

Richard Lyons, TX

"The Special Prosecutor"  
(A memoir)

When I finally had the courage to recount my showdown with the Special Prosecutor, over a decade had passed. Neither of us will forget. At this moment, in my mind, I see him leaning back in his oak chair, catching my eye. He knows something that I don't.

It is sometimes best to start at the beginning, but I'll skip the trial that got me a life sentence, concentrating instead on this trial in Walker County, the seat of the second oldest business, the Texas Department of Criminal Justice. From this very courtroom death warrants are issued for youngsters, women and the mentally compromised. I was not facing the needle, no, my charge was much more mundane. I was charged with possession of a controlled substance, namely marijuana, in a penal institution. If found guilty this sentence would be added, "stacked," onto to the end of my life sentence. I would never get out on parole.

Prior to meeting the Special Prosecutor, I worked as a prison unit artist, creating, for free, oil paintings, as well as the endless painted stainless steel milk jugs for prison officials. Texas proudly holds the title as the most primitive penal system in America. Prisoners are not paid for their labor, nor do the decades of work count against the sentences. If you are not going to be compensated for labor you might as well have a comfortable job, I stumbled upon one.

My story ends much like it begins, suddenly and quietly.



As a result of a surprise shakedown of the craft shop, I am charged with possession of an eighth ounce of marijuana. A prison shakedown is typically the result of a snitch-note informing an officer that contraband exists. Officers encircle the shakedown area wearing latex gloves stripping prisoners, searching clothing and then their lockers. I am not present when an officer finds a baggy of marijuana. The guards have me handcuffed in the building major's office.

Prison officials are allowed to stack more prison time onto a prior sentence for certain offenses, this was one of them. I am sitting in a gray tiled room with a stainless steel toilet/sink combination. In this tiny humid pine-oil scented room there are eleven prisoners. We have been indicted, now the machinery of justice will grind us down. The smell of sour chili fills the room as the fluorescent fixture flickers in the corner. A gray steel door separates us from an outer dressing room, at eye level glows an index-card sized plexiglass window. We sit glumly on the wall-mounted wood bench facing more time in prison.

Each of us arrives in separate white vans originating from one of the many prisons in the Huntsville area. We are all dressed in white cotton. Seven administrative segregation prisoners are wearing white jumpers with no sleeves, snaps up the front, with soft rubber soles black canvas shoes. In here we call these shoes "winoes" after the shuffling feet of the drunk-tank. One guy paces and mutters about the shank he grumbling about the stacked 25-years to life. One Ad-Seg.



prisoner is indicted for possession of a photo of a postage stamp he clipped from a postal catalog. Now indicted for altering a government document. Two of us in general population are charged with possession of marijuana. All of us wait the arrival of our state counsel lawyers. This meeting with the State Counsel for Offenders reveals the plea agreement offers from the Special Prosecutor. The Special Prosecutor, is never special in my book, just a mean guy with unlimited power. He and his team prosecute inmates for crimes committed while incarcerated. Typically the prisoner is advised to take the plea offer, as trials against the Special Prosecutor always result in guilt.

The key clicks in the lock, the mutters stop as the guards signal for us to come out. Our hands cuffed in front we jangle to a chair in the large sunny hard room. Sitting across from me is a fifty year old woman with gray and brown shoulder length hair and black plastic glasses wearing a dark blue jacket over a floral print dress covering her calves. Shaking my cuffed hand while holding my four-year plea agreement offered from the Special Prosecutor.

"That's their offer." She whispers.

"Can you handle a jury trial?"

"I'm what they call a "baby lawyer", which means I just got my bar number and am beginning to practice. This will be my first trial."

"Well," I respond, "it will be my second, so I get first chair."



While Cindy holds the plea agreement I sign the not guilty section, moving both hands in tandem, creating a mark on the sheet.

Our legal visits end as quickly as they began, we return to the gray room. Nine had signed the guilty section of the plea agreement, accepting the additional sentence from the Special Prosecutor. Stampboy had also pled not guilty and he will be scheduled for trial with me sometime next month. The gray room was quiet and musky, everyone knew that by signing the plea there will be no trial, just a new time-sheet arriving in the mail.

