

ORIGINAL

**BEFORE THE
STATE BOARD OF PARDONS AND PAROLES
STATE OF GEORGIA**

**APPLICATION OF DANIEL ANTHONY LUCAS
FOR A STAY OF EXECUTION
AND FOR COMMUTATION OF HIS
SENTENCE OF DEATH**

David C. Blickenstaff
SCHIFF HARDIN LLP
233 S. Wacker Drive, Suite 6600
Chicago, IL 60606
Tel: (312) 258-5500

One Atlantic Center
1201 West Peachtree Street NW,
Suite 2300
Atlanta, GA 30309

Elisabeth Carey-Davis
CAREY-DAVIS LAW
811 N. 17th Avenue
Bozeman, MT 59715
Tel: (406) 224-1030

Counsel for Daniel Anthony Lucas

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DANIEL ANTHONY LUCAS, by his undersigned counsel, applies to the Board of Pardons and Paroles, pursuant to Article IV, Section II, Par. II(a) and (d) of the Georgia Constitution of 1983, O.C.G.A. sections 42-9-20, 42-9-42(a), for consideration of his application for commutation of the sentence of death imposed by the Superior Court of Jones County on September 17, 1999. Mr. Lucas requests the opportunity to have a full and fair hearing before the full Board, allowing counsel to present witnesses in support of commutation. At the conclusion of the hearing, counsel will ask that Daniel Lucas's death sentence be commuted.

INTRODUCTION

On behalf of Daniel Lucas, we ask you to consider whether redemption is ever possible. Can someone who has committed a horrific crime come to live a life that has value?

More than 10 years ago, Daniel wrote in his personal journal:

Those who choose to better themselves have to ...
strengthen within themselves their will to improve their
lives and accomplish their goals. ...

Some guys ask, "Why change when they are going to kill you?", or, "They are going to execute me, so nothing I do means anything." But to me I think that if you become a better person, accomplish your goals, and leave something of yourself behind, you are showing that you are a person capable of change, good, and that there is hope even for the worst of people.¹

Daniel committed murder. He deserves to be punished harshly, as he has been and will continue to be. But he has also shown that he is much more than his crime. He is an example of how someone who has done something terribly wrong can repent and choose a different path. And in choosing that path, he has and wants to continue giving back to the world.

Daniel "acknowledge[s] every day what he did, the suffering he caused then, and the pain that others -- especially Mrs. [Gerri] Moss -- still feel. He prays for relief for Mrs. Moss, wife and mother of those he killed."² He knows that he cannot give back the lives of Steven, Kristin, and Bryan Moss, nor can he erase the tremendous pain he caused Mrs. Moss. The only choice he has is to atone for what he did to the Moss family, and he has made that choice. He lives his life today in a

¹ Daniel Lucas journal entry (Dec. 27, 2005).

² Letter from Norma Harris (Appendix ("App.") 14).

manner that gives strength and inspiration to others, both inside the prison and out, and he will continue to do so if the Board gives him the opportunity.

We acknowledge -- and many who support Daniel acknowledge -- that it is surprising that someone who committed these murders can become a person whose life has value. But Daniel *has* changed. He has lived in prison for almost as long as he lived out of it. For the past 18 years he has devoted himself to learning and self-improvement. He has been a model inmate. He has found faith. He has taught himself and practiced art at a high level and used it to face up to his crime and give to others. He has been a steady comfort to his family, a supportive friend, and an inspiration to those who have come to know him.

We ask the Board to look hard at Daniel Lucas today. When someone has committed a heinous crime, it is natural to see him only through that lens. Maybe it is easier to make some sense of terrible acts if we can tell ourselves that the people who commit them are broken beyond repair. But the truth is more complicated. Just as none of us is without sin, none of us is beyond repair. That truth may be inconvenient or uncomfortable in some ways, but it can also be inspirational. We may stray, but we can also find our way home.

The District Attorney in Daniel's case told the sentencing jury that Daniel was "pure damn evil": he was raised by a "loving mother and stepfather" who "tried"

but “couldn’t do nothing with him.”³ The truth paints a very different picture, and Daniel’s conduct over the last 18 years proves it. His life reaffirms that none of us is beyond redemption.

I. Daniel’s Life Before The Moss Murders.⁴

Daniel started out as a gentle, bright little boy.⁵ By the time he was 19, he had become the lost, hopeless, drug-addicted young man who committed murder.

