

ACTING UNDER DURESS,
SURVIVING WITH RESILIENCE:
The Exhibit Guide

by Cathy Marston, PhD

in conjunction with



Free Battered
Texas Women

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ARTIST'S STATEMENT

My vision for this project is to humanize criminalized abuse survivors so that the audience can see themselves in us. We are all socialized into a culture of violence and of love.

We all act differently under duress and need to have compassion for each other under difficult circumstances like abuse.

I want everyone to question their definitions of “felon,” “domestic violence offender,” “criminal,” “violent offender,” and “victim.” In a state, country, and world where women are charged for their abusive male partner’s crimes and where we are treated like demons (instead of heroes like men are) when we defend ourselves or others under imminent harm, I hope you’ll agree these labels are problematic at best and harmful at worst. They reflect the misogyny, racism, and classism inherent in our culture – as well as in the prison industrial complex we have instead of a true justice system.

As a trained journalist and feminist ethnographer, I want to make it clear that I am telling these three women’s stories through my lenses. I interviewed them and those recordings were transcribed. However, this is not a verbatim retelling. Any good journalist needs to add context and any good feminist ethnographer needs to add reflexivity and situate themselves. The very questions I asked shaped their answers.

These past 20 years since the January 2004 arrest where I defended myself against my abusive ex-boyfriend smothering, attempting to strangle, and beating me added more difficulty, insult, hopelessness, and frustration to an already discrimination-filled life as a woman with work-related disabilities.

As I write this in April 2024, Free Battered Texas Women has been part of efforts at the local, state, national, and international levels to raise awareness about stopping arrests of battered women, granting clemency to such women, and supporting them in their reentry. I have been in the clemency application process for nearly 3 years. My application is finally supposed to be submitted next month. I am grateful for those who have helped me recreate my life since my release in 2014. It’s not perfect, but it’s okay!

These life experiences remind me to take care of myself and inform how I connect with others. This exhibit, which will become a book, is part of that self-care. These women are a part of my story and healing.

I hope we will be a part of your story and healing, as well.

Blessed be,
Cathy Marston, PhD
Schertz, Texas

ACKNOWLEDGMENTS

We'd like to thank those who helped inspire, fund, and promote this project:

Alice Kleberg Reynolds Foundation
Crime Survivors for Safety & Justice
CURE International
First Unitarian Universalist Church of San Antonio, its Social Justice Committee, and its
Community Responsibility Endowment Fund
Lone Star Justice Alliance
Mano Amiga San Marcos
National Council for Incarcerated and Formerly Incarcerated Women and Girls
PEACE Initiative
Resist Foundation
Survivors Project
Texas Center for Justice and Equity
Texas CURE
Texas Women's Justice Coalition
Texas Unitarian Universalist Justice Ministry
Unitarian Universalist Women's Federation Margaret Fuller Grant
Dr. Mary Barad
Dr. Marjorie Brody
Dr. Bill Bush
Dr. Bill Christ
Dr. Jerry Davey
Dr. Julie Enszer
Mia Garcia
Bonnie Marston & USAF Retired Major Don Marston, MS
Patricia Castillo, LMSW
U.S. Army Retired SFC Cheryl Craig, MA
Carly Cheatham, JD
Joan Covici
Margaret Crayton,
Judge Michael DeLeon, JD
Diane Duesterhoeft
Rico Espinoza
Hazel Feldnan
Jennifer Fernandez
Shannon FitzPatrick, JD
Robin Gara, for curating the exhibit
Laquita Garcia
Brenda Hafner, for curating the exhibit
Elizabeth Henneke, JD
Alison Hom-Crosier
Andrea James, JD
Mike Jewell

Lauren Johnson
Diana Kilkeary, MA
Dory Lopez, MAT
Danielle Metz
Gricelda Moreno
Dr. Toby Myers
Kathy McFarlane
Dr. Mecke Nagel
Anne Newkirk Nivens, MA
Rev. Nell Newton
Mike Phillips
Dr. Doshie Piper
Dr. Jan Realini
Delilah Reyes
Rev. Mark Skrabacz
Judge Rosie Speedlin Gonzalez, JD
Cynthia Simons
Marilyn Stavinoha
Geraldine Swaim
Dr. Debby Tucker
Dr. Sheryl Tynes
Joan Wells, MA
Angela Van Wagoner
Darcy Walker, MLS, LVN
Cathy Wilkes
Sylvia Wheeler
Mary Wright
Kim Youngblood

IN MEMORIAM

Merrie Joy Lehning and all of the survivors who died on the inside
Dr. Scott Baird
Jennie Dietz
Pam Kirk

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MARGARET CRAYTON

“Hi Cathy, this is Margaret Crayton,” said the voice on the answering machine. “I want to tell my story to help the other women like me.”

I started crying. It was the summer of 2018. I had advocated for the release of Margaret Crayton because the Texas Council on Family Violence had recommended her for clemency in the 1990s under its review created by Senate Concurrent Resolution 26. I didn't know the details of her story, but I had kept sending cards of encouragement – even though I didn't hear back from her.

At one mass mailing, we saw that her name was no longer in the online search for the Texas Department of Criminal Justice. We knew that meant she was either dead or she had been released.

She paroled out in 2017, but her story began when she was living in Jacksonville, Texas. She had separated from David Crayton, Jr., the father of her daughter. Her boyfriend and common-law husband Jacob Scott was battering her. Margaret said, “Every time he beat me up, I'd go to my mama's house.” Her mom finally told her to make a choice.

Margaret chose to stay with Jacob. “I made a bad choice. I was young,” she said. I pointed out that the problem was his and that it was not much of a choice. She left him after he raped her daughter.

She said the circumstances that led her to plotting against Scott were brought to a head when he broke into her apartment after she'd left him. He broke into her apartment and jumped on her with her three-week-old, Tommy, there. A terrifying reminder that right before or after a woman leaves her abuser is the most dangerous time! She told me he rang her apartment doorbell and then kicked the door off its hinges.

Margaret thought of a ruse and told him she had to go to her mom's house, to keep her mom from coming over there. Scott let her and her three kids out through the window. Her friend next door took her to her mom.

Margaret then went to get her gun out of the pawn shop. She went back to the apartment. “He opened the door; and I put five bullets in him. He had strength enough to chase me out of the apartment, Cathy, with five bullets in him, and he fell dead on the sidewalk. I was in such a rage; I ran back in the house to get a hammer to finish him off!”

The Criminal Legal System

She went to jail and her family posted her \$5000 bail that day in 1982. She says that after her family posted bail, her sister asked her how she felt after killing Scott. She said, “I felt relief. It was like a burden lifted off my shoulder because he beat me for so long” and raped her daughter.

Margaret felt her attorney Craig Caldwell was great. But he never told her it was self-defense and defense-of-a-third-party under our state’s waivers for the same in sections 9.31 and 9.33 in subchapter C of the Texas Penal Code. Instead, he had her plead “not guilty by reason of insanity.” They sent her the Rusk State Hospital.

Margaret had called the police on him several times, but dropped the charges. Going to a psych hospital that drugged her up instead of validating her as a survivor of abuse did not serve her or the community.

For Margaret’s story does not end there, but continues with her falling in love with Charles Price. She would be sentenced to 36 years in prison at the age of 36 for killing Price after he abused her. She says she did 26½ years before she came home in 2017.

Price abused her, abused beer and marijuana, cheated on her, and stole from her. Price robbed her house three times. The third time she put him out. Here she paused, “It’s hard to talk about it.”

After that third robbery, she called the police. The detective told her they couldn’t find Price’s prints.

One Sunday morning Price called her house. Margaret decided to take things into our own hands. She grabbed her gun, found him, and shot him. She called the police to let them know what she had done. She contemplated killing herself, but decided to go for a drive instead when she realized she was out of bullets and couldn’t bring herself to drive herself off the dam. When a sheriff’s deputy passed her, they turned around.

“It came to a high-speed chase. I went to the cemetery where Jacob Scott was. The police and the TV people, everybody was at the cemetery where I was at Jacob Scott’s grave,” Margaret said.

The police took her to jail and set her bond at \$30,000. She stayed in jail until they buried Charles Price. Her family posted bail. Unfortunately, she was not happy with attorney Gordon Thrall.

She was worried about the death penalty, but got a plea bargain to 36 years – where she thought she would only do three years. “But it wasn’t true,” she said.

I reminded her that there’s no right to parole in this state. My own jury sentenced me based on when they thought I would parole out at my first review. However, despite being reviewed every year on non-aggravated charges, I did not parole out until the very last review at 9 out of my 10 years. I came home and only had 5 months on parole – much shorter than Margaret’s parole.