We shuffle and clink across the terrazzo floor in the spacious third floor courtroom. Along three sides are floor to ceiling windows which open onto the branches of the white bark plane trees framing Courthouse Square. Surrounding the courthouse are commercial buildings, housing the Prison Museum, and the Texas Cafe.

The guards hold our elbows as they lead us down the hall to a back stairwell where we jangle on each riser, careful not to snag leg chain. We hold the railing, sliding our hands down to the landing and then down again. I think these are the same prison guards who make a sport out of pushing cuffed prisoners down stairwells. We are the only the only two who had refused the plea agreement from the Special Prosecutor. I tighten my grip.

The jangling chain's echo ceases once we reach the ground floor and the door opens. Silently our elbows are pinched as we



hustle past glass-walled offices. We are watched. The white van's back door opens and we kneel on the chrome bumper, crawl into the bench seat along the side wall. No seat belts, the doors slam shut, are locked, then a brass lock slips into an exterior hasp. I picture a flaming van and a lost key, as we race off to the prison.

The driver keys the microphone, "86 times two, 95 times two." The other adjusts the radio to Country Gold.

Since Stampboy is an Ad-Seg prisoner the van slides through two sliding chainlink gates while guards in the towers cradle shotguns.

They release my shackles and allow me to walk back to my cell. They have me trained.

Three weeks later we go through this ordeal in reverse, arriving at 7:30 am and wait for Stampboy's jury pool to arrive for his trial at nine. As I look out the watery plastic window I see Cindy and her boss Dave Neal talking, a guard opens the door, calls Stampboy out. I can see him smile, he signs some papers and returns to tell me that the Special Prosecutor has dropped his charge. Consequently, his jury pool is now mine.

Cindy asks the guards to let me out of the gray room, we sit in the dressing room's molded blue plastic chairs.

"Well, here we go, we'll pick the jury and then present opening arguments today."

"What can I do?"

Her elbows rest on her knees when she looks up, sighs,

"Well you could write down any ideas about your argument



of not having care, custody, or control." She stands touches my shoulder and says, "I have a jury to select." Her first.

Stampboy looks at me when I return to the gray room, "What happened?"

"It appears that your jury pool is now mine, not that it matters."

He smirks, we know that of the 80 potential jurors, most will either work for, are related to, or will be suppliers to TDC, the remainder will be in law enforcement. The potential jurors, when asked, will swear that they could render an unbiased verdict. After the twelve jurors are selected, Cindy and Dave convince the judge to allow me to wear street clothes at my trial tomorrow.

The following morning, just before 9:00 am, Cindy huffs into the changing room, hands me a suit and a shopping bag to the guard, and says, "Hurry and put this on, the trial begins at 9:00." Cindy has purchased a suit coat, docker-style slacks, brown suede shoes and a club tie. The door slams shut. I unwrap the clothes and hang them on the back of the door, I have worn white pullover shirts and elastic pants for over a decade and belted pants feel great. The Windsor knot took two attempts, just as the door opens. Cindy smiles and off we go to face the Special Prosecutor.

As we walk out of the dressing room, I feel that knot at my throat, I glance down at the colorful clothes and catch the look in the eyes of the guard. Yeah, I look like a normal human now. We walk across the open room, the shoes are tight,



but a nice tight. I glance at the twelve jurors as Cindy parts the low hinged wooden bat-wing gates. We enter the courtroom area within the large room. She points to the first chair, nearest the prosecution table which is nearest the jury box, I sit down.

The baliff stands and bellows, "All rise."

We do. In long strides Judge William Campbell climbs to his perch on the bench. Cindy told me in a whisper that he was a legend, he certainly is old enough. If Ichabod Crane wore a cold-black cowboy-cut suit, white shirt, string tie and boots, I see him this morning. This character noisily adjusts his skinny butt in the high-backed leather chair his black eyeballs, surrounded by thin white hair and sunken cheeks, stare at me. He sits. We sit. He fidgets with papers beneath a wall-sized image of the Texas state seal, flanked by the state and national flags. Rumor had it that he had installed a holster for a six-shooter under the bench. I imagine from the look on his face that he was itching to pop a cap in my drug dealing ass. Then the black suited skeleton speaks,

"Mr. Rienbeck, please begin."