Daniel’s mother, Debra Radcliffe, grew up surrounded by violence and drugs. She began using drugs in eighth grade, dropped out of high school, met Daniel’s father, David Lucas, and became pregnant. David dropped out too. They were 17 years old when Daniel was born.

Daniel’s parents regularly abused methamphetamine and LSD when Daniel was young. David drank alcohol to excess every day. He and Debra fought frequently. David physically abused Debra and Daniel, whipping Daniel with a belt all over his body.

³ Trial Transcript, Vol. 11, pages 200, 207.

⁴ Unless otherwise noted, the facts in this section are drawn from affidavits submitted in the habeas proceedings, including the affidavits of Danny Ray Bell (Petitioner’s Exhibit (“PX”) 2), Kathryn Lyndsay Harbin (PX10), Betty Ann Jones (PX13), Louis Pelt (PX21), James Augustus Price (PX22), Jennifer Skinner (PX25), Curtis Stephens (PX29), and Matthew Wood (PX34), and from memoranda reflecting interviews that investigator Nancy Smith conducted with Daniel (PX288, 333) and with his family members and other witnesses (PX 219, 220, 223, 226, 228, 231, 232, 235, 239, 240, 242, 267, 268, 272, 273, 278, 285, and 294). All these documents are part of the court record.

⁵ Letter from Alana Cheek (App. 5); Letter from David Lucas (App. 2).

Around the time Daniel turned 11, David discovered that Debra was having an affair. He beat Debra viciously with his belt. Daniel listened, helpless and crying in his bed. David also beat up Debra's lover in front of Daniel and his younger sister Lacey. That man in turn pointed a gun at Daniel and his cousin, which led to David pistol-whipping the lover in front of the children. Then David tried to strangle Debra, after which Debra left for good.

In the years that followed, Daniel and his sister never lived in any one place for long. Debra had relationships with many abusive men. One punched and hit Daniel. One night, in a drunken rage, Debra's boyfriend beat and raped her and threatened to kill her and leave her body hanging for the children to find. Another time the boyfriend pulled a gun on Debra, threatening to kill her and her children, and he smashed her windshield as she fled with them.

Debra says that Daniel would try to protect her when his father or another man was hurting her, "but he really couldn't because he was too small. So he would try to protect Lacey instead. ... He'd take Lacey into another room, to get her away so she wouldn't witness the violence."⁶

Daniel was scared during much of his childhood because he was "[a]lways moving back and forth, never settling in, and all the screaming, hollering, and

⁶ Letter from Debra Radcliffe (App. 3).

fight.” Debra would sometimes “pick [Daniel and Lacey] up at school and take them off to another state” without telling anyone where they were going.⁷ Daniel changed schools more than 20 times.

Things were no better when Daniel stayed with his father. David was “wasted all the time.” In the years right after Debra left, when Daniel was in junior high, David talked to Daniel several times about his desire to commit suicide.

When Daniel was 14, David remarried. His new wife Ginger abused drugs and suffered from hallucinations that caused her to knock holes in walls, tear paneling off, and fire a gun at David. Ginger had no sense of personal boundaries and often behaved in a sexually inappropriate manner around Daniel. She had a severe temper and often hit and slapped Daniel. She forced him to sleep out on the front porch in the middle of winter. She verbally abused him, calling him a “stupid little sh** or f***” and telling him that he was “worth nothing.”

Daniel turned to drugs. By the time he was in seventh grade, he had started drinking and smoking marijuana, sometimes with his mother. In ninth grade he took LSD and mushrooms. By the time Daniel was 17, he had built up such a tolerance to LSD that he was consuming more and more in order to feel the effects.

⁷ Letter from Fay Lucas (App. 4).

Methamphetamine also took a toll. In eleventh grade, Daniel dropped out of school with Debra's approval. After that he bounced from one friend's house to another "like the neighborhood cat." Eventually it "got to the point where Daniel had nowhere to go." He walked around the neighborhood barefoot. He was using meth almost every day. The drug helped him to "stay up for days at a time, because he had nowhere to sleep" and "also helped suppress his appetite since he often had no food."

At around this same time, in July 1996, Daniel and his friend Derrick Jackson broke into five cars in one day. Daniel was prosecuted, and in January 1998 he was sentenced to five years' probation.

When Daniel turned 19 -- about six months before the crime -- friends noticed that his drug and alcohol use had become even more extreme. One friend said that she had never seen anyone drink the way that Daniel did, that he was not satisfied until he blacked out, and that he was using "a staggering amount of drugs, including crack." Around this time, she said, "the flicker of life in Daniel just went out. ... He was in desperate need of help."