A Survivor Seeks Help From Police

With both Scott and Price, Margaret called the police on them for their abuse. However, like a lot of women, she then told the police not to arrest them because she loved them. The state did not pick up the charges. She said that one time in the 1970s with Scott, the Sheriff’s office told her, “Don’t call us anymore when he beats you up.”

So, she didn’t.

The first time she called the police on Price, they said they couldn’t do anything because they were common-law husband and wife. This, of course, reflects an outdated view that violence that a man inflicted on his female partner was his right and a private matter.

The second time she called the police on Price, she had put him out – including his toolbox. His toolbox contained brass knuckles. The police arrested him for the brass knuckles. When he posted bail, she took him back. Another time she called the police on Price, they just told Price to leave.

Margaret believes that the police and judges need to listen to abused women. She said, “Listen to the abused women and have sympathy for them and believe them and take their side.” She urged judges and police to also “dig deeper into the charge” when an abused woman has been charged with a criminal offense. “Believe what” these women are saying, “because it’s true. They are being abused. They’re being battered.”

“I’m getting upset,” she added.

As for women who are abuse survivors such as us, she advises, “Go to a shelter, get help, find the police. Instead of taking a life into your own hands, get away and stay away. Don’t take life into your own hands.”

When I reminded her that she was defending herself and that she has a right to, she firmly said, “I wouldn’t do it again. I wouldn’t take another life or nothing in the world. I wouldn’t.”

Margaret added, “I would hide somewhere even though they wouldn't believe me and take his side.”

Sadly, Margaret is probably correct that they wouldn’t believe her. When we look at E. Jean Carroll having to file a lawsuit against former president Donald Trump to try to hold him accountable for rape, it’s very clear we have a separate-but-unequal justice system that doesn’t work for women. This is especially true for low-income women of color.

Margaret felt like she had no support in prison as a survivor of abuse. They had just labeled her “MHMR” for mental health/mental retardation or “psych.” She said she took classes on anger management and the Bible. She said she “became institutionalized” in the prison and didn’t want to come home.

But she was genuinely afraid to come back home. “I thought Charles Price’s family was going to kill me or my family,” she said. “I didn’t want to come back home to stay with my family and get them killed by his family.”

So, she got into fights when she was under parole review to get a set off. She added, “The last fight I had, there was a warden on that unit who told me if I ever fight on her unit again, she would lock me down.” From that day forward, Margaret stopped fighting.

She added, “I wouldn’t wish prison on my worst enemy.” And prison obviously was not a healing or educational environment, which is what a survivor needs.

Margaret gushed that she felt happy when she received mail from Free Battered Texas Women. She said, “I had hope. I wanted to tell my story” to get the other survivors out. She also shared FBTW’s information with other survivors on the inside.

She is grateful and “thanked God” that she was not on Death Row. Her friends Karla Faye Tucker and Betty Beets were executed. “I’m against the death penalty,” she said.

GRICELDA MORENO

The first time I heard Gricelda Moreno's story was in the fall of 2014. I had only been home from prison for a few months and had sought out victim advocate Patricia Castillo at PEACE Initiative's PEACE on the Plaza event at Main Plaza in San Antonio for domestic awareness that October

I had read about Castillo in a free newsletter that I received on the inside from the Esperanza Peace and Justice Center. I gave Castillo my portfolio and spoke at the open mic, but she was very busy.

Castillo called me within a few weeks to see if I could help write a grant for Project ADVANCE (Addressing Violence through Networking and Client Empowerment), her jail diversion program for first-time domestic-violence arrestees. She told me that 56% of those referred were women and said most of those women had lawfully defended themselves against a male abuser.

Castillo and I sat down in her office. She pulled out a scrapbook of Gricelda Moreno's case. She met Gricelda as a victim advocate and as the first social worker for the San Antonio Police Department.

Gricelda repeatedly trying to flee her abuser; him repeatedly finding her; him killing Gricelda's daughter, Yvette; and SAPD charging Gricelda alongside her abuser, clearly was formative and haunting for Castillo.

In 2021, 18 months into the state's new clemency process for survivors of domestic violence or sex trafficking who acted under duress, the Lone Star Justice Alliance emailed me to see if Gricelda wanted them to pick up her pardon application. Gricelda had been working with the Center for Legal and Social Justice at St. Mary's University.

I forwarded the email to Castillo. She was understandably protective of her. I had invited Gricelda through Castillo to our FBTW events. But she never came. This time however, I got a response. Gricelda emailed me through her granddaughter. Then we spoke on the phone. The anniversary of her abuser, Antonio, murdering her daughter, was a day or so later: we cried together. We also celebrated her birthday; and she reminded me of Castillo's upcoming birthday.

She told me her story, which began with the end: in December 2020 Governor Abbott had refused to sign off on her pardon application, despite the recommendation for a pardon from the Board of Pardons and Parole.

Gricelda grew up on the Northwest side of San Antonio and called her childhood, “great.” She said, “I mean, I truly have a lot of good memories, fun memories.”

So, when she caught her first husband in bed with someone else, it was not what she had seen growing up. Neither was the physical abuse. The husband slapped her while she was working for Justin Boots in Fort Worth. She got her pay one day, picked up her daughter from the babysitter, and came home to her parents’ house in San Antonio. She was 19 years old and had been married for only a year. She would later divorce that husband. She also found out she was pregnant with her second son.

Gricelda has always worked. She has usually worked more than one job at the same time. These jobs included working for a baby shoe company in San Antonio, helping her dad with his bar, and housekeeping. She had three children from a previous relationship: Yolanda, Jacob, and Yvette. When Yvette was 3 years old, she met Antonio. Antonio is the man that killed Yvette. Gricelda said, “He would stalk me; he would harass me. He would break into my houses. He would break my windows to my cars. He beat up my mom and dad.”

The son she had with Antonio, Antonio Jr., was born “black and blue,” Gricelda said, because Antonio Sr. beat her so brutally that she had to go to the hospital where she delivered her son.

There was a 24-year age gap between Gricelda and Antonio. He gave her money and bought possessions for her and for her kids. Gricelda added that he even bought her a car which he later took and wrecked. Gricelda said, “I knew I didn’t want him, but I couldn’t shake him off. He was very persistent.”

Gricelda thought he was just being nice. He even rented a house for her and her family. He paid for her phone. But then he would call repeatedly throughout the day to check on her. He also would drive by the house repeatedly throughout the day to see if there were any strange cars. She mused, “You know, looking back, I see now all the controlling signs and his jealousy.”

Gricelda said she went to the women’s shelter three times, but Antonio would still find her there. His brother’s wife knew where the shelter was. If she moved away from him,

he'd follow her. "He would break into my houses," she said. "You know, he would break my glass, he would break down the door."

An Intervention

Patricia Castillo, who was a social worker for the San Antonio Police Department at that time, came into Gricelda's life after Tony (Antonio Jr.) was born. While Gricelda was in the hospital, she knew she did not want to go back to him. She started living in her dad's van at Rodriguez Park. Her parents also had to move, because Antonio beat them up and broke the windows at their house.

Andy Cacias, who was running for county commissioner, found her at the park. Gricelda's mom told him about Antonio. Cacias paid for a motel for Gricelda and her kids. And Castillo came to take them to the women's shelter in 1984 when Tony was only about a week old.

Gricelda says that the police only arrested Antonio one time, after all the things he did to her and her family. This is when she moved out of the battered women's shelter into Victoria Courts. Antonio found her again and came in to beat her.

Her daughter, Yvette, ran to get one of her neighbors who called the police. Gricelda said, "When the cops came, he was on top of me, choking me." When the police officer tried to get him off Gricelda, he broke the officer's arm and was arrested for assault on an officer.

Gricelda said, "He went to jail, came out, and was worse on me!" She added that he never reported on probation and victim services did not exist then to notify her that he was getting out of jail.

She explained, "None of those laws were in effect at all." She added that with a family disturbance, "they would just take the guy around the corner, let him cool down, and let him walk home."

The Turning Point

Despite this arrest for assaulting a peace officer, Gricelda said that when Antonio killed Yvette, none of the reports of his abuse of her and her kids were submitted into evidence.

Leading up to the day Antonio killed Yvette, they had to move because he had beat up the neighbors. The neighbors' kids had knocked down her door looking for Antonio. He wasn't around at that time. But in the middle of the night, he moved them to a motel. This included her baby, Linda Grace.

Antonio woke up the day he murdered Yvette drinking. Yvette was showering when Gricelda left to go to the store nearby to buy things for the baby.

"When I came back and I go in the door, I see Yvette on the floor," she said. "And she's covered with a sheet down, like, from her neck down, and a towel over her head."

