . . . absolutely prohibits a conviction in a criminal case upon the uncorroborated testimony of an accomplice, even although [sic] the jury may believe such testimony to be entirely true, and that it establishes the defendant's guilt beyond a reasonable doubt.' " *State v. Emmons*, 495 P.2d 11, 15 (Idaho 1972) (quoting *State v. Carr*, 42 P. 215, 216 (Or. 1895) (evaluating a statute that the *Emmons* court deemed "essentially the same as I.C. § 19-2117")).

[4] The Idaho statute reflects the state's unwillingness to hand down convictions based solely on accomplice testimony. As the court in *Emmons* observed:

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jury instruction. That appears to be a plausible reason, but I can't tell you honestly that was my reason at the time." Even if FitzMaurice did introduce the instruction in order to draw attention to Bryan's credibility, a general instruction on reasonable doubt could have served the same purpose without eliminating the corroboration requirement.

> [T]he criminal law has shown the sources of such testimony to be generally so corrupt as to render it unworthy of belief, and that it is therefore better as a matter of public policy to forbid a conviction on the uncorroborated testimony of an accomplice, although the guilty may thereby sometimes escape punishment, than to leave it possible for the conviction of an innocent person on such testimony.

Id. (quoting *Carr*, 42 P. at 216); *see id.* ("We concur with the reasoning of the Oregon Supreme Court . . . ."). The Idaho Court of Appeals has explained that "[t]his statutory corroboration requirement is intended to protect against the danger that an accomplice may wholly fabricate testimony, incriminating an innocent defendant in order to win more favorable treatment for the accomplice." *Matthews v. State*, 28 P.3d 387, 390 (Idaho Ct. App. 2001).

[5] FitzMaurice explained that he performed his research at the library of the University of Idaho Law School, that there were no model instructions for Idaho at the time, and it seems that he took the instruction from a collection of federal instructions. In this, FitzMaurice was dutiful, conscientious—and quite in error. Federal law permits bare accomplice testimony, while Idaho expressly forbids it. *Compare* Emmons, 495 P.2d at 15, *and State v. Gillum*, 228 P. 334, 334 (Idaho 1924), *with Darden v. United States*, 405 F.2d 1054, 1056 (9th Cir. 1969) (noting that "a conviction in federal court may be based on the uncorroborated testimony of an accomplice"). FitzMaurice simply overlooked important differences between Idaho law and federal law. It was a young lawyer's mistake, akin to failing to check the pocket part, but it was a mistake, plainly enough. As the district court noted, "[s]imply reviewing the three instructions would have revealed that two instructions . . . conformed with Idaho's law regarding accomplice testimony, while [the third] was substantially different, as well as not being in conformance with Idaho law."

[6] FitzMaurice's error is perhaps understandable, given his limited experience and resources,[3] but it is constitutionally inexcusable. By inviting a jury instruction that misstated state law and made it *easier* for the jury to convict his client, counsel unwittingly undermined the very "adversarial testing process" he was supposed to protect. *Strickland*, 466 U.S. at 688. We agree with the district court that in this regard his performance fell below the "range of reasonable professional assistance." *Id.* at 689.

B

[7] Whether the erroneous instruction rendered the ultimate verdict in this case unreliable is a harder question. "It is not enough for the defendant to show that the errors had some conceivable effect on the outcome of the proceeding." *Id.* at 693. To reverse we must find a "reasonable probability that . . . the result of the proceeding would have been different" had the erroneous instruction not been given. *Id.* at 694; *see also Span*, 75 F.3d at 1390. And we must consider the instructions "as a whole" in evaluating the magnitude of the error. *Middleton v. McNeil*, 541 U.S. 433, 437 (2004). "[A] single instruction to a jury may not be judged in artificial isolation, but must be viewed in the context of the overall charge." *Boyde v. California*, 494 U.S. 370, 378 (1990) (internal quotation marks omitted); *see also Estelle v. McGuire*, 502 U.S. 62, 72 (1991). Accordingly, Mark need not establish error for certain. "[A] defendant need not establish that the jury was more likely than not to have been impermissibly [influenced] by the instruction." *Boyde*, 494 U.S. at 380. "If the charge as a whole is ambiguous, the question is whether there is a *reasonable*

[3]FitzMaurice was a part-time public defender who had, it seems, only tried one previous major felony: a case of cattle-rustling. He had never defended a murder case, and had no training in capital defense. He delivered no opening statement to the jury, and called no witnesses. He did not secure a second attorney, an investigator (except for a fingerprint analyst), an independent pathologist, or an independent psychologist to aid in preparing a defense.

likelihood that the jury has applied the challenged instruction in [an impermissible] way . . . ." *Middleton*, 541 U.S. at 437 (internal quotation marks omitted) (emphasis added).