He didn't get help, and the downward spiral continued. Daniel later described his state of mind at the time of the Moss murders. He was at rock bottom, lost and felt like his life was meaningless. On April 23, 1998, Daniel and Brandon Rhode broke into the Mosses' house in the hope of finding drugs, money, or things that they

could sell to get money for drugs. Caught in the act, they panicked and killed Steven, Kristin, and Bryan Moss. Because the jurors at Daniel's trial heard almost nothing about his childhood, they could accept the District Attorney's argument that Daniel freely chose a life of crime because he was "pure damn evil." But that is not true. At 19, Daniel was a reckless and desperate alcoholic and addict, and he committed a horrible crime. But he is not pure evil, and he is not beyond redemption. Since his crime he has deliberately undertaken to atone for it. He has taught himself a moral code. He has accepted responsibility for his actions, developed his mind, and found faith. He is doing what he can on a daily basis to help others, to put back into the world some of the good that he took away when he killed Steven, Kristin, and Bryan Moss.

II. Daniel Has Demonstrated Remorse And Accepted Responsibility For His Actions.

It has been 18 years since Daniel committed his crime. Throughout that time, he has repeatedly and consistently expressed his heartfelt remorse for the devastating harm he caused and accepted responsibility for his actions.

A. Daniel Has Expressed Profound Remorse For His Actions.

Even before he was convicted, Daniel expressed remorse for his crime. While he was awaiting trial, Daniel told defense investigator Nancy Smith, with whom he had been close, that he thought about Mrs. Moss and the pain she must be going

through, that he was very sorry for what he had done, and that he was praying for her family. He said he wished he could go back to that day and change it so that the Moss family would be spared.⁸

Daniel's remorse grew over time. In 2007, he began exchanging letters with Elizabeth Lancaster-Thomas. In "[h]is first (and subsequent) letters," he wrote to Ms. Lancaster-Thomas that he believed he was "a deeply flawed human being." It was a sentiment he repeated "many times in the course of our correspondence."⁹ He also

frequently expressed remorse for his crime, and he told me on numerous occasions how he was trying to make reparation for his crime by his thoughts and actions, although he knew that nothing could ever undo his wrong or alleviate the suffering of the family of his victims.¹⁰

In personal journal entries he shared with Ms. Lancaster-Thomas, Daniel expressed the depths of his remorse. On August 26, 2004, he wrote:

I want so badly to change all the horrible things I've done. I lived life so wrong and so many people were hurt. I feel a taint or stain has been put on my heart and soul from all the bad things I've done. I feel dirty or inhuman in some way. I want to have a clean slate and be washed clean of the filth of my past. I want to fix things and change them for the better for everyone I hurt. I want to give the Moss family back their lives and let them have a happy life. I

⁸ Letter from Nancy Smith (App. 21).

⁹ Letter from Elizabeth Lancaster-Thomas (App. 8).

¹⁰ Letter from Elizabeth Lancaster-Thomas (App. 8).

want to make my sister live a happy and joyful, fulfilling life. I want my family to all live good and without the pain and hurt. I want to erase it all. I want to go back and erase all my bad deeds. I want to do things to contribute to this world. I want to make a statement and impact with my art. I want to go back and stop my parents' divorce. I want to go back to when life was simple and everything was okay. I want my mom, dad, sister, and me to have a real family together and share those memories. I want to erase all of our pains, hurt, burdens, guilt, and take us all away from the violence, drugs, abuse, fighting, screaming, and torment. I want to save those people me and Brandon killed. I want them to live.¹¹

A little over a year ago, Daniel wrote a letter to his family and closest friends. He described his deep regret for the immense pain and suffering he caused by committing the murders "in which three beautiful people lost their lives due to my actions."¹² And he apologized for the pain and grief his loved ones have endured because of his incarceration and possible execution.¹³ He told them that he regrets "wasting my youth in ignorance, not asking for help, and not even realizing the precious nature of human life."¹⁴

B. Daniel Has Accepted Responsibility For His Actions.

Daniel has accepted responsibility for taking the lives of Steven, Kristin, and Bryan Moss. Within 24 hours after his arrest, Daniel waived his Miranda rights and

¹¹ Daniel Lucas journal entry (Aug. 26, 2004).

¹² Letter from Daniel Lucas to Family and Friends (Jan. 28, 2015) (App. 22).

¹³ Letter from Daniel Lucas to Family and Friends (Jan. 28, 2015) (App. 22).