When Gricelda asked Antonio what happened, he tried to blame it on Yolanda. Gricelda said, "Yolanda was just crying and crying and crying, but it wasn't true. Yolanda was crying because she was scared. Because, already, he had already threatened them. And they knew what he was capable of."

That night, Antonio told her that they needed to get Yvette to the hospital because she was going into a seizure. Antonio ran out the door and took Yolanda with him and Yvette. Gricelda explained, "Back then, there was no cell phones. So, he went to the corner to use the pay phone."

The Criminal Legal System

Gricelda's court-appointed lawyer would later tell her that, because her voice was not on the 911 tape, she had failed to provide medical care as the mother.

This was 1987 and Antonio was arrested that night, according to Gricelda, because he had a warrant from 1984 for assault on a police officer. When he was arrested, Gricelda says that she went home with her parents.

However, they called her in for questioning and let her know that Yvette had died from a blow to the head.

Gricelda's English was not as good as it is now and she needed an interpreter. Her court-appointed attorney had her inexplicably sign a plea bargain for "murder by omission." She said he felt terrible about the wrongful conviction. He and his wife helped her mom and kids while she was incarcerated.

One of Gricelda's kids told the detective that Antonio kept a "gun in the chicken" in the freezer to intimidate them all of the time.

Gricelda noted that the police allowed Antonio to be there with Gricelda during the questioning. They did until they finally noticed that what look like him giving her neck rub was actually him squeezing her neck. "I kept flinching," Gricelda said. They didn't remove him until they saw he was hurting her.

The detective tried to keep getting Gricelda to admit to hitting Yvette. Antonio told Gricelda to blame Yolanda, so the kids would not be taken away. They arrested Gricelda when she admitted falsely under this coercion that she had hit Yvette with a hairbrush.

When she went back to questioning the next day, they told her they knew she was lying. She honestly told them she didn't know, because she was at the store.

Gricelda said the police ruled Yvette's death a homicide, saying that she had died from a blow to the head. In the process of the interviews, the kids told the police how Antonio had done it. He had sent the boys to throw away the murder object that the police had found. Antonio had apparently also made the kids clean the bathroom where he had committed the crime.

Her court appointed attorney, Paul Canales, encouraged her to plead out. He told her if she pled out, that she would get probation.

Canales told her if she did not sign the plea agreement, she would get 99 years for perjury. He then told her that his mother was abused by his father. Because Canales' mother had escaped his father and made it on her own, Canales believed that Gricelda should have been able to do the same thing.

This is mind-blowing and misogynist, especially after all the times that Gricelda left Antonio where he continued to find her and assault her, her parents, and the neighbors.

Gricelda signed for a 99-year nonaggravated sentence. That sentence length matched that of Antonio, who had actually killed Yvette. However, his sentence was aggravated; and he was also sentenced to two other 99-year aggravated sentences for sexually abusing Yvette and one of her other kids.

Gricelda was incarcerated for 13 years and has been out for 21 years. Antonio's sentences are stacked, which means they are not running concurrently.

Gricelda believes she did a year in the county jail before being sent to the Texas Department of Criminal Justice.

When she got to TDCJ, she says she went to school to get her GED first. Then she says, "I was working in the kitchen. I loved the kitchen, it's my thing to this day." She also did vocational training for electrical trades.

She says that TDCJ normally did not let people with long sentences work in maintenance, but the staff saw that she could be trusted. So, she was chosen to do work off the unit changing out urinals and toilets on other units in the Gatesville area.

Gricelda added, "I went to Mountain View to teach and help some of the other girls, like Geneene Jones." This included working in the boiler room.

When Governor Ann Richards was in office, Gricelda got to meet her because Richards came to the Hackberry Unit, which had the first drug treatment programs available for women in prison. Gricelda said, "She was the most beautiful, loving, soft-spoken lady."

Richards asked Gricelda why she was incarcerated. Gricelda explained her case. She says that Richards responded, "Oh my god, if you had turned around and killed him, I would have taken you off this unit with me right now." Gricelda knew about the pardon process in the 1990s for survivors. She actually worked with Becky Wardlow on Riverside. Wardlow was the only survivor out of 102 who were recommended for clemency in the 1990's by the Texas Council on Family Violence who had a pardon recommendation forwarded from the Board of Pardons and Paroles.

However, neither Governors Bush nor Richards signed that pardon recommendation.

Gricelda knew another survivor who was recommended for clemency for killing her abusive husband, my friend Sherry Nance. I asked, "Was she holding court in the law library back then?"

Gricelda responded laughing, "Yes, she was."

Supporting A Survivor

Gricelda said she had, “Beautiful friends. And the majority of them were in there for killing their husbands.” She named Patty Schmidt, Brenda Whitmire, and Mary Speicht. Gricelda says they all did Bible study together so they could get out of the dorm and socialize with friends.

Patricia Castillo started advocating for her release from Day One. “She never left me,” said Gricelda. “She’s been there this whole time, since I got indicted, to when I was convicted. She has never stopped.”

Gricelda added that Mary Moreno, who worked for Archbishop Flores, had met her family and also advocated for her, along with the Archbishop himself.

She met reporter Cary Clack after he heard a poem that her then-7-year-old wrote about domestic violence. The poem ended by saying “my mother is in prison for 99 years.” Some other women explained Gricelda’s story to Cary. That’s when he contacted her family and interviewed them. Gricelda said, “He wanted to meet me, which I didn’t want. I didn’t trust men. You know, the one that I was living with turned out to be Satan.”

She added her distrust of men extended to her lawyer who “was supposed to help me get out of jail but railroaded me.”

However, her kids and her mom during visits and in correspondence told her that she needed to trust Cary. They told her that he really did want to help her. Gricelda added, “He would write to me; and I wouldn’t answer.” She said he insisted that he wanted to write her side of the story.

It took a couple of years, she said, but finally her mom insisted that she speak to Cary so that she could come home. Her mom told her, “You need to tell your side. The kids need you.”

Cary travelled up to Gatesville many times to interview her. He sent her copies of the interview. She believed this was around 1994 that he started writing about her. She said, “I kept getting setoff after setoff after setoff. And I remember him writing about the setoff.”

She came home in 2002. She distinctly remembered getting that positive parole answer. She said, “They had transferred me to Valley, because they needed maintenance

workers. I remember, I was fixing a water fountain when 9/11 happened” and her boss had the TV on showing the plane going into one of the Twin Towers.

She said right after that, there was a major water leak on the grounds. She was in charge of covering back the pipe. While she was working, the sergeant asked her, “When do you expect to finish that?”

Gricelda responded, “It’s getting there, ma’am.”

The sergeant replied, “Well the sooner you do that, the sooner you can go home.”

The sergeant told her she was going home in the morning, then added, “Get out of here. Go to the dorm, pack your stuff. Give away whatever you’re going to give away. But you didn’t hear it from me.”

Gricelda said she went back to her dorm and took her radio and hot pot to the shop so she could remove her TDCJ number. She then engraved the number of the person who she was giving the item to, in case there was a shake down.

Gricelda said her family knew that she was coming home, but also did not know the date. She said the next day she left very early in the morning. They sent her to Waco to wait for the bus with the ticket they had given her. When she started getting into the bus, Cary Clack showed up to give her a ride home, with Mary Moreno and Patricia Castillo. There was also a reporter from Univision there and many others. She had had no idea these folks would be there waiting for her.

Cary handed her a flip phone and said, “Here, talk to your daughter.” She had never seen a cellphone.

Gricelda said she could not get enough of looking at trees when she came home. So much so that she would stop in the middle of streets to look at one. Her son would admonish her, “You’re going to get run over!” She said that coming home after so long is “like coming from another planet.”

Cary Clack helped her get a job when she came home with one of his friends, who needed maintenance help in his apartment complex.

Stephanie Stevens of St. Mary’s Law School advocated for her pro bono. When I told Gricelda about the pardon process for survivors who acted under duress that began in 2020, I asked her how she felt about Governor Abbott refusing to sign the board’s pardon recommendation for her.

She responded, “Bad, but I just keep believing that God still works miracles. And if it’s meant to be, it’ll be. I just hope its sooner than before I lose my mind.” Gricelda said that her lawyer believed that the governor was just pardoning people with misdemeanor offences.

That’s not why we fought to create that process. However, it is better than the nothing we have had for so long.

Gricelda’s Advice

When I asked Gricelda what she thought was needed to prevent domestic violence and create justice especially for survivors, she believed that making domestic violence a felony is the first step. She said there are too many times where a man has already committed domestic violence and the victims have filed reports before he killed her.

Gricelda also blamed Bishop Yanta. She explained, “I was evicted from the Victoria Courts because the cops came to my house three times on family disturbance calls. My daughter would still be alive had Bishop Yanta not made me go back to the motel room after I went to the church looking for help.”