The government argues that any error was cured because there were additional, proper instructions (instructions 18 and 19) that arguably contradicted instruction 15. Instruction 18 stated that "a defendant *cannot* be found guilty based upon the testimony of an accomplice unless such testimony is corroborated by other evidence which tends to connect such defendant with the commission of the offense." (emphasis added). Instruction 19 defined "corroboration" and instructed the jury to "assume the testimony of the accomplice has been removed from the case. You must then determine whether there is any remaining evidence which tends to connect the defendant with the commission of the offense."

When instructions 15 and 18 are read together they can be reconciled, but not in a way that is helpful to the state. Instruction 18 plainly states that "a defendant cannot be found guilty based upon the testimony of an accomplice unless such testimony is corroborated by other evidence." That, of course, contradicts instruction 15 which states that an accomplice's testimony "may be received in evidence and considered by the jury, even though not corroborated by other evidence." The two statements seem to be bridged by the last sentence of instruction 15: "You should never convict a defendant upon the unsupported testimony of an alleged accomplice, unless you believe that unsupported testimony beyond a reasonable doubt." This line *appears* to create an exception to instruction 18's warning not to credit uncorroborated testimony: The testimony can be credited if the jury believes it beyond a reasonable doubt. To the trained legal eye, the "beyond a reasonable doubt" adds nothing to instruction 15 because a criminal jury generally must find proof beyond a reasonable doubt to return a guilty verdict. *See Cool v. United States*, 409 U.S. 100, 104 (1972); *In re Winship*, 397 U.S. 358, 362 (1970). Nevertheless, a conscientious jury might

read instructions 15 and 18 together to state a general rule and its exception: A defendant cannot be found guilty based upon the testimony of an accomplice unless either (a) such testimony is corroborated by other evidence, *or* (b) the jury believes the unsupported testimony beyond a reasonable doubt. The instructions, thus reconciled, remain contrary to Idaho law. Accordingly, the jury could have convicted Lankford *either* because they found Bryan's testimony to be adequately supported,[4] *or* because they believed his uncorroborated testimony beyond a reasonable doubt. "[W]hen a case is submitted to the jury on alternative theories the [impermissible legal error in] any of the theories requires that the conviction be set aside." *Leary v. United States*, 395 U.S. 6, 31-32 (1969); *see also United States v. Griffin*, 502 U.S. 46, 59 (1991) ("[T]he term 'legal error' means a mistake about the law, as opposed to a mistake concerning the weight or the factual import of the evidence.").

[8] It is hard to imagine a case in which such an instructional error could have caused more damage. Erroneous instruction 15 went to the heart of the case. Although there is overwhelming evidence that one or both of the Lankford brothers killed the Bravences, *only* Bryan's testimony singled out Mark as the killer. There were no witnesses to the murder, and no murder weapon was admitted into evidence. There was no forensic or circumstantial evidence suggesting that Mark, rather than Bryan, beat the victims to death. Bryan's testimony was vital to the prosecution, and instruction 15 allowed the jury to convict Mark on Bryan's word alone, in obvious violation of Idaho law. Moreover, Bryan had every incentive to lie: If Mark did not kill the Bravences, then Bryan must

[4]There is another possibility, also not helpful to the state. The jury could have read instruction 15 to mean that they could convict Mark on Bryan's unsupported testimony if they believed Bryan beyond a reasonable doubt. *Or*, they could convict Mark even if they did not believe Bryan beyond a reasonable doubt so long as there was some evidence to corroborate his testimony. This latter possibility would, of course, flatly violate *In re Winship*.

have done the deed. Additionally, Bryan thought he had a deal to avoid the death penalty in exchange for his testimony against his brother. *See Lankford* v. *Idaho*, 500 U.S. 110, 120-121 (1991); *State v. Lankford*, 903 P.2d 1305, 1309 (Idaho 1995). This is precisely the declared purpose for Idaho's corroboration requirement: "to offset the danger that an accomplice may wholly fabricate testimony, inculpating an innocent person, in order to purchase immunity from prosecution, or lenient treatment, for his own complicity in the crime." *State v. Pierce*, 685 P.2d 837, 842 (Idaho Ct. App. 1984) (citations omitted).

