

## A Death Row Veteran

When I wrote 'My First Day On Death Row' back in 2006, I never expected that I would be writing my third installment two years later. Back then, I had no idea if Bob would accept me or even agree to resume his appeal process. Now, two years later, a lot has changed since I had my first taste of what death row was like. The attorney who introduced me to Bob has passed away and his second attorney who authorized 'My Second Trip to Death Row' has moved on to a supervisory roll working on capital cases for post trial convictions. Bob has had quite a bit of flux in his life over the past couple of years, and after spending so much time in an institution, flux is not usually a welcomed thing. It is especially unwelcomed when two of the most important people in his life (his attorneys), literally those he relied on to save his life, are no longer able to be there for him to lean on.

Tonight, I arrived in McAlester for the purpose of spending tomorrow and the following day with Bob. I am excited to see him again because for awhile I thought that I was actually losing him to the depression that can come in waves to someone who feels that he has little hope of seeing old age. What is even more important than my excitement in seeing Bob is that Bob is extremely excited to see me. He called me several times in the past few weeks just to talk about his feelings which is a good thing for a person who has kept them at bay for most of his life. Another important step for Bob is that he and my 11 year old daughter have developed a friendship which is akin to the type of relationship that he had with his sisters during his early teenage years. One thing about incarceration is that while a person may physically age much more quickly while 'inside' his or her emotional and life experiences basically stop at the time he or she is removed from society, and in Bob's case, he has not been in 'the world' since he was in his late teens. With that said, the memories of his siblings are those that he experienced when they were children and early teenagers, so in Bob's eyes, my daughter is like one of Bob's younger sisters at the age she remembers them being at. Earlier I said that Bob called me three times in the past few weeks. Well, this is not entirely true since one of the times that he called me, was planned specifically so that he could talk with my daughter. My daughter loves talking with Bob in particular, and just loves talking in general so hearing their conversations warms my heart. Bob asks questions about her school work, her grades in school, and her life in general. My daughter, in turn loves talking about getting her nails done or her hair dyed with an added narrow, blue stripe. What touches me most is that Bob really cares about that little girl and she in turn thinks of him as an uncle. Please understand that my daughter knows exactly where Bob is and what his sentence is and it concerns her. Several times she has asked me why 'they' would kill Bob if killing is bad. She wanted to know if there was 'good' killing because when she was young, I had told her that two wrongs never make something right. I told her I didn't think so..... How do you answer that one? Well, tomorrow my day will start early so I guess it is time for me to go to sleep. I just can't help wondering if Bob is sitting in his 'house' thinking about tomorrow as much as I am.

I got up at 7:00am and after taking a shower and getting dressed I headed to OSP (Oklahoma State Penitentiary) to visit with my client Bob. It had been almost a year since I last saw him (since just after his first attorney's death) and I was looking forward to spending two days with him in our personal refuge on the row. It didn't take me long to drive the 5 or so miles from my

hotel to the prison, and at 8:15am I found myself climbing up the long and familiar steps that took me to the deputy warden's office where I would be getting my special visitation form that would grant me entry into OSP's H Unit. H Unit was built only about a decade ago after a riot in one of the older buildings led to a lot of damage and injuries among both the inmates and the staff. The layout of H Unit is unique among prison units as it was basically built against a hill, and then buried so that only the very top of the unit is above ground. Even the two little yards that the guys on the row use have very little natural light since only the chain-link fence top is uncovered. The design of the row in H Unit was created so that there is seldom any need for the staff to interact with the inmates. Even communication takes place via an intercom system that has access to all the cells, the two little yards, the common area and the runs. Also, all cell, shower, and gate access is controlled from the security of the officer's 'bubble' or control booth.

Putting on my ID badge (I was #2) and carrying my authorization form that was signed by the deputy warden's representative, I jumped in my rental car and headed down the hill to the parking lot that served H Unit. There, I quickly smoked two cigarettes because I knew that once I was inside, getting back outside again would be quite a chore, and if I chose to return to the free world for even a moment, I would need to go through the security procedures all over again. With my last minute cigarette fix momentarily handled, I headed to the entrance and entered what was for many the last stop on the ride of life. I was on my way on to the death row that housed the third busiest execution chamber in the United States.