¹⁴ Letter from Daniel Lucas to Family and Friends (Jan. 28, 2015) (App. 22).

agreed to give a statement to the police. In it, he admitted burglarizing the Moss home twice on April 23, 1998. He admitted that he shot and killed Bryan Moss after Bryan came home during the second burglary. And he admitted that after his co-defendant, Brandon Rhode, shot and killed Steven and Kristin Moss, Daniel shot all three victims again to make sure that they were dead.

Daniel never sought to blame anyone else for the crime. His confession was consistent with the physical evidence and the theories of the case that the State presented at both his trial and at Mr. Rhode's. It led to his conviction.

The gravity of Daniel's crime weighed heavily on him. Just over four months after he was arrested, he cut his wrist and had to be hospitalized. Records from Central State Hospital indicate that it was a suicide attempt and that he needed psychiatric treatment. The records also state that Daniel felt that he had nothing to live for and needed help with his depression. Daniel's grandmother, Fay Lucas, writes that shortly after the hospitalization, "[Daniel] asked to be baptized. It was clear that he was looking for something to help him hold on, to make sense of" what he had done.¹⁵

¹⁵ Letter from Fay Lucas (App. 4).

Daniel needed help, but even then he did not deny responsibility for the crime or lay blame at anyone else's door. His close friend Elizabeth Lancaster-Thomas relates that throughout the years she has known him,

Daniel was always at pains to accept responsibility for the actions which led to his conviction and to his subsequent death sentence. He never sought to lay blame on any other person (including [his] co-defendant) ... rather he has claimed total culpability.¹⁶

Daniel has also accepted the fact that the jury at his trial sentenced him to death. He has decided to seek this Board's merciful intervention not because he disputes his culpability for the crime or the appropriateness of his sentence, but because he has changed in ways that have given his life new purpose.

III. Daniel Has Devoted Himself To His Faith And To Helping Others.

In addition to accepting responsibility for the Moss murders and expressing his remorse, Daniel has led an exemplary life over the last 18 years. He has been a model prisoner. He has found faith. And he has devoted himself to helping others inside the prison and out.

¹⁶ Letter from Elizabeth Lancaster-Thomas (App. 8).

A. Daniel Has Been A Model Prisoner.

On September 20, 1999, Daniel arrived at Georgia Diagnostic & Classification Prison ("GD&CP"). Within a week he was written up for a minor incident involving contraband.¹⁷ Since that initial incident, he has maintained an excellent conduct record, and in the 17 years since then, he has not received a single additional Disciplinary Report. Institutional records indicate that Daniel "continues to maintain a clean conduct record," reads to maintain his educational level, and is interested in drawing and does a lot of it.¹⁸ The records further show that Daniel "maintains a low profile, creating no management problems."¹⁹ And his institutional file reflects that he devotes his time to extensive reading on a range of topics, including religion, spirituality, philosophy, art, and music, and to receiving visits from family members, friends, and ministers.

¹⁷ He was written up for possessing cigarettes and pornographic magazines that he had "bought" from another inmate. The institutional file indicates that Daniel may not have known that what he received from the other inmate was contraband, but that was no excuse. He pleaded guilty, accepted his punishment, and assured prison officials that although he "had made a mistake," he was "not here to cause trouble."

¹⁸ There is one later reference in Daniel's GD&CP record to an art book that showed paintings of nude figures by Peter Paul Rubens. A prison guard reported the book as pornography; Daniel maintained that the paintings were classical art. The prison records do not reflect any formal disciplinary action over this incident.

¹⁹ Institutional File Record (Mar. 8, 2001).

B. Daniel Has Become A Man of Faith.

During his time in prison, Daniel has studied many subjects, including religion, art, history, literature, and music. In addition to reading and learning on his own, he has actively sought guidance from others.

As Daniel matured, he came to hate the person he was at the time of the crime. He acknowledged that he was on Death Row because of his own selfish and destructive choices. He described himself at age 19 as a zombie who was utterly lost without any awareness.