[9] Considering the instruction "in the context of the instructions as a whole and the trial record" does not inspire confidence in the reliability of Mark's verdict. *Estelle*, 502 U.S. at 72. The state nonetheless attempts to salvage Mark's conviction by relying on Idaho law, which provides that "[a]n error in failing to give [a corroboration] instruction may be harmless if ample corroborative evidence was presented." *State v. Hill*, 97 P.3d 1014, 1019 (Idaho Ct. App. 2004). The state contends that the prosecution presented corroboration adequate to meet the requirements of Idaho Code § 19-2117.

The Idaho Supreme Court has explained in general terms what corroborating evidence is required by § 19-2117:

> The statute permits convictions upon the testimony of an accomplice with the limitation that the accomplice shall be corroborated by such other evidence as tends to connect the defendant with the commission of the crime, and hence the corroborative evidence must be independent of the testimony of the accomplice and connect or tend to connect the defendant with the commission of the crime charged. Corroboration of an accomplice need only connect the accused with the crime, it may be slight, and need only go to one material fact. It may be entirely circumstantial. The jurors are the judges of the weight

> and credibility of the testimony under proper instructions.

State v. Garcia, 630 P.2d 665, 672 (Idaho 1981) (quoting *State v. Bassett*, 385 P.2d 246, 248 (Idaho 1963)) (citations omitted). Idaho courts have also explained that:

> No general rule can be stated with respect to the quantum of evidence corroborating an accomplice's testimony which is necessary to warrant a conviction; each case must be governed by its own circumstances, keeping in view the nature of the crime, the character of the accomplice's testimony, and the general requirements with respect to corroboration.

Gillum, 228 P. at 336. We note that most of the Idaho cases addressing the statute arose as claims disputing the sufficiency of the evidence, not in the context of an erroneous instruction, and in sufficiency cases "[the c]ourt will construe all of the evidence in favor of upholding the verdict." *Hill*, 97 P.3d at 1018. In such cases, the court must uphold the jurors' verdict if there is any basis for a finding of corroboration because they are "the judges of the weight and credibility of the testimony *under proper instructions*." *Garcia*, 630 P.2d at 672 (emphasis added) (quoting *Bassett*, 385 P.2d at 248); *see also State v. Gonzales*, 438 P.2d 897, 901 (Idaho 1968).

[10] The error here is a more fundamental one. The jury was instructed to overlook the question of corroboration, and we must ask whether, given proper instructions, there is a "reasonable probability" that the jury would have found Bryan's testimony unsupported. "A reasonable probability is a probability sufficient to undermine confidence in the outcome." *Strickland*, 466 U.S. at 694. The Idaho cases suggest that, where the trial court has refused a corroboration instruction under § 19-2117, the Idaho Supreme Court has demanded substantial evidence of corroboration before it will find the error harmless. In *State v. Scroggins*, 716 P.2d 1152 (Idaho

1985), the Idaho Supreme Court found that the trial court committed harmless error when it omitted the corroboration instruction in a felony murder conviction where Scroggins "admitted that he assisted [the accomplice] in taking the victim to the creek, that he, Scroggins, had handcuffed the victim, that [the accomplice] had used Scroggins' knife, that he, Scroggins, had attempted to rape the victim and that he had been in the vicinity when [the accomplice] had, in fact, raped and murdered the victim." *Id.* at 1158. The Court concluded that "although Scroggins' testimony did not corroborate [the accomplice's] *version* of the facts, it was sufficient to permit a finding that Scroggins was connected with the commission of the offense." *Id.* In *Matthews v. State*, 28 P.3d 387 (Idaho Ct. App. 2001), Matthews sought post-conviction relief from his conviction for first degree murder. *Id.* at 389-90. Matthews argued that his counsel was ineffective because he failed to request a jury instruction on corroboration of accomplice testimony. The court concluded that the jury should have been instructed, but it found the error was harmless. Matthews had admitted that he joined four other juveniles in beating the victim; testimony from other witnesses also corroborated the testimony from Matthews's accomplices. In this case, "the outcome of the trial would [not] have been different had Matthews's counsel requested a jury instruction regarding the corroboration of accomplice testimony. *Id.* at 391-92.