The Special Prosecutor, Louis C. Rienbeck, pushes his chair back while turning to the jury. The Special Prosecutor works directly for the Attorney General prosecuting prisoners and finalizing death warrants. He always wins. Opening his jacket to reveal a badge clipped to his silver and black ranger style belt, as he turns his back to the defense table. He begins his opening statement harping on about how outrageous it is that



prisoners commit crimes while in prison. He has a slam-dunk case.

Cindy focuses on the lack of evidence and the requirement of the law to show care, custody and control in order to meet the burden of establishing possession. She closes her opening statement by reciting the current definition of reasonable doubt. The Honorable William Campbell excuses the jury for the day.

When the room clears he asks, "Mrs. Teddor, I do not recall you in my court before today."

"No, your honor, this is my first trial."

"You mean your very first trial?"

"Yes, your honor."

"Well, welcome, I can assure you that we all work together to get them through in a professional manner."

"Thank you, your honor."

"Now," he looks down at me, "Mr. Lyon," Cindy touches my elbow, I stand with her. "your motions are denied. Your lawyer will handle your motions from now on. I will not have hybrid representation in my courtroom, is that clear?"

"Yes your honor." we reply in chorus.

"You may be seated."

I lean close, smelling old lady perfume. "Did you file any discovery motions?" Indignantly she answers, "yes."

When the judge finishes his discussion with the great Louis C. Rienbeck, they decide that they can finish in a day. Cindy stands. "Your honor, I filed several motions yesterday,



did you have a chance to rule on them?" Judge Campbell smiles, it was more like a liver-colored line extending across the lower third of his face.

"Mrs. Teddor," lifting papers, "your motion for suppression is denied, your motion for change of venue denied, your motion for an investigator is denied in part."

Looking down at Cindy he says. "Mr. Rienbeck tells me TDC has provided your discovery documents. Your jury charge will be ruled on later. Anything else?"

"No your honor."

"The trial will continue tomorrow." he swings his gavel, we rise in unison as he strides off.

Moments later I remove the club tie and shoes, Cindy taps on the door. "Come out when you are dressed."

We sit, once again, in the blue plastic chairs huddled close so that the transportation guards can not hear us discuss our trial strategy. Our strategy is what?, I didn't have a clue. There is a cardboard box of files at her feet.

"What's in there?" I ask.

"These are the discovery items from TDC."

"What are you going to learn from that?" I ask.

"I'll go through them tonight. Tomorrow the state will present its case. I'll expect you will have to take the stand after that." She says.

"That's our strategy, me on the stand?"

She looks up, "Richard, they see this trial as a slam-dunk. They want to show us how the Special Prosecutor



operates, but, you never know what a jury will do." She continues in a softer tone, "I assume you would elect to have the jury assess punishment, they'll be able to enhance it to a second degree felony, so it'll be 2 to 20 stacked." Not much of a choice, old judge Campbell would sentence me to death.

"How do you feel about the trial?" I ask.

"I'm ready, but we'll go over any questions I have after I read this box of stuff, see you in the morning."

They came for me early the next morning. I was suited up, literally, when Cindy showed me some of the papers she had spent the night reviewing.

"Cindy, these are the count sheets for Administrative Segregation, not the craftshop."

I reeled away from a vision of hell, life with little chance of parole, before I could look at her again. While we realize they were playing for keeps, the great Louis C. Rienbeck was thirty feet away, yucking it up with the guards and the judge.

Cindy tossed the papers into the box, kicked it into the corner. "I want you to write down everything that happened on that morning."

"Cindy, I can remember every second, but I was not there when they found the weed." We stand.

"Let's go." she sighs.

We step out of the dressing room in the back corner of the courtroom. We slide past the eyes of several armed guards, through the wood gates, and take our seats. While we wait for



the judge's entrance, the Special Prosecutor leans back in his chair catches my eye, a subliminal message is passed; "Are you really so stupid to think you could win in my world?"

Since it is his world, our table is the furthest from the jury and witness stand. Cindy at my right, ten feet to my left sits Rudi and Jeri, a he and she clone of Rienbeck and closest to the jury sits the Special Prosecutor.