She added, “He told me that the Bible says that women should submit to their husbands.” He actually came to the unit she was on in Amarillo; and she told him to his face, “Because of you, my daughter is dead.”

I told Gricelda that Patricia Castillo actually trains clergy about how to properly handle domestic violence cases like that. At a Bexar County Domestic Violence Task Force in 2019, someone said a woman was killed after her pastor told her to go back to her husband who was abusing her.

Gricelda asked, “Why is family violence so rampant? Because you treat it with a slap on the hand. Also, look at all the policemen that have assaulted a family member because they get away with it.”

Gricelda added that there’s got to be a way to make women feel safer so we can get out and not get retaliated against. She asked, “Why wait until the actual killing to do something about it?”

I told Gricelda that in Oklahoma, they would call her case a “failure to protect” case. *Mother Jones Magazine* did a 2021 interview on these types of charges for women where

they were given huge sentences while the abusers who were actually hurting these women's children either didn't get charged or they got a lesser sentence.

Gricelda believed the parole board needs to stop issuing the "2D denial for nature of charge because it's never going to change." Gricelda added, "What are you going to do? Put it on my tombstone when I die?"

GERALDINE SWAIM

I thought I had missed Geraldine Swaim's 80th birthday. I texted her and she responded, "No... It's Sunday. Saturday night we are going to watch the guys who dress like girls dance. If it's your bday and you get up and dance, you make money. Guess who's going to dance?!"

It's extraordinary to reach 80 these days. It's hilarious and wonderful that an 80-year-old would be ready to shake her moneymaker with some drag queens to celebrate. But Geri – as she prefers to be called – served 32 years in prison and is on parole for life because a friend of a friend of her son killed her abusive husband.

I was in prison myself related to defending myself against an abusive ex-boyfriend when I first heard her name from my friend, Sherry Nance. Sherry and Geri have known each other since the 1990s, when they were both recommended for clemency by the Texas Council on Family Violence under Senate Concurrent Resolution (SCR) 26. The Board of Pardons and Paroles just gave Sherry another three-year set off; she'll be 75 in October.

Geri came home a handful of years ago after her family forked over a fortune to lawyer Mike DeGuerin, brother of the famed Dick DeGuerin. Geri's youngest daughter, Michelle, told me before Geri came home that Mike had gotten Geri's district attorney to write a statement to the parole board saying that if he had known Boyce was abusing Geri, he would not have prosecuted her.

First of all, that lying bastard was in the 1990s BBC documentary *Why Women Kill* with his legs crossed, rocking back-and-forth exclaiming that Boyce wasn't abusive. Secondly, Geri is not the one who pulled the trigger. She wasn't even at home when the friend of her son killed Boyce.

An Ideal Childhood

Geraldine Tucker was born in Houston. She said she had "an ideal childhood." Her parents had a "very loving relationship." She said, "My daddy never left the house without telling [her mom] he loved her and kissing her and me goodbye."

Geri said that her mom was an equal because of the job jar. Geri said she'd ask, "Daddy, why do you let her tell you what to do? He'd say, 'she doesn't tell me what to do. She puts all those things in the jar; and I pick which ones I want to do.' "

Geri said she "always wanted to be a nurse. ... When I was in high school I was a volunteer nurse's aide at Texas Children's." She worked as a medical secretary for years. And she bragged that she "worked for the doctors who had David, the little boy in the bubble." She also worked for the Department of Community Medicine at Baylor College of Medicine which ran the free clinics in Houston.

Geri went to Texas Women's University Nursing School when she was 18, then to the University of Houston for a year. She met her first husband and got married, not telling her mom for a while – which caused her mother to not speak to her until her oldest child, Margaret, was born. "She had was so mad at me," Geri said. "She had great plans for me; and I messed them up."

Geri added, "I had a great opportunity and threw it away." She did not get her LVN until after Michelle, her youngest, was born in 1976.

She divorced her first husband, Jim, because he was cheating on her. "After I had our son, he got a vasectomy and he was gone," Geri said. "He did whatever he wanted; and one of his girlfriends tried to shoot me. And I divorced him."

Jim, a police officer, would never pick up the kids for visitation. He paid \$200 a month for child support for three kids in the 1970s. She also got the house.

Boyce

Boyce lived across the street and became her second husband. He had custody of his son, which was unusual back in the 1970s. Geri said, "He needed a mom for his son and his son called me 'Mom.' "

Geri found out the hard way that there was a lot of incest in Boyce's family.

Boyce told her he admired her. They got married. And things stayed good while her dad was still alive. Boyce had a really good job, but was possessive. Geri said, "I thought that was because he loved me. I thought I was lucky."

Geri got a scholarship to San Jacinto Junior College. “My deal was the hospital that paid my scholarship. I would work for them for a year after I graduated. I did it that way because Boyce didn't want me to go to school. He wanted me to stay home:”

Geraldine Swaim: But once I borrowed that money, I had to either go to school or pay it back. Well, he didn't want to pay it back. I mean, the deal was that I had to have meals ready, hot meals ready. I had to keep the house clean and everything else while I was going to school. ...

Cathy Marston: Boyce didn't see that as his job at all to help out with anything in the house.

Geraldine Swaim: Not inside, no. The girls did what was inside. The boys did outside.

The junior college had a nursery, so that she could take Michelle there while she went to school. Boyce’s stepson, she said, got to “do whatever he wanted to do.”

She completed her LVN at a small hospital in Pasadena, where she “did everything. I worked ICU. I worked the newborn nursery. I worked the floor as a medication nurse. I did everything but supervise.”

When I asked how she found out that Boyce’s family had a history of incest, she said it started when her kids didn’t want to go over to Boyce’s sister’s house. Boyce would take Michelle over there by herself, then Michelle would call Geri and asked to be picked up.

Geri said one time she walked into the house and Boyce had the neighbors’ three kids in their bathtub giving them a bath. When she asked him what he was doing, he responded, “Well, were giving them some of the kids’ clothes; and I didn’t want these dirty children in our nice clean clothes.” Geri added, “I was very naïve; and it just didn’t register that maybe he was doing something wrong.”

She said that she feels like she should have known this about Boyce. However, she also said that, “Most of my life after my daddy died,... was kind of a fog.” He died when Michelle, her youngest, was four. Michelle is the only child she had with Boyce.

Once Geri’s dad died, Boyce became more controlling and would call her mother “names.” At the same time, Geri said that she was the one her neighbors would bring their kids to if they were hurt, because she was a nurse. “I would get permission slips signed from the kids’ parents,” she said, to do things like use the above-ground pool, gym set, and trampoline in their backyard.

“I just spent my time with kids. When his family would come into town, the adults would stay over at his sister’s house and all the kids would stay with me,” she said. She had a van and would take the kids to Galveston and Astroworld.

She worked two 16-hour nursing shifts on the weekends, which was known as a 32/40. She also worked at a grocery store, counting magazines. Then she did private nursing duty when she was off those jobs.

Geri felt like Margaret got married at 16 to get out of the house and away from Boyce. Boyce’s son, Steven, got into drugs. Boyce told him he could go live with his parents in Arkansas. Steven agreed, then called Geri to get him.

Boyce would not let Geri bring him back.

Geri says sexual abuse was Boyce’s “thing:”

Geraldine Swaim: He couldn't climax unless he had my face in a pillow.

Cathy Marston: Oh, wow.

Geraldine Swaim: Where I couldn't breathe. The things that he wanted me to do were-

Cathy Marston: I know this is hard and upsetting.

Geraldine Swaim: Disgusting and painful. When they'd handcuffed me in prison, I would kind of freak out. “Please don't put them on too tight because I have an aversion to being handcuffed.” I didn't leave the unit a lot of times just to avoid being handcuffed.

Geri said that Boyce would restrain her all the time. She added, “I’d be sitting in a chair; and he would put his penis in my face.” Then he would climb up on her. When she tried to leave, he threatened her and told her, “I know all your family and whoever you go to, you will watch them die.” She knew the threat was legitimate, because he had guns and was a hunter.

When I asked if Geri had a consciousness at the time that what Boyce was doing was wrong, she answered, “Of course, but I made that choice.”

I disagreed with her and pushed her on that.

She responded: “I chose him. The thing was my kids did not choose him.”

She had not chosen him because of the abuse, however. I reminded her that he was this charmer when she met him. None of us ever chooses an abuser!

A big realization happened when she came home one time and Michelle was in the bed that she shared with boys, instead of in her own bed. This is when Geri started to take Michelle to work with her to keep her away from Boyce.

She called the police on him only once and said their attitude was, “What did you do to make him mad?”

She added, “They were more concerned about my son riding his dirt bike on the sidewalk, than they were with what was going on in the house.” When I remarked that the police were complicit, she responded, “Well, they’re men.”