These cases, in which there was substantial corroborating evidence, contrast with the Idaho Supreme Court's decision in *State v. Gonzales*, 438 P.2d 897 (Idaho 1968). In that case, the Idaho Supreme Court held that failure to give the corroborating evidence instruction was not harmless even though the evidence included witnesses who saw the defendant fight with the victim before the murder and who recognized the defendant's car at the subsequent drive-by shooting. *Id.* at 899, 901. Investigators found a spent cartridge at the defendant's house and a rifle at his mother's apartment. *Id.* at 900. The defendant allegedly asked police at his booking, "How is the fellow I shot, is he ded [sic] or what?" *Id.* at 899. Even with all of

this evidence, the Court reversed the conviction because the testimony of an accomplice (a passenger in the car) was not properly limited with a corroboration instruction. "[T]he [trial] court had a duty to instruct the jury on all matters of law necessary for their information," the Court explained, "and the defendant was entitled to have his theory of the case submitted to the jury upon *proper* instructions." *Id.* at 901.

The nature of the evidence sufficient to corroborate is further explained in *State v. Campbell*, 757 P.2d 230 (Idaho Ct. App. 1988). In that case, Campbell was accused of kidnaping and murder. *Id.* at 231. He argued that there was insufficient evidence to corroborate the testimony of his two accomplices, who testified that Campbell had repeatedly kicked the victim. The state introduced a pathologist who testified that the victims injuries were consistent with the testimony of the accomplices. The Idaho Court of Appeals held that this was not sufficient:

> Without any question, the autopsy corroborated the accomplices' testimony describing the infliction of severe injuries on Atwood. However, under I.C. § 19-2117, evidence that is merely corroborative of the "commission of the offense, or the circumstances thereof" is not enough. Instead, the evidence necessary to serve as corroboration of the accomplice's testimony must tend "to connect the defendant with the commission of the offense."

Id. at 232-33. Although the pathologist's report was not sufficient corroboration, the court found sufficient corroboration in other evidence, including statements that Campbell made to others. *Id.* at 233-34.

[11] The corroborative evidence the state points to in this case—including, principally, the testimony of the state's pathologist, Dr. Robert Cihak—implicates the Lankfords generally, not Mark specifically. There is no evidence that

uniquely points to Mark as the perpetrator. All of the state's evidence equally implicates Bryan. The only physical evidence presented at trial was circumstantial, and all of that evidence also linked Bryan to the murders. The only evidence tending to show that Mark was the killer was his brother's word. We conclude there is a "reasonable probability" that, with proper instructions on the question of corroboration, the jury would not have convicted Mark of first degree murder. *Strickland*, 466 U.S. at 694.

[12] We find FitzMaurice's error in drafting jury instructions an adequate grounds for reversal. Although we do not reach the other grounds on which Mark contends that FitzMaurice rendered ineffective assistance of counsel, the evidence Mark has presented in support of those claims reinforces our judgment that Mark was prejudiced in this case. At the federal evidentiary hearing, Mark presented experts who questioned the reasonableness of FitzMaurice's failure to hire an independent forensics expert to investigate Mark's claim that Bryan beat the Bravences with a large river rock. The testimony of Dr. Todd Grey, forensic pathologist and chief medical examiner for the state of Utah, strongly suggests that an independent forensic investigation would have revealed serious flaws in Bryan's story that Mark beat the Bravences with a stick. He pointed out that the "extensive fragmentation" of the victim's skulls suggests the couple were bludgeoned with a larger object, such as the river rock Mark described. He described Cheryl Bravence's skull as "a pile of bones" before it was reconstructed by forensics experts, and explained that her skull showed multiple linear and branching fractures. In at least one area, parts of the bone were missing where bone had been broken off and driven downwards into her brain. Robert Bravence's skull also required reconstruction, and it had to be reinforced with clay where sections of bone were missing. Because the Bravences' skulls showed "extensive fracturing," "depression of bone," and "fragmentation" on virtually all sides, Dr. Grey concluded that their injuries were "much more consistent with the scenario in which