Of the twelve jurors only four could see me. We all rise on orders from Baliff Roland Weary as judge Campbell enters, wearing his all black suit, no robes for him. He says hello to the jury, the Special Prosecutor and his team and to Cindy but not a glance at me. He invokes the rule to all the sworn witnesses.

"Mr. Rienbeck, please begin the state's case." he rasps into the microphone.

"The state calls Jeffery Stevens."

The Special Prosecutor guides him the standard witness questions: name, age, residence and then his involvement the drug bust at the Wynne Unit. Louis Rienbeck walks him through the search, concluding with his shaking a wrapped painting. He testifies that a baggy fell out of the wrapper and it contained a green powdery substance. He says he gave the baggy to his supervisor Sgt. Semantol.

Cindy stands, "Your honor, may I approach the witness?"

"Certainly, hon... Mrs. Teddor, we are not formal in my courtroom, you just go right ahead."

"Thank you, your honor."



"Mr. Stevens, you've been a correctional officer for how many years?"

"One year."

"You testified, that the green powdery substance in a baggy fell out of a wrapped painting?"

"Yes ma'am."

"How did you determine the baggy belonged to Mr. Lyon?"

"It had his name and number on it."

"You're telling the jury that the marijuana was in a painting with his name and number on it?"

"Yes ma'am."

"Officer Stevens, could you show the jury exactly how you found the painting wrapped?"

She hands the brown wrapping paper and the oil painting to the officer.

This might have been her first trial but her ruse was the same used in the O.J. Simpson trial, If the brown paper don't fit you must acquit.

Officer Stevens was a new boot and a rookie at gift wrapping as well. He could not get the paper to fit the painting in any manner.

Cindy moves on, "Where was Mr. Lyon when you found this wrapped painting?"

"He was in the hallway."

"Pass the witness, Cindy says, glancing at the juror and the wrapping paper.

Louis Rienbeck stands, removes his jacket places it on the back of his chair. "A moment your honor."



"Yes of course."

He leans in close to Rudi and Jeri, stands straight, revealing his belt badge ensemble to the jury and asks: "Is it your testimony that the painting with the baggy inside had Mr. Lyon's name on it?"

"Yes sir, it is."

"Pass the witness."

Cindy stands, "No further questions at this time, but I reserve the right to recall him."

The Special Prosecutor calls Officer Latisha Flowers to the stand and asks her about the shakedown and the baggy of weed.

Cindy stands asking Officer Flowers, "Do you know what marijuana looks and smells like?"

Flowers turns to the judge and asks, "would I be getting anyone into trouble if I answer this?"

I am awake now, maybe she and the warden are blowing doobies in the front office.

She stammers, while still looking at Judge Campbell, "Well my sister smokes marijuana so I know what it smells like."

"Pass the witness"

"No further questions," says Cindy.

The next witness was Sgt. Semantol, the supervisor of the shakedown. He waddles to the stand with his geek-squad outfit containing every known attachment to his utility belt, including an empty gun holster.



After the Special Prosecutor finishes his questions Cindy approaches the witness.

"Good afternoon Sgt. Semantol, do you know what marijuana smells like?"

"No" he says.

Cindy was already on to her next thought when his answer registers. "you don't know what it smells like?"

The Special Prosecutor jumps up, "Asked and answered."

"Please move on Mrs. Teddor."

"Did you find any other contraband in the art shop?"

"Yes we found tobacco products."

"Did you charge Mr. Lyon with those?"

"No ma'am."

"Did you give Mr. Lyon a THC urine test?"

"No ma'am."

"Pass the witness."

Standing with his fingertips on the table, the Special Prosecutor says, "No further questions. The State rests."

"We will break for lunch." says Judge Campbell.

After spending two and one half hours in the gray room munching on my hotlink sandwich, the trial commences again.

Cindy stands and says, "The defense calls Richard Lyon to the stand."

Cindy adjusts her glasses, "What was your job when your were arrested?"

"I was the unit artist. There are three of us in the sign shop. We paint signs and paintings for TDC. Much of what we



paint is used for fund raising like at the Shrinner's Burn Center here in Huntsville.

I can put a plug in for good will, as fears has me thinking clearly.

Cindy hands me the painting in question and says "Did you paint this?"