When I spoke to Geri on the phone the very first time, she told me the story in great detail about the events that led up to her arrest. She said when Tony went to his job at Target, Boyce “leaned me over the sink in the bathroom and put a gun to my head and raped me anally.”

During this assault, Tony came home for lunch and had an acquaintance, Jerry, with him. Geri tried to be quiet, but they could hear the assault in the bathroom. After Boyce left, she cleaned up her blood on the floor.

This is when Jerry approached her and told her, “I can put a stop to this.”

Geri told Jerry, “Do it.”

Geraldine was at work and Tony was at his father’s house when Jerry came to the house to fatally shoot Boyce. When she came home from work, the police were there. “Well, they asked Tony and I to go downtown,” she said. “And of course, we went and we never left.” They found out about Jerry, because a neighbor had heard Jerry and Tony talking about the deal with Geri.

The Criminal Legal System

Geri said the police lied to her son that she had already confessed. So, under this false pretense, “Tony pretty much admitted everything,” she said. The police were angry with her because she would not speak to them. The female detective told Geri, “If you're a nurse, you can put in your own lethal injection.”

She did not tell the police or prosecutors about Boyce’s history of abusing her, but she did tell her paid attorney, John Pizzatola. Boyce’s family actually called John to threaten him. He brought a recording of one of these threats to one of his meetings with her.

Because Geri could not tell him which one of Boyce's very large family the voice belonged to, charges were not pressed against them for threatening her counsel.

While she was incarcerated, Boyce's family also tried to file for his estate – but she and her family had a good estate attorney and Michelle received the estate. Boyce's family also had to give 24-hour notice before they came to town to see Michelle and they had to stay in Harris County with her.

Geri later found out that the reason Boyce had custody of his son was because Boyce had put his ex-wife in the hospital from him kicking her in the back. Geri also found out Boyce stole from the ex-wife's family their son Steven under false pretenses.

Tony went to trial and got 40 years. Jerry, who pulled the trigger, pled out for 12 years.

Geri refused to take a plea bargain, because her indictment said that she shot Boyce. They gave her a capital murder charge and a life sentence. Jerry, who had killed Boyce, served four years on a 12-year sentence and had told his side of the story to Boyce's son Steven, who turned state's evidence against Geri and Tony.

Geri and Jerry ended up handcuffed on a bench in the courtroom, where he said to her, "I have to say what they tell me to say or they're going to give me the death penalty." Geri said that the bailiff told her not to worry about the death penalty. He believed that they'd sentence her to life and she'd only do seven years and come home.

But that's not what happened. Geri said her in-laws protested every parole review, "They wanted me to get the death penalty. They were mad, mad, mad."

She said that the first six months she was in prison, "I cried. I worked in the admin building and I cried and I cried and I cried:"

This woman, back then, they had bunk beds. And this woman that lived in the bottom bunk next to me was an old gangster. She'd been in and out of prison and in and out, in and out. She told me, "Okay, I understand what kind of time you're doing. I understand you're upset, but this has to stop." And she had me buy some yarn and a crochet hook, and she taught me to crochet.

Geri became a part of Women against Violent Endings (WAVE), a group started by the counseling department on the Mountain View unit for women who killed or injured their abusers. She also took part in testimony around Senate Concurrent Resolution 26 for the legislature in the 1990s, where the Texas Council on Family Violence was working to get

women out of prison who were in the Texas Department of Criminal Justice related to being survivors of abuse.

TCFV recommended 102 persons for clemency, including Geri and Tony, but the Board of Pardons and Paroles only voted to pardon one person – Becky Wardlow. Both Governors Bush and Richards refused to sign her pardon.

So, Geri and Tony had to wait.

Geri called me about 6 months after TDCJ released her in 2018. She joined our monthly FBTW calls we had before we started having board meetings: she regaled us with tales of her family, dogs, and GPS monitor. She has traveled way more than I have since I came home in 2014 and had a lot more fun on vacations with her family! But she also has less time left than I do to enjoy such things.

She also donated money, despite being on Social Security, and advice – like when I wanted to make us new FBTW shirts. She reminded me that everyone could and should pay for their own, considering how small we are as an organization.

The time came to write her parole officer a support letter for her to come off her GPS monitor. I gladly wrote it, just as I'd written a parole support letter to get her out of TDCJ. The difference here was that I now knew her personally.

Geri and Margaret's family moved away from their hometown to be closer to Michelle. Some scammer got most of Geri's money. I admonished her to never answer any calls she didn't recognize.

She's crocheting afghans for money.

Geri texted me back to let me know she "had a blast" dancing for her 80th birthday. "The video is on Facebook! Hilarious!" she exclaimed. "I made about \$100 but tipped back some of it. Great entertainment."

As I write this about a month after her birthday, she is getting over pneumonia. I pray we can get her and Tony the pardons they deserve while she is still alive.

CATHY MARSTON

Family Life

I was born into a family with two very educated parents. My dad had a master's degree and was a physicist for the Air Force. My mom was a doctoral educated, Ivy League chemist. They had high expectations of me and pressured me to do well. One of my dad's mantras was, "You have to make good grades so you can get scholarships to go to college."

I simultaneously felt loved and did not feel loved because there was abuse in my family of origin. That abuse came from both parents. I overemphasize in my memory the abuse from my mom, because we tend to minimize misconduct by males and except more violence from them. Every Sunday was spanking day. What that meant was if my sister or a high had committed an offense during the week, my dad would spank us on Sunday. My dad did a lot of yelling.

I didn't remember my mom hitting us day-to-day. However, about 10 years ago, my dad and I we were watching one of those Super 8 home movies from the early 1970s from when we lived in San Antonio the first time and he was stationed on what was then Brooks Air Force Base. I was no older than six. I had my sister's toy. My mom was yelling and hitting me. I could tell my dad was embarrassed as we watched it.

That 1970s timeframe was a turning point for my family, although I didn't put it together until I was older. My mom was a lecturer at a local university. We were home with her more than my dad. My sister Bonnie is about a year younger than me. My mom tied our wrists together with washcloths and then gagged my sister with a washcloth. Bonnie cried and cried.

I told my dad. I was young, so I didn't think to do it in private. Imagine a small child having to look up at her father's face while he's seated to tell him about this unthinkable abuse. My mom yelled across the room that I was a liar. However, my sister backed me up. I'll always remember my dad glared at my mom. That's the last time I remember anything being said about that.

Right around that same time period, several things happened. My sister and I started going to childcare. My mom had been put in one of the local private psych hospitals. She later told me that while she was there, the staff treated her like she was lying about the

fact she had been to college or graduate school. One of the staff kicked her while she was alone with that person in one of the group rooms. It didn't make anything better.

Regarding my dad, he was a yeller. He favored my sister and put pressure on me to make good grades. One time I made a B on a test in junior high one time: I was afraid to tell my dad about it because I knew he was going to give me hell.

One of the last times I remember my mom doing anything abusive was when I was about 13. We were living on Randolph Air Force Base. I said something smart-assed to her. She started to raise her hand to slap me; and I grabbed her by the wrist. She told my dad about the incident when he came home. He confronted me about it. I looked at him and said, "What was I supposed to do, let her hit me?"

It was very easy to judge my mom at that age. She was entirely financially dependent on my dad. My junior year in high school, in January 1985, Mom slipped on some ice and shattered her knee. Dad would not get an accessible car for her to drive with hand controls. He did not ramp the house.

In 2003, he finally ramped the house. However, this only happened because I found out he finally dumped her out of her wheelchair trying to get her over the front step and threshold into the house. I was living in Iowa and called their non-emergency police dispatcher. They called the EMS here in Schertz. A police officer responded with EMS. He told me, "Well, your parents are saying it was the wheelchair's fault."

Home was not a safe place for me. It was not a place where I really felt loved. My room was the place I would retreat to, reading a book, listening to music, etc. I was fortunate to have friends to see other ways of being treated.

Early Dating Years

It's hard to remember the first boyfriend who was abusive. David, my eighth grade boyfriend, tackled my sister once. He wanted her to leave us alone. I embarrassed to say said I begged my sister not to tell our father. Her hip hurt for a while; and she didn't tell my dad. I socialized her into not reporting abuse, because I wanted to protect my boyfriend.

One time David brought along his friend who was on the football team. That person tackled me, shoved his hand up my shirt, squeezed my breast, and stuck his tongue in my mouth. Afterward, David apologized and asked me not to tell anybody.

Then there was Alan. We met the spring year of my senior in high school. I was 18. We worked together at the same restaurant. He was a year older than me and extremely insecure. He thought that women were toys for boys. He would rape me and thought that was sex.