When you enter H Unit, the first thing that you see is that you aren't going very far without permission. By that I mean that once inside the entryway, you can move neither forward nor back the way that you came because only the guard inside the protective bubble (control booth) can control your movements. Basically you are locked in from the moment they buzz open the entry door which looks like any glass set of doors at your local K-Mart store. I guess that it would be more accurate to say that they are like any unbreakable glass doors that would be found at your local K-Mart Store. Moving on, the CO at the entry bubble was very cordial and polite, but it seemed like when any staff person asked me if I was an attorney, the word 'attorney' seemed to be said as if describing something collected on a shoe bottom when walking through a cow pasture. I am not even sure if any of them noticed it, and while I might have been just feeling a bit sensitive, I don't think that my ears were playing tricks on me. A few minutes after I entered, I was 'patted down' my shoes were searched, and I was led into the sally-port by a duty sergeant who explained to me that per the new rules, I had to sign in at the unit manager's office, and that I had to also remember to sign out or they would be looking for me. I relayed to her the story of my first trip when the guard didn't want to let me back out because she told me that 'with all the ink and the shaved head' she thought I had knocked someone out and was trying to escape.' The sergeant began laughing and said that she could understand that because when she first saw me, the initial thought was "Oh sh!t". While feeling more secure that they were concerned about my safety enough to want to know that I had left the unit, I still couldn't help feeling a little bit stereotyped. I guess that their thought was that if I didn't sign out, I could easily end up in a trash bin somewhere. Honestly though, this being my third trip, I didn't have any fear of the people that were on the row, and surely had no concerns about my client Bob. In fact, Bob was pretty much part of my family at this point and I trusted him completely.

While signing in at the unit manager's office, I heard the strangest conversation that I think that I have ever heard. Ten days before my visit, the State of Oklahoma had executed Terry Short on June 17<sup>th</sup> in the chamber that is right beside death row. As I signed my name in the access log, one of the office workers was telling another office worker that they had somehow lost two garden hoses that were used to 'hose down' the chamber after the last execution. Their discussion was as casual as if they could not find the mate to one of their socks as they folded the laundry. To me, it was kind of creepy, but since they had another execution scheduled for mid July I guess that it was important to find the hoses or they would be making a run to Wal-Mart's garden section before the next execution. The whole thing just sounded too conversational to me...

Upon completing my sign-in at the unit manager's office, I made my bathroom stop because I remembered that our visiting room (i.e. cell) had no toilet facilities, and getting out of lockdown while on the row was dependent on no inmate movement going on in the wing. Basically, if any of the inmates were on any of the runs (walkways) then we were stuck until the movement cleared. So I did my business and then headed to the H Unit's SW pod, otherwise known as death row. Reaching the sally port that provided entrance to the row, I pushed the buzzer and watched the two COs swivel in their seats within their protective bubble, and look at me. The male CO's voice came on the loud speaker beside me with the question that always sounded more like an accusation "You the attorney?" to which I replied in the affirmative. From their magical control booth, one of the COs pressed some button or pulled some lever and the first gate to the sally port opened and I was allowed entry. For those who haven't read about my last two visits to the row, and don't know what a sally port is; just think of a large phone booth with two steel gates, and only one of them can be open at a time. Basically it is an entry way that does not allow anyone to 'forget' to close the door because only one of the two gates can be opened at a time. Anyway, the first gate slid closed and the gate that opened up to OK's death row then slid open and I found myself back in the world of dead men walking. As I nodded to a few of the guys outside in the yard from which I was separated by Plexiglas, I heard a familiar voice shout out "there's my brother. Hey brother!" and turned to see Bob moving along the run on the other side of the pod. He was dressed in a grey t-shirt with grey sweats and was making his way along the far run with a coffee cup in his hand and grinning from ear to ear. I couldn't help but yell "hey bro" as I headed through the common area toward the gate that separated the common area from the run. The CO popped the run gate and after closing it behind me (this one had to be closed manually) the door to my left buzzed open by the magic of the bubble, and I stepped inside my home for the next 8 hours. The door locked behind me and I watched Bob make his way along the run gesturing and waiving to the faces in the cell windows as he made his way to our meeting. I couldn't help but smile as I watched him proceed down the run and finally reach our door which magically popped open for him also.