"No ma'am." I reply.

"Where were you when they found the baggy of marijuana?"

"I was in jail."

"What do you mean by jail?"

"I was in prehearing detention, lock-up."

"Were you given a prison disciplinary case?"

"Yes ma'am. I was."

I know Cindy is trying to have me connect with the jury in a sympathetic manner. She wants to ask how I saved Bambi from the forest fire but she passes me to the Special Prosecutor instead.

The Honorable Judge Campbell delays my encounter with the Special Prosecutor by talking over my head to the jury. He says, "I have to attend the funeral this afternoon of Judge Emert, who passed away on Saturday. You all know him, he sat on this bench for forty years." The jury nods in unison and so do I. Sad day, sad day.

The morning is cool and the gray room smelled strongly of pine-oil. In the dim light I thought that this could be judgment day. Listening to the machinery of the courthouse hum I sense that this trial as an extension of Louis C. Rienbeck.



The entire building, the van, the gray room are his element, including Cindy. Paranoid? Likely, but I am facing life without parole, a guilty verdict and even a two-year sentence stacked is essentially life without parole. Shadows pass the door's window and it opens.

"Showtime," says an officer. I am dressed having mastered the half-Windsor, ready to face the Special Prosecutor on his home field. As I sit in the witness box, Louis C. Rienbeck stands adjusting his badge again, if he could check the bullets in his revolver he would have spun them in front of the jury to be sure they knew he was the only good guy. He walks towards me.

"How do you pronounce your last name?"

"Lyon" I say.

"You're lying?" he smirks.

"Yes sir."

The judge laughs, the jury laughs. I've heard it before, start with a joke, the sign of a good public speaker.

"I should rest my case now."

"Mr. Lyon you testified under oath in your 1991 Dallas murder trial and the jury found you guilty is that correct?"

"Yes sir."

"Why should these good people of Walker County believe you today?"

"Objection your honor." Cindy is standing holding her half glasses.

Judge Campbell slowly says, "Sustained, Mr. Rienbeck please move on."



The Special Prosecutor, hooks his thumb in his belt swiveling at the waist, surveys the jury up to my eyes and then back again, and says, "Pass the witness."

Cindy stands at the defense table and asks, "Mr. Lyon did you ever have care, custody and control of the baggy of marijuana?"

"No ma'am, I did not."

"Pass the witness."

"No questions."

"Step down Mr. Lyon." says Judge Campbell.

Billy Pilgrim was a delicate pale punk who was hired by the old man woodworker. The old man had been on death row for possession of the reproductive organs of his victims, but his sentence had been commuted to life. Billy was as close as he would get to a Cub Scout in here. Billy and I never got along. Since we had so few attorney client visits prior to the trial, I was not able to lace Cindy up on this situation.

Leaning close to Cindy's down covered ear, I whispered "Why do you want him?"

She bent forward seeming to adjust some file folders in front of her on the table and said, "he said he made the frame." I felt that awful mist of sweat that suddenly covers your body when that quake of fear rumbles inside.

Billy took the stand, glancing around the room looking at all the guards and the jury, blinking away uncertainty.

I prayed.

Cindy went through his job and skills in making frames,



where he works and how he moved the completed frames from his workshop the sign shop. He tells the jury that he recalls making this frame.

"Pass the witness." says, Cindy.

"A minute please your honor." says the Special Prosecutor.

He leans towards Rudi and Jeri, both dressed like matching young Republicans, in navy with white shirts, one with a club tie, the other a print scarf. They listen and nod in unison. Louis C. Rienbeck stands, puts on his jacket while walking towards Billy Pilgrim.

He stands at an angle that blocks us off from the jury and points to the painting and asks, "Did you make this frame?"

Billy proudly, "yes sir, I did "

"Did you make this stash box?"

"Yes sir, I did."

The great invincible Special Prosecutor knew he heard that click of the landmine when it arms itself before exploding. Now he gracefully had to muffle the explosion.

From his position in front of the twelve, he asked, "So is this your marijuana too?"

"No sir." Billy smiled and with a smirk turned towards the jury.

The Special prosecutor said, "Pass the witness."

Billy Pilgrim left the courtroom without ever looking back. Cindy says, "The Defense rests your honor."