The following fall I went off to Trinity on full scholarship. I told Alan that I was going to date other people. His reply was, "OK."

But it wasn't OK. He would call repeatedly and wanted to spend the night in the dorm room all the time. My roommate finally put her foot down and said, "No, he can't be here." He was very controlling and jealous.

The second semester I started to see somebody else. One night, I was staying with my date at his apartment. Alan couldn't get a hold of me on the phone and came to the dorm room enraged. My suitemate let him in and said, "See, she's not here." Rather than accept my absence and leave, he broke the full length mirror inside our closet. The university gave him a criminal trespass warning.

My dad was very hands off when it came to my relationships. Yet when I told him about that incident, he said, "I would get away from Alan." One of my friends who lived elsewhere on campus actually filed for and received a protective order against him for herself.

That following October in 1987, Alan wanted to meet for lunch. Since he wasn't allowed on campus, I told him to just stay in the Alamo stadium parking lot – right across the street from the university. He ignored my request and went on campus looking for me. Unbeknownst to me, he saw that I was holding hands with my new boyfriend as we were going to our history class. Once we were in class, this boyfriend left the room to go get a drink of water. A commotion in the hall caused our professor to check it out. I discovered later that Alan had followed us and attacked my boyfriend.

The police arrested Alan – which I inexplicably never had them do. But the court staff never told my boyfriend – the victim of Alan's assault – the court dates. So, the prosecutors dropped the charges. To add insult to injury, I had two friends who stopped speaking to me – saying that I should've known to get away from Alan.

Tom Part I

I dated some decent men and women as I finished undergrad and went from my master's program to my doctoral program. Unfortunately, as I was in my last year at the University of Iowa I came down for the holidays in December 1999 and had lunch with one of my former newspaper coworkers named Tom Labinski. By this time, I had all these accolades: I'd won a research award and had served as an elected officer in our journalism educator association.

Tom had a very charming and likable personality. In hindsight, however, I failed to see the red flags. First was the pressure he applied when we first started talking on the phone. He had flown up to see me for Valentine's Day, called me every week, and sent me gifts.

Then he started talking about us cohabitating. I responded, "Why do you think we're going to move in together? I have a doctorate to finish and you're down there."

Unfortunately, my assistantship didn't get renewed for the next year. I didn't have any funding to finish. My doctoral advisor let me know I was ready to defend my dissertation.

I guess I thought Tom was going to be like Jason, my UT classmate who I moved up to Iowa with. None of my friends critiqued the fact that I was moving in with some guy that I had only been dating for a couple of months. I thought I knew Tom, because I'd known him for since '92 when we used to work at the *Austin American-Statesman*. It's very different to actually date somebody!

In June 2000, right before I moved down to Austin, I flew down so we could see a Jethro Tull concert here in San Antonio. We were having sex; and he fingered me so hard I bled. When I told him, he insensitively responded, "Why are you always bleeding or on your period when we have sex?" I had only seen him in person a couple of times. He was victim blaming me when he had just committed this painful, injurious act.

On that same trip, we went to the Schlitterbahn. Tom kept hitting the automatic locks on his door when I would try to get out of the car. I didn't get that this was gaslighting at the time. He'd lie, "I've got the doors unlocked." But every time I tried to open the door, he'd lock it she didn't have anything again and blame me. I have an email he sent me in 2003 to use in my pardon application file – after I left him in 2001 – that details this gaslighting where he claims that I didn't know how to operate automatic locks!

It's easy to forget those little details, just like childhood. I believe the emotional abuse is those little things that start wearing you down every day. I left my doctoral program where I had been for 6 years, thinking I'd be okay in Austin because I had family and friends in Texas. I told Tom I wanted to live in the university area and on the bus line. We were way down on the south side of town and as far out as the bus went at that time! The bus was always late and sometimes didn't show up.

Another big change was that I decided to get my yoga teacher certification after moving down to Austin. I was ready to take a hiatus from academia and try holistic health for a while because I was tired of pain from my computer-related repetitive strain injuries (RSI).

My disabilities made it painful to drive. Living in that remote part of Austin was isolating geographically, on top of the professional and social isolation.

That fall Tom's dad came down for a UT football game. His brother Mike was there. I had seen Mike earlier that week when he, Tom, and I were at a football game amongst Tom and some of his coworkers from the *Statesmen*. Mike was injured during the game. So, when Mike, Tom, and their dad were in our living room, I asked Mike, "How are you doing? I know you got hit hard during the football game."

Tom was sitting next to me. He grabbed my head and turned it the other way towards the TV. And then they started lying to their dad. I remember when Tom did that, I yelled, "Ow!"

My dissertation defense was that October of 2000 back in Iowa. In the four months I had lived with Tom, I lost 25 pounds that I didn't need to lose. There was nothing to do around where I lived. My friends in Austin were always too busy to do anything together.

I didn't even realize how withdrawn I became until I went up to defend my dissertation. My friend who I stayed with asked, "Why have you lost so much weight? Why are you covering your mouth when you speak and speaking softly? What's going on?"

I made the mistake of selling my car when I moved back to Austin. Tom worked nights. I would be sitting at home with my dog. I cried a lot. He was erratic and gaslit me nonstop. The verbal abuse from him was also nonstop, "Why aren't you wearing contact lenses? My other girlfriends wore contact lenses. Why are you wearing your glasses all the time?" One night he came home as I was meditating in the living room and started chewing me out for not being out volunteering.

That holiday season was one of the worst in my life outside of prison.

One of the many reasons why I'm anti-psych is that he coerced me into going to see a psychiatrist at that time. The whole time he said things like, "Well, she's not cleaning." He was a grade A slob. They never told tell him to get the hell out of the room! I feel that system is set up to be an apologist for these male abusers.

For example, I gave Tom an ultimatum about a year later to get into counseling. We set up one session of couples counseling. I wanted to come into his personal counseling session where he was, of course, lying to his counselor that I was the problem. They wouldn't let me in. He admitted to our couples counselor that he had hit me but didn't understand why I felt threatened by him.

The problem was not me: it was Tom's abuse and the isolation.

My best friend's aunt, Barbara, and I talked at that spring of 2001. I told her about an incident where Tom grabbed me the by upper arms and shook me. Then Stephanie, my best friend's mom, called and said, "I just got off the phone with Barbara. If Tom does anything deleterious to you again, know that you have a place to stay." It was a real turning point for me. I fled back up to Iowa in November 2001.

The Return of Tom

I left Iowa in early January 2004, because my mom had detailed abuse from my dad. I went over to Tom's one night for help. I had called him before at work to let him know I was coming over. I had reconnected with him while I was in Iowa. At first he was very happy to hear from me and sending me gifts. Then the verbal abuse started to creep back in.

On January 12th, 2004, I got my dog and went over to Tom's house at the appointed time. He opened the door, let me in, and grabbed me. I was asking him for help.

He grabbed me, shoved my face into the sofa, and said, "Let's see how you like smothering." I couldn't breathe and everything was white sofa and grayness. I thought, "This is it. It's over. I'm dead."

The next thing I knew, I sat up. Tom's smothering peeled my wire-rimmed glasses off my face, gouged the lenses, and bent the frames. From that point on, everything was blurry because I didn't have glasses.

Tom wrapped his arm around my neck in a stranglehold. I told myself, "If you don't bite him, you're going to be dead." I closed my eyes because I did not want to watch myself as I bit down as hard as I could. This forced him to he go and pull back. When he did, I brought my head back into his face and busted his lips.

I want to emphasize that the injuries he had were from me defending myself. This is a basic human right and a right in this state if you're in imminent harm under subchapter C, section 9.31 in the Texas Penal Code.

I ran for the phone. He overpowered me and took the phone. He sat on me and called 911. When they answered, I yelled, "Help!" as best as I could. When I did that, he hung up the phone. This was about 11 p.m. or so.

Nobody came. The 911 operator heard all that on the phone. And nobody ever came. This is an important detail, because the police later claimed that I interfered with my own 911 call. Tom yanked the phone out of my hands and interfered with my 911 call. Not only that, he beat me some more after the police didn't come.

From there, he got off of me and grabbed me from behind while we were standing up.

Again, he was attacking me from behind. I had taken a self-defense class where they show you how to use the attacker's weight against them. The proper way to do this is as your turning and pulling them, to only bend one of your knees and not both of them. I grabbed him and tried to pull him around. But I bent both my knees. He came down right on top of me, which is probably when he broke my foot.

Tom took my head and bashed it against the floor. As the left side of my face hit the floor, the blood flew out of my right nostril and all over the carpet.

He got a Kleenex, threw it at me, and said "Here."

When I told him that I thought I needed to go to a hospital, he said, "I. Don't. Care. You're going to regret coming here tonight."