"Man, it's my brother" were the first words that I heard as Bob put his coffee cup on our little table and then turned around to give me a hug. As we began to hug, Bob planted a kiss on my cheek and then went through the exaggerated motion of spitting it all out and wiping his mouth as he declared "Man, I don't be kissing men, but you are my brother." I began to laugh and replied "That's cool because I don't like being kissed by men but in your case, I'll make an exception". We both cracked up and laughter filled our small chamber. It was so good to see him again after not seeing him since I last visited after his attorney's death 8 months ago. Our

meeting was now officially on. One thing that I have to say is that due to attorney/client privilege, I don't feel that it is appropriate to get into the details of our conversation, but I will say that we talked about just about anything and everything that two guys in the 'world' (free world) would talk about. Actually, we also talked about some things that most guys would never even think about discussing. You see, Bob is very well read and can tell you about Einstein's theory of relativity, architectural theories on the building of the pyramids, black holes and supernovas, and a world of other fascinating topics. I have never met anyone with such a wide array of knowledge in so many varied topics. One thing that I can say about Bob is that he loves to read, and the more historical or scientific the material, the better Bob likes it. With that said, we very rarely have quiet spots in our conversation as our topics twist and change with no apparent direction or guidance. Bob is an amazing conversationalist.

Before I knew it Bob told me that he could tell that they were bringing the juice pitchers into the pod (I couldn't hear it even when he pointed it out to me) and from the smell, he said we were getting bologna with onions (nor could I smell anything). Remembering my last meal with Bob that consisted of a cold corndog and snot soup (see 'My Second Trip to Death Row'), I was not sure what to expect in our bologna and onion feast but, as always, was ready to give it a go. On the row, because there is almost no physical interaction between the guards and the inmates, one of the D.R. inmates functions as the 'run man' and brings the trays to the bean holes of each cell. A bean hole is the mail slot on which the tray is set so the inmate can get his food. Typically they are closed and locked except for feeding times. Bob and I both exited our cell and the run man handed us each a tray. Sure enough, there were two pieces of bologna on each tray, though I didn't see any onions. Bob asked me if I wanted some Jim Jones Juice, and because of the puzzled look on my face, he elaborated and explained to me that it was 'nasty a\$\$' Kool Aid. He said everyone called it that. Just about that time, the run man yelled over to us "you guys want some Jim Jones Juice?" causing Bob to nudge me and say "see, there is no way we could have planned to both say that" as he began laughing. I said that we would and the run man brought us over two small cups of a pinkish-red liquid. Taking our 'refreshments' and trays, we went back to our cell and the door locked shut behind us.

As I examined my plate I found that there were two pieces of some kind of bologna, four pieces of bread, a little bit of lettuce, and some kind of almost mashed, canned fruit. I thought that it might be pineapple, but Bob assured me they were pears, or something that was supposed to be pears. For desert, each of us had some kind of shortbread cookie. We also had a plastic spoon/fork device called a spork that had been dipped into mayonnaise and slapped onto the tray. Bob explained that the 'sauce' was to be used for the sandwich and as salad dressing for our few pieces of lettuce. Oh and underneath the bits of lettuce I found 3 small squares of onions. Because I am not a big onion fan and Bob could make them into a meal, I gave him mine so he could enjoy all six pieces of diced onion. Because cookies are also pretty scarce, I gave Bob mine, and began making my sandwiches and devouring them like a madman. The speed in which I ate was not due to the incredible culinary delight that was before me, as I always eat that way, but Bob declared that I handled the food better than he did and maybe we should just change places. While I thought that was both kind and considerate of Bob to be thinking of my best interest, I quickly thanked him and told him that I would have to refuse his kind offer. I know; call me ungrateful.

After our fine dining experience we again moved back into deep conversation, with discussions moving from his original case, to the one that put him in his current situation. We talked about attorneys (the word doesn't sound as bad when Bob says it) and about literature, mythology, and both Greek and Roman history. But by about 2:00pm I decided that I was going to have to use the restroom. Bob agreed that he was also due and we went through the process of getting our door unlocked and both Bob and I exited our 'room', with Bob heading toward his 'house' (cell) and me heading back to the sally-port that separated me from my only source of release. As I left the row and entered the long hallway that separates the row (SW side) from the 'hole' or ad-seg (NE side) the lieutenant met me and told me that for security purposes she was going to have me patted down again. Now I don't know if she thought that I was stealing my bologna or maybe my spork but that gave me just the excuse I needed to decide to run outside for a smoke. Hell, if I was going to be patted down again, I might as well hit the free world for a few minutes and down a few cigarettes! The lieutenant also reminded me that Bob and I are not allowed to enter or leave our cell at the same time and at the end of the day, I had to leave first, and when I was off the pod, he will be allowed out of our room. I apologized and headed to the restroom. After using the restroom, I made my way down the corridor to the last sally port which would lead me to freedom. The duty sergeant, knowing where I was going said that she would head out there with me. She seemed cool, and we went out for a smoke. While outside, she pointed to a small pond, or large puddle in the drainage ditch that was mostly dried up due to the heat and lack of rain. She explained that there were catfish and perch in there and proceeded to get some dog food that she bought for the purpose of feeding the fish. She then went on to explain that the 'pond' would eventually dry up, but before that happened, since there was no water movement the fish would all die from lack of oxygen. That seemed oddly appropriate for a death row fish pond I thought. The sergeant told me that she and another officer were going to save the fish by netting them and moving them to a larger pond on the other side of the unit. While I found her concern for the fish touching, I also wished that the state had the same concern for the guys that I was spending the next two days with. Maybe some of them could be netted and moved to another unit? Yes, some of them had done some pretty horrible things for them to be where they were, but none the less, they were still people, and many of them even had children or wives at home. While I couldn't say that to the sergeant, I couldn't help but remark that if they ever found the two hoses that were lost after the last execution, she could use them as a source of water and even as a method of oxygenizing the water for the fish. I am not sure if she heard me or not because she didn't respond. OK, it was now time to head back in and finish up my day with Bob.