By 2010, Daniel's self-loathing threatened to overwhelm him. He struggled to cope with his profound guilt, remorse, regret, and shame. He found that he could not, and he fell into depression. He could think of no way that he could ever make up for what he had done and could find no reason to believe that his life was worth living.²⁰

But then something changed. Daniel started to see more ways in which he could learn and give back to the people around him. A spiritual adviser, Norma Harris, describes what happened:

It was then that he started to notice the word *Buddhism* coming up in things that he read and heard. He didn't know about Buddhism and he asked a friend to send him

²⁰ Letter from Norma Harris (App. 14).

a book about it. Daniel says that he understood this book immediately, and he asked his friend to send him more.²¹

Buddhism teaches compassion and wisdom. Meditation is one of the practices of Buddhism, and has been shown to be particularly beneficial to inmates.²² Daniel began to practice meditation in 2010, beginning with one five-minute session a day and gradually increasing the time and number of sessions. Through meditation, he began to turn his thoughts in a positive direction. He let go of crippling and self-destructive thoughts and emotions, and instead cultivated virtues like compassion and wisdom. He began to study Buddhism formally through correspondence courses.²³

Daniel also began searching for teachers. He sent letters to a Buddhist organization that “offers spiritual advice and teachings ... to people in prison interested in exploring, studying and practicing” Buddhism in order “to calm their mind [and] to develop their positive qualities.”²⁴ The staff and volunteers at the organization “don’t proselytize.” To discover and learn “the applicant must be motivated and tenacious -- writing several times before getting a pen pal.”²⁵ Daniel

²¹ Letter from Norma Harris (App. 14).

²² See, e.g., Walpole Study of the Transcendental Meditation Program in Maximum Security Prisoners II, 36 Journal of Offender Rehabilitation 127 (2003).

²³ See Certificates of Completion from the Asian Classics Institute (App. 23).

²⁴ Letter from Olivier Sylvere (App. 11).

²⁵ Letter from Olivier Sylvere (App. 11).

stuck with it. He was eventually matched with Olivier Sylvere, who has volunteered with the organization for more than seven years.²⁶

Mr. Sylvere's letter to this Board explains that Buddhists believe "with hard work, we can become better people." Mr. Sylvere has been struck by Daniel's hunger to do just that. He recognizes that Daniel caused "unbearable suffering" by committing the Moss murders. "Nothing could justify the acts perpetrated. And Daniel himself is very much aware of this. But something must come after the actions and the suffering. What does a man do after he causes suffering to show who he wants to become and how he wants to change?"²⁷

Daniel continues to focus on improving himself. He has told Mr. Sylvere that he seeks "to develop a good heart. To use the remaining time to regret, progress, and be of benefit to others."²⁸

C. Daniel Has Attempted To Atone For His Crime By Helping Others.

The letters submitted in support of this Application are evidence of Daniel's ongoing efforts to atone for his crime by helping others inside and outside the prison.

Mr. Sylvere has witnessed how Daniel has tried to help others, including his attempts to help his mother and his high school sweetheart in their struggles with

²⁶ Letter from Olivier Sylvere (App. 11).

²⁷ Letter from Olivier Sylvere (App. 11).

²⁸ Letter from Olivier Sylvere (App. 11).

addiction, and his efforts to console Mr. Sylvere after his father's death last year.

Mr. Sylvere says Daniel "found the most comforting words." He was "very moved" by Daniel's thoughts and actions.

Mr. Sylvere is also inspired by Daniel's redemption. He writes, "I have learned so much from Daniel because of his firm and unwavering determination ... to make himself a better person."²⁹

Like Mr. Sylvere, Les Ste. Marie responded when Daniel was searching for teachers, and then formed an unexpectedly deep friendship with him. Mr. Ste. Marie and his wife Louise Collins are volunteers at Gampo Abbey, a Buddhist facility in Canada. In 2013, Daniel sent a letter to the Abbey, which Louise received and read. Louise "was very impressed by the tone and sincerity of Daniel's letter," so she asked her husband to write back to Daniel "about his deepening interest and commitment to Buddhist meditation practice and study."³⁰

This correspondence has continued for more than two years. Eventually, Les and Louise began to speak to Daniel by telephone, and last November they traveled to Georgia to meet him in person.³¹ Les writes that as their friendship with Daniel

²⁹ Letter from Olivier Sylvere (App. 11).

³⁰ Letter from Les Ste. Marie (App. 12).

³¹ Letter from Les Ste. Marie (App. 12).

began to take root, he and Louise grappled with “the two apparently contradictory aspects” of Daniel’s story:

First he is one of the most thoughtful and articulate young men we have met over the decade of working with many young people who have come to live at Gampo Abbey. His understanding and commitment to Buddhist meditation practice and study is exceptional. However, we also learned about the nature of the crime that he had committed and the pain and suffering that he had been responsible for inflicting on the Moss family. We are parents, our son is the same age as Daniel. To have your partner and children taken away from you the way it happened to Mrs. Moss is almost unimaginably painful to us.³²

As their friendship with Daniel deepened, Les and Louise came to see “that he has genuine remorse and regret for his crimes. He has taken full responsibility for his actions. As part of his daily meditation practice he reviews his past actions and the suffering he has caused ... [and] prays for Mrs. Moss.”³³ Les and Louise recognize that even by “transforming himself and his life,” Daniel cannot undo the suffering he caused to the Moss family, “because nothing can bring back Steven, Kristin and Bryan Moss.”