these individuals were struck with the large rock." To cause this level of destruction with a twelve-inch stick, the expert testified, "would take a tremendous amount of force," "an horrendous amount of force." "I am not saying it is impossible," Dr. Grey explained, "but it would certainly take a lot of effort." Although Bryan claimed Mark dealt Robert a "hard blow" that necessarily dislodged portions of his skull, Bryan testified at his own trial that there were no sounds "such as bones breaking" and that there was no blood. The single skull-crushing strike that killed Cheryl was apparently also silent and bloodless. Bryan certainly did not describe a clubbing that used "an horrendous amount of force."

Dr. Grey's testimony not only cast doubt on the identity of the murder weapon and the amount of force employed, it clearly showed that the victims must have endured multiple blows. Bryan's description of a quick, three-strike attack did not fit the physical evidence. It was more likely that the victims were struck several times than that they were each hit once or twice (as Bryan maintained), because skulls were not only severely fractured and fragmented, but sustained damage on nearly every side, suggesting blows from various angles. Cheryl Bravence's skull showed fractures on the top and back of the skull, breaks near the right ear, and fractures in the left temple—hardly the work of a single silent strike to the neck. Her husband's skull sustained fractures at the back and top of the head, was missing parts of bone from the left side, and suffered breaks in the left eye socket, right brow, and left jaw. A fracture also separated his alveolar plate—a portion of bone that supports the upper teeth. "To inflict the extent of damage that I see in this skull with three blows is pretty far beyond the pale of what I would expect to be able to see," Dr. Grey explained. "I can't see how that pattern would be produced by a stick with that scenario [of three blows] that you described, even with as much force as you could possibly muster, I don't see how you could get that pattern." On cross examination, Dr. Grey admitted that the injuries he observed could have been caused by as few as three blows to Cheryl and four to

Robert—making seven strikes altogether—but more blows would likely be needed. In addition, he explained that Bryan's description of the location of the blows did not match the physical evidence. The extensive injuries on both sides of the skulls could not have been produced during the attack Bryan described, where an assailant struck the victims only "in the back of the neck . . . . Not in the head."

Had Dr. Grey been asked to serve as an advisor in a trial that presented this sort of forensic evidence, he would have advised the attorney cross examining Bryan to "get [a] detailed . . . description of how the blows were inflicted, the number of blows, what kind of a swing was used, what the implement, the stick, was like, [and whether] it appear[ed] to be weighted or unweighted" so that the testimony could be tested against the pattern of injury. Dr. Grey affirmed that his type of questioning, together with detailed questioning of an expert pathologist, was "the sort of thing you customarily do when you are retained to work a case." Dr. Grey did not disagree with Dr. Cihak's testimony at trial that the injury was the result of blunt trauma that could have been caused by a pipe, nightstick, rock, or a gun. The problem was that Dr. Cihak was never "really pinned down on what [wa]s more likely given the pattern of injury." "He never was asked to say among those choices what, seeing this pattern of injury, what seems more likely . . . ." By testifying to injuries caused by blunt trauma, Dr. Cihak merely affirmed "[a] myriad of possibilities" as to the murder weapon.

The forensic evidence, considered in light of Idaho's corroborative requirement, underscores the inconsistencies in Bryan's story. Bryan wavered in his physical description of the weapon and its origin. He described the murder weapon in ambiguous terms as a "sort of nightstick" made of wood, "a little limb deal" and a "little club" twelve inches long. In an interview with the sheriff, he had trouble remembering specifics about the stick. It "could have been" a piece of pipe, but Bryan did not know "for sure." When asked whether the

weapon was a foot long, he said "umm, probably about, yeah, probably about a foot and a half, maybe." His descriptions changed over the course of the investigation. In another of his initial statements, given to police, he claimed that the weapon was "a stick like a night stick that a policeman wears but only about a foot long." He told an FBI investigator that it was "a 'night stick' like a policeman uses. [Mark] had the 'night stick' for a long time and carried it in his car." On direct examination at his own trial, Bryan said the weapon was "a thing about a foot long, which is a little club that he has had for a long time." He claimed he "d[id]n't know where [Mark] got it from. . . . Probably bought it somewhere." Later, at Mark's trial, Bryan remembered the weapon's appearance and history clearly. It was "a sort of a night stick, in a way . . . . It's about a foot long, reddish brown wood. I think it, I believe it came from me. I believe my wife—my ex-wife gave it to me, and I gave it to Mark a long time ago."

