Debbie McComas, Stephanie Sivinski Featured in D Magazine: 'How the Death Sentence Was Commuted for the Killer of a Dallas Police Officer'

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D Magazine interviewed Haynes Boone Partners Debbie McComas and Stephanie Sivinski about their high-profile pro bono legal win this month involving Juan Lizcano, an intellectually disabled man who was sentenced to death for killing Dallas Police Officer Brian Jackson in 2005.

This month, the Texas Court of Criminal Appeals reformed the death sentence of Lizcano after he served nearly 13 years on death row. Sivinski and McComas and Associate Jason Jordan represented Lizcano as habeas counsel after his direct appeals were unsuccessful. (Read more about the case here.)

Below is an excerpt of the *D Magazine* Q&A with McComas and Sivinski:

D: Give me the short version of what this case is about from your perspective.

McComas: Our story is one about Juan. It's about a young man from an extremely impoverished family in Mexico who was his family's best hope for survival. He crossed the border, almost dying because he was so intellectually challenged. But he gets here. He's a hard worker. He helps improve his family's status. And he meets a woman who is much older than he is, which is very common for someone with an intellectual disability.

She helps him survive and function in society, which is difficult for someone who is very intellectually disabled. Until one day, she decides that she's too old for him and severs the relationship. And at that point, Juan struggles.

Sivinski: I think his life in some ways deteriorated significantly. He developed an issue with substance abuse because he was trying to cope with the sort of breakdown of the relationship that had allowed him to function. I mean, there's evidence that he couldn't count his rent money himself, he needed help with that. He needed help paying his cell phone bills. So, sort of day-to-day tasks, he needed a lot of help with. And when his support system deteriorated, his mental health and his behavior deteriorated as well.

He ended up getting in a dispute with his ex-girlfriend, and she called the police. At some point, the police are chasing him, trying to apprehend him. He is carrying a gun and shoots the gun, and one of the bullets hits a police officer and tragically kills him instantly, because it hits him under the armpit where his Kevlar vest was not covering him. Juan gets arrested, and the rest is sort of the procedural posture of his case, which is that he gets convicted and sentenced to death. And the jury finds that he's not — at the time the words that were used for this are mentally retarded, but the case law shifted and the term is now intellectually disabled.

Among other things, one of the claims that we've been pursuing since 2012 was that he is intellectually disabled and not eligible for the death penalty.

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McComas: One of the things we struggle with looking at this backwards, coming in as habeas counsel, is the struggle to tell someone's story. The story we just told you did not come out that way at trial because Juan couldn't testify. I mean, if you talk to him, he would just nod and agree with anything somebody said. There's still a competency challenge pending in the federal district court as to whether he was even competent to stand trial, whether he understood what was happening. And I think it was harmful for the entire process because the family and the jurors just saw this person staring there, terrified, who couldn't tell his story. You couldn't understand that there may be mitigating circumstances. So they just saw a cold-blooded killer. So the family, that's what they saw, too.

To read the full article, click here.

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