After going through another pat down I headed back through the sally ports and the gates and returned to my cell. Since there was another group of guys in the yard, I nodded at a couple who looked up at me and one of them nodded back in reply. I was, as always, amazed by the fact that most of the guys there looked no different than anyone that I could run into in the free world. Eventually Bob came back to our area and got into a disagreement with one of the COs in or near the bubble. Because I was locked up, I couldn't see what was happening, but from what discussion I could hear, the CO wanted to inspect Bob's Reebok tennis shoes and after Bob handed them to him, he checked them and threw them back at Bob. Feeling disrespected, Bob lashed out verbally and the guard offered to return them politely to Bob if he would give him back to him. Bob told him in no uncertain terms that he wanted no part of that game and after some more unpleasant discussion; Bob returned to our cell but was unable to get in because the door was still locked. After a couple of requests for the door to be opened, Bob shouted for the

COs to 'open the f#ckin door' and the lock buzzed open. While he was not well-pleased when he came back, it didn't take long for us to get back onto happier subjects and before long it was 4:00pm and it was time for me to leave. After a handshake and a good hug, I told Bob that I would be back the next day and I buzzed the buzzer and processed out. Day one with Bob had ended and I retrieved my car keys and driver license from the CO who manned the unit entrance, dropped my badge and paperwork off back at the deputy warden's office and headed back to town and hopefully a very good meal. I was starving!

Day #2 started the same as day #1 as far as the processing went. I started by picking up my badge and paperwork, and then processed into the unit. However, when I reached my cell this time, Bob was already there and when we embraced in our welcoming hug, I kissed him on the cheek and told him that I owed him one! Like the previous day, Bob began his portrayal of being very disgusted and we both began laughing. It was again time to start our day!

Bob and I spent our morning in conversation as we had done the previous day. We discussed some of the books that Bob had recently read as well as some that he hoped to read in the near future. Since Bob predicted what our lunch was comprised of on the past two days that we shared meals, I asked him what he thought that day's meal would contain. He laughed and replied "I don't know; probably bologna again". When it was time for lunch, the CO came by our cell to tell Bob that his tray was going to be put in his cell and Bob replied through the door that he would be with me all day and told the CO that I would be having one also. The guard replied that he wouldn't do that and he and Bob got into a disagreement about it. Bob finally told the CO to talk with the other CO as she had ok'd it the previous day. The CO replied that he would think about it and left us to our conversation.

When the run man arrived awhile later, the guards in the bubble popped our door and Bob and I headed out onto the run to get our trays. When the run man asked if I wanted the Jim Jones juice again I replied 'no' and he said to hold on because he had an idea. The run man called to his cellie in cell E and a face became visible in the bean hole in the steal door. The run man then told his cellie to get us an iced soda from their personal stock. His cellie retrieved a can of grape soda and pitched it out the bean hole and through the run to the common area where the run man caught the soda and brought it to me. While this was going on, Bob was negotiating with the person in cell L who was about a foot behind us. Bob was telling him (Woody) that he knew he had foot in there because he was always eating and that was why he was so big. Eventually, a hand came through the bean hole and handed Bob two packages of Little Debbie peanut butter bars that were dipped in chocolate. We were now ready for our feast!