I replied that I regretted the day I met him.

He grabbed me by the upper arms and dragged me out the front door. Once outside, he threw me in the flower bed and ran off.

I limped to my car, where my dog sat patiently. Tom had beat me for a good 90 minutes. It was past midnight. I couldn't see even see the speedometer, because I didn't have my glasses. I can't press the accelerator, because my right foot is in agony when I put weight on it. I sat there thinking when Tom runs back with neighbors Mari and Jamie.

I thought I'd be safer with them there, so I could find my glasses. When I went in, Mari recoiled when she saw my face. I told her what Tom had done: she was aware of I had left him in 2001 because of his violence.

I went out front looking for my glasses in the flower bed. As I was bent over looking, Jamie came from behind me, grabbed me, and said, "Oh no, you're not going to get away!"

I yelled, "Get the hell off of me!" I tried to throw him off, but he fell on me and was much bigger than Tom.

Jamie was mad that I had tried to throw him. I was only defending myself, because he attacked me for no reason. Jamie roughly pulled me over to the front stoop. Tom heard the commotion, came out and also pinned me down. The police found both of them on top of me hurting me.

Later at the protective order hearing, I heard the recording from Mari calling 911. She lied to the operator that there was a man screaming and a dog barking, while Tom and Jamie are audibly talking in the background. The operator, confused, asked, "Is he yelling at his dog?"

All Mari said was, "No, there's this woman." The operator responded that she would send someone right away. Remember: they tried to say I interfered with my own 911 call. They didn't send anyone when I called for help as Tom was sitting on me and hung up the phone on my call. But they sent officers lickety-split out for Mari's lie.

So, when Officers Kirkpatrick and Hubbs arrived they told Tom and Jamie to get off of me.

However, then they told me, "Ma'am, stand up and put your hands behind your back."

As they were cuffing me. I protested, "But **he** assaulted **me** and tried to **kill** me." The usual procedure in a domestic violence case is to separate the parties to get their stories. Unfortunately, I did not get the luck of the draw with Ofc. Kirkpatrick.

Remember when Tom had coerced me into seeing a psychiatrist when we lived together? Dispatch told Ofc. Hubbs that I was in the MHMR system.

Tom said, "Yep, that's her. She's crazy."

I yelled at Tom to shut up which caused the officers to remark, "Oh, she's belligerent." They called me belligerent, when it was Tom and Jamie who had just beaten the shit out of me and nearly killed me.

Blood poured out of my nose. My clothes were torn, bloody, and dirty. I limp in severe pain.

The EMS tech's eyes got really big when he saw I was the one handcuffed. He kindly asked, "Where does it hurt?"

I said honestly, "*Everything* hurts."

Ofc. Kirkpatrick snapped, "What hurts the most?"

I told the tech that I thought my foot was broken and I needed to go to the hospital for that and the head trauma.

The EMS supervisor came over and told me they could not take me to the hospital. It was pretty clear they felt intimidated by Ofc. Kirkpatrick. Again, I had broken bones and visible head trauma.

As Kirkpatrick was putting me in his squad car, he wanted to take a photo of me. He whipped the camera up quickly. I cringed away in surprise and fear as someone who had just been beaten. He said, "Oh, so you're not going to cooperate, huh?" With that, he just shut the car door and didn't get pictures of my extensive injuries on scene.

On the way to the jail, I told him, "You've got the wrong person!" In response, he blasted Tejano music to drown me out until we got to the jail. When we got in the sallyport, I told him, "I'm going to need a wheelchair."

He said, "If you don't get out and walk, we'll get a jail guard and we'll drag you."

So, I limped on my broken foot into the booking area without any shoes. Tom had literally dragged and beaten me out of my shoes.

The booking officer was Mr. Sustala who asked, "Where's the guy who did this to you?"

I said, "He's at home. Is it the policy of the Austin police to arrest the victim and leave the batterer free?"

He replied, "That's not supposed to be their policy."

After Mr. Sustala booked me, Kirkpatrick threw my shoes at me saying, "Here, put these on."

I said, "I need to sit down."

He repeated, "Put them on."

I snapped, "I told you my foot's broken."

I got to sit down.

After I got my shoes on, Kirkpatrick and I went back where the jail nurse was. Unfortunately, she also did not send me to the hospital. I think she was also intimidated by Kirkpatrick posturing and saying, "You're my prisoner."

I said, "Yeah, but I have a right to get some medical care." Still, the nurse didn't offer anything for the bleeding and the knot on my forehead.

Blood was all over my face. I didn't know until they booked me into the jail that I had a big knot on my forehead. I had abrasions on my face from him shoving my face into the sofa.

After Kirkpatrick left, the jail nurse finally gave me an ice pack for the knot on my forehead. It made me shiver. Two female arrestees advocated for me with the staff as we waited and asked, "Look at how bad her face looks. Shouldn't you help her out some more?"

The Sheriff's deputy behind the desk just responded, "Well, how about we put her in an isolation cell?"

The ladies trying to help me grew silent. A government office should be the very first place you can count on getting help, when someone has traumatized you. But jails seem geared to traumatizing you further, instead.

The Criminal Legal System

A recent study by the Travis County District Attorney's Office showed that persons with paid attorneys are convicted less and sentenced incarceration less than persons who have court-appointed attorneys. Unfortunately, Travis County saddled me with the very worst court-appointed attorney.

My first meeting with this attorney, Drew Phipps, was less than reassuring. After listening to me for less than five minutes, he interrupted me to say he wanted a psychiatrist to examine me.

I was furious! I had told him where to find my evidence and as much of my story as I could in such a short period of time. I asked, "Are you going to file for motion to dismiss or not?"

He said no.

So I told him I wanted him off my case, which was my right.

Once I said I wanted him dismissed, he had a conflict of interest. But he refused to withdraw. In fact, he wrote to me to tell me that if I didn't talk to his psychiatrist, then he would move to have me declared incompetent. In my opinion, this clearly illustrates how the psychopharmaceutical industry is a key part of the prison industrial complex in controlling the accused instead of creating justice. The two female attorneys who were appointed on my protective order were no better.

I suffered a five week delay in my case because he finally succeeded in getting me incompetented. This meant that the protective order judge did not get to see my injuries except in photos. The law requires a hearing within two weeks of the arrest. I had a cast on for two months, but did not see him for four months!

Before the last setting of the protective order, the court went off my bond and pulled me into the jail. The court-holding staff at the jail wanted to put me in full shackles for the last part of the hearing. I wore a skirt and politely reminded Sgt. Oman that I had been at the two other settings of the hearing without shackles. Yet, he slammed me face first into the wall and had the deputies force me into handcuffs and ankle shackles.

I sat down and said, "I am not going into the court in front of my ex-boyfriend like this." They ignored my words, picked me up, and stuffed me into a wheelchair. When we burst into the courtroom, I could see the delight on Tom's face – especially as Judge Mike Denton gruffly said, "I hear that you weren't cooperating with the jail staff."

Judge Denton, who only recently left his post, is now infamous for his extreme bias against criminal defendants on domestic violence cases like myself.

In August, my request to fire Phipps off my felony case was finally granted. Judge Denton also fired him off my protective order case, but then made Phipps my standby attorney. Rather than being a help in defense, Phipps verbally abused me and called me crazy during the hearings where he wasn't getting paid anymore. The third judge for the misdemeanors, Judge Breland, had completely ignored my request and let Phipps file for incompetency instead.

Then the felony judge, Wil Flowers, appointed Jon Evans to my case, seven months after my arrest. One morning in August or September 2004, I was in holding at the Travis County Corrections Complex in Del Valle waiting to be transferred to court when the deputy said he heard I had acted up downtown.

I responded, "Well, I notice that Sgt. Oman is not working downtown anymore."

I had written the sheriff herself and others in the chain of command about the assault where Sgt. Oman had body slammed me. The deputies called everyone to board the transport for court, but nobody took me to the courthouse for my setting.

Attorney Evans told me later that the jail staff lied that I was acting out. I felt hopeless and trapped with no way to get through to have justice to those on the outside. I began hunger striking. I put the demand in writing, “When you let me out of this jail and you go arrest Tom Labinski, I will eat again.”

I only weighed 120 pounds when I started to hunger strike for two months. Medical staff ordered me to be hidden away in a “violence control” isolation cell that is padded. There was no bed except for a little lip up off the main floor. There was no toilet, except for a grate in the floor. The staff and the inmate “fire watches” feed you through the door.

After two weeks, I vomited up clear stomach acid because there was nothing in my stomach. I lost a lot of weight when I was already tiny. When they finally took me to the felony court, we were in the holding cell when the staff wanted to put ankle shackles on me. I refused.

Evans came to the back asking, “What's going on?”