And yet, Daniel’s attempts to help others are “the utmost he can do to give back to the world some semblance of what he has taken away.”³⁴ Les and Louise

³² Letter from Les Ste. Marie (App. 12).

³³ Letter from Les Ste. Marie (App. 12).

³⁴ Letter from Les Ste. Marie (App. 12).

have personally witnessed Daniel's constant efforts to live a life that "can truly be of benefit to others." They ask the Board to spare Daniel so that he can "help other prisoners the way he has been helped, help them to understand themselves better," and help them discover "how to be in the world in a more responsible and healthy manner."³⁵

By 2014, Daniel had been studying and practicing Buddhism for four years.³⁶ He decided to formalize his commitment by taking formal vows declaring his intention to dedicate his life to kindness and service to others.³⁷ Les Ste. Marie began to search for someone near Jackson who could arrange for an Acharya (the Buddhist equivalent of "Chaplain") to visit Daniel and administer the vows.³⁸ In October 2014, Acharya Richard John met Daniel on Death Row and administered the vows.

Daniel affected Mr. John tremendously. He writes that he has worked with other prisoners who have expressed an interest in Buddhism, and they generally display "a mixture of sincerity and desperation, fixating on some philosophy that might offer hope in their painful life situations."³⁹ Mr. John expected that Daniel would fit this pattern, but what he found instead was a "stunning surprise":

³⁵ Letter from Les Ste. Marie (App. 12).

³⁶ Letter from Norma Harris (App. 14).

³⁷ Letter from Richard John (App. 13).

³⁸ Letter from Richard John (App. 13).

³⁹ Letter from Richard John (App. 13).

I found a young man who was very alive and awake, in a very positive and dignified way. His deep remorse over his crime, and his sadness at the immense suffering he had caused, were the most total and genuine I had ever seen. And his aspirations to lead a good, compassionate life and be of benefit to others -- during whatever time he had left -- were also extraordinary and genuine.⁴⁰

Mr. John writes that Daniel took his vows “with pure and sincere intention,” and noted that by the time they met again a year later, Daniel’s day-to-day life was devoted “to study, prayer, and counseling others who needed help.”⁴¹

Like Mr. John, Norma Harris, a teacher at the Shambhala Meditation Center of Atlanta, has also been affected by Daniel’s commitment to help others. She first encountered Daniel in the fall of 2014, after making the arrangements for Mr. John to administer the vows.⁴² Since then, she has come to know Daniel well. She visits him every week, and they talk by phone and write letters. In her letter to this Board, she writes that she and Daniel “talk about the terrible crime he committed and how it came to that ... about his thoughts and feelings ... [and] about the Buddhist view of life and what he is practicing and how he is practicing.”⁴³ They also pray together during their visits.⁴⁴

⁴⁰ Letter from Richard John (App. 13).

⁴¹ Letter from Richard John (App. 13).

⁴² Letter from Norma Harris (App. 14).

⁴³ Letter from Norma Harris (App. 14).

⁴⁴ Letter from Norma Harris (App. 14).

Ms. Harris says that part of Daniel's meditation practice is "to acknowledge every day what he did, the suffering he caused then, and the pain that others -- especially Mrs. Moss -- still feel. He prays for relief for Mrs. Moss, wife and mother of those he killed."⁴⁵

Ms. Harris says that "now [Daniel] recognizes that helping others is what makes a life meaningful, and he recognizes that he has something he can offer."⁴⁶

Ms. Harris explains the many ways that Daniel acts for the benefit of others: "He gives: he writes poems and makes drawings for others. He gives others the CDs and books that teachers and friends have sent to him. [He] makes himself available to others to comfort and counsel them."⁴⁷ She also reports that Daniel's knowledge of Buddhism today transcends her own. She says that Daniel "has become an excellent teacher" and that she is learning a great deal from her meetings with him.⁴⁸

"Daniel is presently a powerful positive example to those he lives with. He can continue to be an example to others and to mentor them," Ms. Harris writes.⁴⁹ "[He] is a man who can help his fellow prisoners accept responsibility for their own crimes, and ... commit their own lives to compassion, as he has done. This can only

⁴⁵ Letter from Norma Harris (App. 14).