I told Bob that everyone was pretty cool and that everyone seemed to support each other. Bob laughed and replied that they were only doing that to impress me. He said that if I wasn't there, nobody would have given him anything. As it was explained to me, it was all part of the game. We ate our feast and Bob got ready to stack our trays for removal. I wasn't sure of what he was doing so he laughed and told me that he didn't have time to bring up a new fish on how to do things. He got both of our trays ready for removal and we fell back into our conversation until about 12:00 pm when it was time for us to make a nature call. I headed out to my bathroom while Bob headed to his, and a few minutes later when I returned I passed by the yard where I saw this clean-cut guy with red hair walking the small yard in even smaller circles. I thought it

was odd that he wasn't making full use of the space. Bob and the guard had a disagreement as he returned to our cell because Bob had a cup of coffee that he got from his neighbor the guard told him that he could not bring coffee in with him to our meeting. Bob explained that he always brought coffee with him to his attorney meetings, but the guard would not relent and Bob had to discard his small pleasure. It seemed that the rules were based on who was on duty at the time. When both Bob and I got into our cells, Bob asked me if I saw the guy in the yard, to which I replied 'yes'. He said that he was fu\$ken nuts and asked if I had ever heard of the fu\$ker that killed and ate an 8 year old girl in OK. Bob told me that the guy in the yard was that guy and that he had only gotten to the row a few months ago. I found that I had just met Kevin Underwood and he was bizarre. He actually looked like some young insurance or new car salesman. So far, the stereotype that I had been pigeonholed into didn't seem to hold true with the guys that I had met. From what I had seen, I was the scariest looking guy (other than this one Big guy who had an eye patch) on Oklahoma's death row. That was pretty weird to me...

Because I had to drive back to Dallas that evening which was about 170 miles away, I planned on ending our visit at 2:00pm and the time went by way too quickly. At about 1:45pm, alarms began going off and the Unit Manager's office on the other side of our Plexiglas window was quickly vacated. Being pretty observant, I thought to myself that this was not a good thing, and calmly asked Bob what was going on. Knowing that the alarm siren, flashing alarm lights, and a quickly vacated office were not in our best interest, I expected to see some concern on Bob's face, but he just looked at me, gave me a big grin and said 'Oh, you must have done something wrong'. While I appreciated his sense of humor, I also hoped that something really wrong wasn't about to happen. In the end, I figured that we were locked in our cell so what could possibly happen to us if we were stranded on death row? Just after 2:00pm I told Bob that I had to head to Dallas and we stood up and gave each other a big hug. We said our good byes, made our 'I love you brother' statements, and I began to sadden knowing that I would be leaving my friend in that underground tomb until I could see him again sometime near the end of the year. I then pushed the 'exit button' on the wall and wondered if anyone had stayed in the unit to even let me out. That was not a comforting thought. After about two minutes, I heard the door lock pop and I was able to open our door. I then promised Bob that I would see him again and with regret, I closed the door behind me, leaving Bob inside.

As I stepped onto the run, I noticed that the runs, the yards, and the common areas were all clear of activity. It seemed that everyone on the row was in lockdown since the alarm went off. The two COs were still manning the bubble though and I considered that a good sign. They popped the lock on the run and allowed me to exit and close the gate behind me as I entered the common area. I then gained access to the sally port and finally the main corridor that separated the row from the segregation unit. It was then that I noticed that the hallway was filled with smoke and not another person was in site. Feeling like I didn't want to get caught in the middle of a riot, I entered the Unit Manager's office that was visible from my cell and signed myself out. There was nobody else there, and looking through the glass, I could see that Bob was no longer in our cell. I was all alone it seemed, and that did not provide me with a warm fuzzy feeling. I quickly exited the Unit Manager's office and headed down the smoky corridor back to the sally port that marked the entrance to the unit. When I was half way there, the camera in front of the sally port must have spotted me because the first gate opened, and as soon as I entered, it closed and the exit gate opened for me. The unit entry CO then came out of his bubble and immediately gave

me my paperwork so I could leave. Being unable to resist the obvious question, I asked him what was going on and he replied that 'some child molester just got here from Farmington and decided to light a fire (in seg). But he is going to find out that this ain't Farmington and we are fixin' to kick his ass'. I decided at that point that my time there was done; I thanked the officer for the information and headed out of the unit. Our front, I saw that the office staff was still assembled, and a guard with a German shepherd was just coming out of a pick up truck. I could see no need to hang around and wait for the sort team or 'goon squad' as they are called to come barreling in so I returned to my car, lit up a cigarette and headed back to the head quarters building to turn in the authorization and liability release forms that I had signed. As I returned to my car, I thought that I was pretty happy that I didn't have the opportunity to test the validity of the liability release form. I also got the strange thought that I was becoming a Veteran of Oklahoma's Death Row and promised myself that I would be back again.