At his trial, Bryan claimed that he did not know Mark was carrying the club when the two entered the Bravences' camp. "I never saw the club," he claimed, explaining that it was so small it could "[v]ery easily" have been concealed in a pocket. He also said he had not seen the little club since the killings. It could have been at the Bravences' camp site, he explained, or it could be at the spot where the bodies were unloaded or the place they were ultimately hidden. "I'm sure it would be in one of the three places," he told the court. Mark did in fact carry a nightstick, and it was recovered. Police described it as a wooden nightstick, dark brown or black in color, about eighteen inches long. The stick was not found at the murder site, on the road, or at the Bravences' grave site. It was found in Mark's abandoned car. The nightstick the police found in Mark's car would, of course, have been powerful corroboration of Bryan's testimony, but the state—to its credit—declined to introduce it into evidence because it could not be linked to the killings.[5]

[5]The stick did not show any blood or tissue residue. Although the two brothers have together given several versions of the murder story, never did either claim to have returned to Mark's brush-covered car after the killings.

[13] In sum, Bryan's testimony about the murder weapon, the number of blows, and the force of those blows was vague, contradictory, and—when considered in light of the Bravences' fragmented skulls—not persuasive. It is this precise scenario—an accomplice who must implicate the defendant in order to hide his own culpability—that Idaho's corroboration requirement addresses. We agree with the district court that FitzMaurice's requested jury instructions were simply wrong under Idaho law. The corrupted instruction was not corrected by other instructions. Although the question is close, we disagree with the district court as to the prejudicial effect of the error. There was ample evidence that either one or both of the Lankfords killed the Bravences, but there was no evidence that Mark attacked and killed the Bravences other than Bryan's testimony, and there was strong evidence raised at the habeas proceedings suggesting that Bryan's testimony is inconsistent with the forensic evidence. Counsel's request that the jury be instructed that it could convict on the basis of Bryan's testimony alone was plainly prejudicial.

IV. CONCLUSION

[14] The judgment of the district court is reversed and the case is remanded with instructions to grant the petition for a writ of habeas corpus, with appropriate instructions to retry Mark Lankford within a reasonable time or release him.

REVERSED and REMANDED.

Editor's note from 14th December 2006:

Mark's latest thoughts recently published here have been replaced by an **update in doc-format**