⁴⁶ Letter from Norma Harris (App. 14).

⁴⁷ Letter from Norma Harris (App. 14).

⁴⁸ Letter from Norma Harris (App. 14).

⁴⁹ Letter from Norma Harris (App. 14).

be for the good of any prison, and by extension for society as a whole.”⁵⁰ Ms. Harris says that this is the reason Daniel wishes to go on living.⁵¹

Several writers identify Daniel’s remorse as the driving force behind his efforts to contribute positively to their lives and the lives of others. For example, his aunt Alana Cheek writes:

I know that Daniel can never make up for what he did to the Moss family. I can’t even imagine what Mrs. Moss has gone through and still must go through every day. As a mother, my mind won’t even let me go there. It won’t let me think of a time that I might not have my son. But Daniel does think about what it is like for Mrs. Moss, what he did to her and her family. He knows he did it from a place of negativity and selfishness, and he accepts full responsibility for it. What he has been trying to do since then is put as much positivity as he can back into the world. If you let him live, I know that is what he will keep doing. Please let him live to keep doing it.⁵²

Similarly, his friend Emma Cataford writes:

I’m not going to pretend I fully understand the suffering Daniel’s crimes have caused. The pain that his victims’ family has endured is unfathomable. What I can say is that he’s never tried to deflect his responsibility and all his efforts since I have known him have been towards benefiting others. The concept of karma in Buddhism (acknowledging the consequences of our thoughts and actions) has been a support and guide for him. He has taken his time in prison to face the great damage he did,

⁵⁰ Letter from Norma Harris (App. 14).

⁵¹ Letter from Norma Harris (App. 14).

⁵² Letter from Alana Cheek (App. 5).

and used it as an opportunity to discover and share whatever he can offer the world to make amends for that damage. His deep remorse has brought on the development of great compassion for others.⁵³

Daniel tries to make amends by contributing positively to the prison environment. His father David Lucas describes these efforts in his request for clemency:

When I go to see Daniel at the prison, guards tell me that if other inmates were like my son, the prison would run smoother. Other inmates tell me that when they're feeling bad or mad or sad, Daniel talks to them, and they get to feeling better. He has compassion for others and tries to help them, and as long as you do that, then you have a purpose in life. It's only once there's nobody there to help anymore, then your job is done.⁵⁴

Daniel's grandmother Fay Lucas also describes Daniel's positive influence inside the prison:

One of his prison friends, a man who knew he was up for execution before Daniel, told me that there's a table where he and Daniel and a few others sit, and Daniel teaches them how to take responsibility for what they've done and make peace. I could see what that has done for Daniel's friend, even though he's not into Buddhism. I thought, that's amazing, that Daniel can do that. Please let him live so he can do that for more people. I know he can, and he will.⁵⁵

⁵³ Letter from Emma Cataford (App. 18).

⁵⁴ Letter from David Lucas (App. 2).

⁵⁵ Letter from Fay Lucas (App. 4).

Mrs. Lucas's letter refers to Joshua Bishop, who lived alongside Daniel on Death Row for many years. Mr. Bishop also submitted a letter in support of clemency for Daniel in which he said that "there were days when I couldn't concentrate on a subject, and I knew the place to go would be Daniel's cell. It [Daniel's cell] was a place of inspiration, for me, and many other guys on our cellblock."⁵⁶ Mr. Bishop also wrote, "I believe Daniel had the most impact on other men with the way [he] has chosen to live his life in here."⁵⁷ Another inmate named Winston Barrett writes that Daniel "has fed me when I was hungry. When I was sick, he prayed for me and checked on me several times a day."⁵⁸

Many people ask the Board to spare Daniel so that he may continue to help other prisoners. Les Ste. Marie writes that if the Board grants Daniel clemency, "he will be of direct benefit to many other prisoners in the future. He has the capacity and the motivation to help other prisoners turn their lives around and become productive members of society."⁵⁹ Elizabeth Lancaster-Thomas says the same thing:

If Daniel were to be granted clemency by the parole board, and given life without parole, I am sure that he would contribute greatly to any prison community of which he were to become a part. Fellow inmates and prison guards

⁵⁶ Letter from Joshua Bishop (App. 9).

⁵⁷ Letter from Joshua Bishop (App. 9).