"Mr. Rienbeck?"

"The State rests."



After ten minutes of closing arguments Cindy returns to the table and slaps down a stack of papers. "They won't budge on the jury instruction. It is slanted towards guilt, it has every charge from growing pot to marijuana oil sales. I did the best I could, but this is his court."

I was in the gray room. The guards tossed me a johnnie bag lunch landing with a damp thud on the wood bench. It was eleven fifteen. I loosen the tie and slip out the rosary from my pocket as a comfort while I wait. Pacing back and forth in this gray cave consumes three hours when I see shadows in the tiny window. The door opens.

"It's showtime." smiles one of the guards.

I adjust my tie again, slip on my jacket, run my fingers through my hair and walk out with them.

"You aren't going to be any trouble, are you?"

"No sir, I already have a life sentence, isn't that enough for you?"

"You shouldn't be committing crimes in prison" the other one says, "Let's go they're waiting on us."

As we move out in the bright sunlight, I blink and see that room now is filled with deputies and several suits I have not seen before and many more TDC guards. When we reach the gate Cindy grabs my elbow and leads me to the table. Once we are seated she turns to face me, her hand touches the edge of my finger as it rests on the table. Her eyes are tired and frantic. "Well they reached their verdict."

That was quick, iced tea and cheeseburgers for twelve and



a verdict in three hours. "That was quick, is that good?"

Knowing the answer, I still had to ask.

Neutrally she says, "We'll find out soon."

As we all stand I glance over to the jury box as it fills, trying to read their faces. All I see is the clear colors outside the windows behind them, the blues and greens broken by the flashes of the white and gray bark. In stalks William Campbell trailing black.

"Mrs. Teddor, is the defense ready for the verdict and sentencing phase?"

"Yes your honor."

"Mr. Rienbeck, is the state ready?"

"Yes sir."

"Ms. Peterson, is she here?"

A twenty-year old bottle blond stands, "Yes your honor I am here."

"Do you have the pen packet on Mr. Lyon?"

"Yes, your honor."

The judge looks around the room spying the quiet audience and says, "This reminds me of a joke I heard recently; "Give a man a fish and he'll eat for a day, teach a Texan to fish and he'll sit in a boat and drink beer all day."

Real laughter breaks out.

I smile. I sure hope that the blade on the guillotine is sharp, as I'd hate to hear his follow-up. I try not to think as Baliff Weary walks to the jury foreman for the verdict. Does Cindy already know the verdict? Is she standing close to



comfort me or did Weary give her the throat slash signal that I missed? Perhaps everyone in the room knows but me. Why would the Huntsville Item newspaper be here if they weren't going to convict? There are a few situations where fear has to be restrained to the movement of your fingers, this was one of them.

"Be seated." says Judge Campbell.

Cindy and I remain standing.

"Please hand your verdict to the baliff."

Weary takes the packet of papers to the judge who then flips to the final page and hands it back to Weary. The baliff hands it back to the foreman.

"Please read the verdict."

The foreman, a thirty year old architect in a tweed sportscoat speaks clearly but softly, "For the charge as stated in the indictment, possession of a controlled substance in a penal institution, we find the defendant Richard Abood Lyon, not guilty."

All I hear is a rushing sound which I assume is blood in my brain. I turn towards the jurors and silently thank them as each look at me. When I turn back to Cindy, her eyes are filling with tears, I shake her hand, tears spill down her cheeks. She made history this was the first acquittal of a prisoner in Walker County. Ever. In her first case with State counsel she had beaten the great Special Prosecutor Louis C. Rienbeck. He walks over to Cindy, places his back to me and says, "I made your case for you, good luck in the future." and walks away.



When I turn around only two guards stood with their hands on the railing. I ask Cindy, "please get me a copy of the verdict before I leave."

She nodded her head. I am lead quietly back to the gray room to change back into whites and shackles.

Cindy waits while I clink towards the back staircase again. She places a roll of papers in my hands. She smiles with Dave Niel at her shoulder. My encounter with the Special Prosecutor ends suddenly and quietly. On the way back to my life sentence, the van is quiet as well, no Golden Country sing along this time. The Connecticut Yankee survives a Texas Court.

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