Media report filed from Frances, source unknown

Date: 11/30/2006, written by a Jody Walker

GRANGEVILLE -- A new trial for convicted murderer Mark Lankford could be held as early as next summer, said Idaho County Prosecuting Attorney Kirk MacGregor. Lankford was convicted 23 years ago in the deaths of Marine Capt. Robert Bravence, 27, and his wife, Cheryl, 25. Lankford's brother, Bryan, was also convicted of murder. Since their convictions, the two brothers have tossed blame for the murders back and forth like a hot potato. Bryan testified against his brother. Bryan's death sentence was since thrown out and he was resentenced. He is now serving an indeterminate life sentence with an annual review for parole. But the county is holding out hope the decision for a new trial will be overturned in a rehearing before the U.S. Court of Appeals. The prosecutor handling the case, LaMont Anderson of the Idaho Attorney General's Office, is planning to file a petition for a rehearing, said Bob Cooper, spokesman for the office. Anderson was already granted an extension onto the timeline to file that petition. Federal Public Defender Andrew Parnes [Mark's peresent attorney] was out of the office and unavailable for comment Wednesday. A three-judge panel, representing the entire 9th U.S. Circuit Court of Appeals, ruled in favor of Lankford earlier this month. The judges' opinion states there is no evidence in the case that leads solely to Mark Lankford. "All of the state's evidence equally implicates Bryan." But the crux of the decision seems to rest in jury instructions that contradicted one another. Because of that, the panel of judges ruled Mark Lankford must either be retried or released. Cooper said the Attorney General's motion will ask that the case be reheard before a larger slate of judges. Because the 9th Circuit has so many judges, the entire panel doesn't hear cases as in other circuits. "It is different in the 9th Circuit than in any other circuit," Cooper said. MacGregor said it is possible the case could then be taken to the U.S. Supreme Court before returning to Idaho County. "But if the Court of Appeals refuses to hear it or denies the motion for reconsideration then it will be remanded back to the county for retrial," he said. He and Deputy Prosecuting Attorney Dennis Albers are already preparing the case, he said. Albers tried the original case. "We are acting as if it is going to be remanded just in case it is," MacGregor said. The two have viewed evidence still housed at Grangeville. They have been locating witnesses. Some of the expert witnesses, MacGregor said, have died and will have to be replaced. Preparing the case itself is tough but a tougher job could be figuring out how to pay for it. "It is going to be expensive," MacGregor said. "I don't think in our general budget there is enough to cover it." Commissioner Randy Doman said he is trying to think of creative ways of paying for it. He is hopeful the Marines will help, since the victim was an active Marine. "But nobody knows how to contact the Marines," he said. "We are still pursing that." The case is too old for the county to be assisted by the Idaho Association of Counties' capital crimes fund. That fund was established 12 years ago to help counties pay for such cases. But it can't help in any case older than the fund. "So I am still just the biggest panhandler in Idaho County," Doman said. The county is planning on a bill of $250,000 to $500,000 to retry the case, he said. Witnesses will have to be located and flown in. The county will also most likely have to pay for the defense because Lankford has historically used a public defender. "It's $5,000 here and $10,000 there and it adds up in a hurry," Doman said.

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Website holder

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As we wait

Poems from Death Row

By Mark Henry Lankford

The line and paragraph cuts have been set as found in the partly typed, partly hand-written original.

1

Waiting, way over yonder, past the horizon
I can sense the patience, the determination
of the dark spirit. Morbid, it sometimes lurks
among the near. Mordant, almost offending the
senses, yet somehow saccharine.

The weak and infirm, they are the first
to succumb. They almost embrace it with
the strength of Hercules. With clawing
and gnawing and bawling and mewling,
they cling.

With crying, defying, implying, maligning;
Caressing, obsessing, possessing, depressing;
unprepossessing, the dog is messing,
on the rug at my mind's door.

I had a dream that I had a dream
that I had a dream that I had a dream.
In it, she was writhing, sighing, shyly spying;
The dream expanded ever more,
yet strangely - nevermore.

I saw that she was the bearer
of positive means - and cheer;
with her ideas I could ward off;
the morbid and patient sphere.
So the valiant spirit has
many forms,
not always easily seen.
But as I sit, condemned by fools,
my soul begins to sing!
Why? I've already won!

2

Hidden are sorrows
Beneath the Paled lit smiles
Never to surface

Slender reed of hope
When used to stir emotion
Becomes limitless

From my lofty perch
Feathers rain down as crystals
Upon a torrid sea
Emeralds shimmering
Ruby eyes in the night
Tongues of fiery loss

Cascades of true love
Wash the hearts of the lovers
As dew cleans lilies

3

(one he wrote to Frances)

Franie, I love you
From the deepness of my heart
O Angel, my Fran

4

19th July 2004, describing an attack on him (upgraded in August 2004)

ATTACK OF FOOLS
14 July, nine at night
I entered my small cell;
From behind came two young fools,
They had not been raised well

Attack! Attack! At my back
The idiots fists did strike!
I was surprised by the onslaught
My adrenalin began to spike

Fast on my feet I turned around
Their eyes now wide with fear;
My feet began to strike them
"Tell them Markie boy is here!"

What are your idiots doing?
The fools had no reply;
With cold, reptilian pursuit
They both swung for my eyes

Adair, a troll-like ogre
Picked up a full hotpot;
He slammed me across the face
But stop me he did not!

I slapped the ewer from him
It clattered across the cell;
A television was his next weapon
The application did not go well!

The other mental defective
Brandon Spurway is his name;
continued to put his fists on me,
Yet toughness is not his game

The TV struck me on the head,
Blood gushed from my broken nose;
the hotpot had done the damage
Why were these fools my foes?