I told him I had a right to go into court without shackles. He said he would speak to Judge Flowers.

All of a sudden, Judge Flowers himself came into court holding to ask why I wasn't coming into the court. I held up my shackled ankles and said, “Because I have a right to come into court without these on.”

With the judge was a psychiatrist who lied that she knew me from another county.

Judge Flowers himself moved to have me incompetented because I knew that my right to a fair trial included the right to be in court without jail scrubs, ankle shackles and handcuffs. The judge further violated my rights by presiding over that incompetency hearing.

This time, when they sent me to the state hospital, they didn't try to medicate me. They left me alone, except when my dorm staff tackled me to end a phone call to protective services about them tackling another inmate. Their violence tore open my arm. Their internal police took a photo and a report from me.

Three weeks later when I finally got to see my attorney back at the jail, Evans told me that the state hospital psychiatrist wanted me transported back to jail after a week because

there was no need for me to be at the hospital. The jail staff lied that they didn't have anyone to pick me up. This delayed my trial for another month.

It also wore me down so that I took a plea bargain in October 2004, pleading guilty to a criminal trespass I did not commit.

Prison

I moved back to my parent's house – where my sister was also living. Bonnie would come into my room in the middle of the night while I was trying to sleep and turn on the light to wake me up. Because I could not rent and did not have income with my criminal record, I had to live with the very people who had a history of abusing me.

Around December 12th, Bonnie had been playing two stereos loudly in the back of the house. I shut them off. When she did it again the next day, I asked her to shut the stereos off. Instead, she threatened me verbally. So, I grabbed the landline to call 911. She cut off the call by putting her finger on the receiver and elbowed me.

I ran next door where the neighbor let me call the police from her phone. I told the responding officer the facts and asked if he was going to charge her.

He held up an affidavit form and asked me, "Do you want to fill out this?"

I said yes and reached for the form.

He pulled it back and said, "Sorry, you can't fill that out."

My dad came back from his walk and told the officer, "Oh, don't listen to her. She's been in the jail. She just got out." The officer didn't press charges against my sister and left.

I am embarrassed and filled with shame at what happened next. But these were some of the events that put me under duress at that time.

The next day, I had a taxi take me and my up to Austin and bought a pair of handcuffs. My driver's license still showed Tom's address, so I had a locksmith let me in to his house when I knew when he was going to be at work at about three in the afternoon. I don't know if I thought I was going to arrest him or what.

The next door neighbor saw me and told the locksmith, "She's not supposed to be here." She also called the police as she went over to Mari and Jamie's place to alert them.

I went in Tom's house and used the potty. Then I asked myself, "What the am I doing here?" By this time, Jamie came into the house and I hid because I was afraid of him.

He yelled, "I see you hiding in that closet. Get out!"

So, I sprinted out the door with my dog. Jamie caught up and tackled me by the street. I was almost off the property. We were on cement next to a utility hole cover.

He shoved the back of my head, ripping the whole side of my face open and saying "Either I'll kill you first or the cops will get you, you psycho bitch!"

I could taste the blood. It was very, very painful. This may have been when my spine was damaged. Because you get such poor medical care in the jail system and they do such a poor job of documenting things. He and Tom may have damaged it when they attacked me in January.

The police arrived and parked five feet from my head. Officer Hernandez said, "Get off of her."

He then told me to stand up and put my hands behind my back.

I was technically violating the protective order. It's so painfully embarrassing to think of this now. I hate that I did this and can't go back to fix it. It's a day that changed my life and from that point on, I was incarcerated for 9 years, 7 months, a week, and a day.

So, when EMS showed up, they didn't take me to the hospital even though I had visible head trauma. Jamie had ripped my face open from my temple to my chin.

A female officer showed up to pat search me right as Tom arrived. This officer later testified that Tom was very calm.

Originally they charged me with five misdemeanors and set my bond at \$100,000. Then they upgraded it to burglary with intent to commit stalking. A month later, they indicted me for two different felonies, burglary with intent to commit violation of protective order by stalking, which is first degree, and violation of protective order by stalking, which is third degree.

Evans got reappointed on my case and told me that Dana Nelson George, the prosecutor, got in trouble for the October 2004 plea bargain. Remember, she had me plead down to a misdemeanor criminal trespass and not a family violence charge. So, she wanted to be sure in the new indictment that she accused me of family violence for that entry into Tom's house. She also wanted to make it clear that I was a repeat offender to set me up for prison time.

The prosecutor offered me two years in prison. I can't tell you how much I wish I had taken that. It's hard to put myself back in my head where I was in that jail.

I think my mindset was I already pled guilty to something I wasn't guilty of. But I was guilty of something the second time, just not what they had charged me with. I wasn't really understanding that it's not about what justice is. To them it's about winning.

Right before the voir dire, Judge Perkins called me into court to make his own plea offer. Jon told me before we stepped into court that the judge had just asked the prosecutor, "Why are you doing this to her? She looks like a Sunday school teacher. She's not a threat to anybody."

When I came in, Judge Perkins said, "Ms. Marston, the court would like to offer you 10 years unnegotiated probation." The prosecutor's head almost exploded.

I said no and have spent the past 19 years regretting it.

Right before I transferred to TDCJ in June 2005, another inmate assaulted me. Her reason? I was at "her" table.

While I was in prison, the staff repeatedly assaulted me, broiled me, froze me, denied me medical care, wrote retaliatory disciplinary cases, and blocked my outgoing mail on the Mountain View unit for 18 months.

During a unit-wide lockdown in May 2010, I found out that my mom died. The last time I spoke to her was the morning of her heart attack.

After Prison

I finally paroled out on July 21st, 2014, on my last review. I had come up for review every year, but was denied every year because of the nature of my charge.

Reentry was very difficult. I had to take my driving test over again, because mine had expired while I was incarcerated. I had to drive 20 miles to New Braunfels to meet my parole requirement of registering with Texas Workforce Solutions.

My first night home, my sister screamed all night. My dad let me sleep in his room so I could lock the door. Then he put a lock on my door.

My dad was in his sixties when I had gone to prison. Upon my return, he was 75. The dynamic had very much changed where he was the one being abused. My sister was

assaultive and threatening. He apologized for not having been there for me in 2004 to hire an attorney and provide better support.

I was on an ankle monitor for my first 60 days home. I had to call the police. I'm not saying the police are the best way to handle everything, but I had to do it. It took a month of calling the police before they finally cuffed Bonnie and hauled her off. When she returned in late spring 2015, her attitude had improved.

At the New Braunfels workforce center, I took classes on resume writing, social media networking, and interviewing. They gave me money for new clothes, because I gained 60 pounds in prison.

Someone had been very busy while I was in prison stealing the 29 photos of my injuries in the trial record. Evans, my trial attorney, told me after the trial that he was putting the photos in his safe-deposit box. But then the judge dismissed him as my attorney.

When we had to gather evidence upon my release in 2014 for the new protective order hearing that was triggered by statute, my paid attorney asked the Travis County district clerk for those photos, but they did not provide them. They are gone.

Except I had the negatives for the ones that Alice McAfee took. She was my UT journalism master's degree classmate. Alice was in her third year of law school at UT when Tom beat me and nearly killed me in January 2004. Those photos are going in my pardon application. I have them in multiple digital formats and two sets of prints!

The advice that I give to other survivors is to utilize your channels of grievance – wherever you are. Even when you are incarcerated, there is a grievance system. You can write to your judge and that is using a channel of grievance – if you are having problems with your attorney. Here on the outside and even on the inside, you can write to the media. I think the mainstream press is a lot more open to listening to people who are incarcerated than they were when I was incarcerated 20 years ago.

As I sat in the Travis County jail, for example, the Austin American-Statesman ridiculed a letter from a man in state jail who was asking for help. The letters editor mocked him by asking a flippant question like, “Can you read this? We can't!” I could read it very well: the incarcerated brother was talking about staff smashing his head into something and not getting any medical care.

When you feel you have utilized every channel of grievance, this is where you lean on your loved ones. Who are your friends who you can vent to? Do you have a spiritual

community? Can you take a walk or swim? Do you have talents that brings you joy like writing, painting, baking?

Lastly, never, ever give up! I remember after the governor vetoed House Bill 3078 in summer 2019 I wanted to crawl under a rock. But while I was licking my wounds, they were denying parole again to my friend Sherry Nance – whose older daughter had cancer and who had testified with me to the legislature. I knew I needed to pick myself up again because there was more work to do. I find that talking to and hanging out with my friends, doing yoga, sitting in my garden, hiking with my dog, and writing keep me going. I also could not do this without the support of my dad and sister financially and logistically around the house – as I also simultaneously serve as caregiver for them through their hospitalizations.