I pushed the TV away from me,
Cliff(ette) Adair backwards went;
It was then that I rushed him,
For they had lethal intent!

Girly-boy, that's Adair
Went flying to the floor;
He had broken the TV set
As his sweat began to pour.

Over the toilet, he had fallen,
With me in hot pursuit;
The coward's fear was extant,
With panic at it's root!

But we can't always get what we want,
As the Rolling Stones do sing;
They doused the Texas stud horse,
When it comes to rough, he's king!

Cowards and racists shall always be,
yet, such dogs should take heed;
You can't always get what you want!
But silly punks get what they need.

So on top of girly-boy I did descend,
Righteous wrath did God supply!
His eyes were as big as saucers,
He thought his end was nigh!

I slapped his hard in his ugly face,
I think he wet his pants!
Spurway kicked me in my back,
Taking advantage of his chance.

I rose to challenge this offense,
Spurway sensed what was to come;
Yet as he continued to use his fists,
His race was nearly run.

I slapped him hard across his face
One time, two times, three!
I asked him closely, "What now, punk?
You want some more of me?"

Adair, as all cowards do,
Looked toward escape;
He pushed the button for the cops,
His retreat he wished to make.

Spurway was astonished,
A normal state for he;
He knew he had made an error,
And really had to pee!

Before he could hit me,
I kicked him in the shin;
Suddenly the door popped open
And I began to grin.

Adair was sad and bloody,
This hateful, homely gnome;
They both hit the door a'runnin'
Like daddy was callin 'em home!

They lit out like scalded cats,
These racist, pathetic punks;
The old man had hurt their pride,
Having peppered them with thumps.

You should not pull on Superman's cape,
You should not go out to kill or rape;
You should not try to be a man when you're not,
Or you might sleep in a burial plot!

Assailed I was from behind,
A cowardly jump that caught me blind;
Yet turn the tables, I did true,
Attack me once and shame on you!

My nose was shattered,
One eye almost closed.
But the cowards ran away
Their lack of guts exposed.

A grudge I do not harbor, no revenge.
Upon such tragic emotions, my soul does not hinge.
These poor, lost children, will pay as God sees fit,
And the state of Idaho will play a part in it!

The pain I suffered, not so great
I've suffered a great deal up to this date,
Solitary will now be my plight,
We all know how sad this is and it's
Never right!

But, the old Bull, he will fight on,
His days are not yet o'er;
My faith and love, undiminished,
I'll just try to pray the more.

Another page has been turned,
Perhaps some lessons have been learned;
I still survive to spread the word,
I hope, I pray I will be heard.

My job, now lost;
My freedom, nil'
Abuse me as they see fit
They won't break my will!

Perhaps I'll write more,
Perhaps you'll write to me?
Perhaps, yes, I'll pray more;
Will you pray for me?

Pity, I do not accept
I'd rather be your friend;'
Perhaps if you would be so kind,
Would you support me now and then?

You see, our lives are but a small dot,
On the vast expanse of time;
It would be fine if I could make yours better,
And in the process better mine.

I shall not see,
I shall not go;
Some cannot see and
Will NEVER know!

You and I can change the world,
A little at a time;
Why don't you count your many blessings?
I'll try to count mine.

I was attacked,
I did defend;
Like David against Goliath,
I was the winner in the end!

Yes, winning is just a state of mind,
The plight of cowards is to lose;
You make your bed, hot or cold,
It's up to you to choose.

Forget this event I shall not,
No matter how long in tooth;
Yet I shall pray for my enemies,
That they'll one day know the truth.

You cannot win with fists or stones,
You cannot win by breaking bones;
The only way to win the fight,
Is to always do that which is right!

Our path is not always smooth,
The rocky road will try us;
But if we keep our faith intact,
Our Lord will surely stand by us

Thank you for your time, sweet friends,
For your love and tender care;
Do not despair for this old Bull,
I just wish I could be there!

This poem is a recounting of a cowardly attack by two stupid inmates upon Mark H. Lankford, a condemned man of faith. Those that sent these two fools have reprobate hearts and no place in civil society. They shall reap that which they sow

Mark H. Lankford 20489
Now moved in segregation for something HE did not do.

To top of sheet

Title sheet and address data

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