⁵⁸ Letter from Winston Barrett (App. 10).

⁵⁹ Letter from Les Ste. Marie (App. 12).

at GD&CP respect his mild manner, and he is in many ways the proverbial "model prisoner."⁶⁰

Daniel's personal experience makes him uniquely qualified to influence the lives of other prisoners, according to people who have worked extensively with other inmates. For example, Dan Phillips, who has worked with many incarcerated people, writes that Daniel "can be a living example to other inmates, demonstrating through his example that redemption is possible."

In addition to helping prisoners, Daniel provides much-needed comfort, support, and advice to many family members. His mother Debra Radcliffe writes:

I am so proud that he's grown to be so mature. He has given me strength to trust God again, because I see how much his faith has changed him. I am a Christian, but I feel like we mostly believe in the same things, just with different names. I'm so happy he found something to believe in ... that has turned him back into the person he was as a child, back into my real son. When I look how far he's grown spiritually, and I see that he can do it in his circumstances, I believe I can surely be able to do it too.⁶¹

Daniel's aunt Alana says that when the family visits him in prison, "[h]e spends all his time and effort making it more about us being ok, than him. He always tries to smile like everything is ok. Sometimes I could tell that it was just a brave face, but he kept that face until we left."⁶²

⁶⁰ Letter from Elizabeth Lancaster-Thomas (App. 8).

⁶¹ Letter from Debra Radcliffe (App. 3).

⁶² Letter from Alana Cheek (App. 5).

Daniel's grandmother says that ever since Daniel went to prison, he always made sure to do something special for her and his grandfather for their birthdays and anniversaries. She writes of the comfort Daniel offered her when his grandfather died: "Even though [Daniel] loved his Papa so much, and he was hurting as much as anyone, he called Alana to ask her to take care of me. That is the person he has become."⁶³

Daniel's many friends also find comfort, support, and inspiration from their relationship with him. John Cole, a professor at Mercer University, writes:

If you look into his eyes and hear him speak you will feel that same powerful, loving, compassionate person that I felt. In [our] first meeting he became my teacher. He did not teach me new words -- he exemplified the teaching in a nonverbal way that touched me deeply. I am a better person, and a better teacher now that than I was before I met Daniel. He is an inspiration to all who meet him, and I hope that he stays alive so that he can continue his influence on me and others.⁶⁴

Emma Cataford describes how Daniel has given her "lots of useful advice" for keeping a rigorous schedule of prayer and study.⁶⁵ She also writes:

In addition to sharing his knowledge of the teachings, he has been the most valuable source of motivation for me. To keep his focus while he is on death row, to commit every day to bettering himself and the world -- that takes

⁶³ Letter from Fay Lucas (App. 4).

⁶⁴ Letter from John Cole (App. 17).

⁶⁵ Letter from Emma Cataford (App. 18).

tremendous strength. I always think, "If Daniel can do it, I can do it." That is, not losing faith in humanity's potential for goodness.⁶⁶

Marcus Hutchinson is a married father of three and the clinic director for the Atlanta Falcons Physical Therapy Centers. Mr. Hutchinson met Daniel through Norma Harris, and he asks the Board to spare Daniel's life because of Daniel's tremendous capacity to inspire others. He says that Daniel

is a shining example of what is possible. That someone so broken, so confused, so selfish, can learn to open his eyes and see the extent of the pain he caused, damage he wreaked, and suffering he created in so many lives. Daniel has taken this knowledge and reached out from the depths of his heart to try and make amends. He is in complete acceptance of the truth and points the finger of blame sharply at himself. But rather than wallow in self-pity, he has risen from the ashes of who he was, and become a man with real meaning and conviction: To help others, on both sides of the wall, understand and overcome their past.⁶⁷

One way Daniel helps others is through his art. Although he showed a talent for drawing when he was a child, it was not until he arrived on Death Row that he really "discovered" art. This discovery was life-changing, and Daniel dedicated a good portion of his time over the next ten years to studying and creating art. His friend Elizabeth Lancaster-Thomas (an artist and retired teacher with a Master's

⁶⁶ Letter from Emma Cataford (App. 18).

⁶⁷ Letter from Marcus Hutchinson (App. 19).

Degree in Fine Art) describes him as a “talented and accomplished” artist and marvels at his skill.⁶⁸

Daniel has never tried to use his art to his own advantage. Indeed, he told Ms. Lancaster-Thomas that “he would gladly have cut off his much-valued ‘drawing hand’ if it could undo his crime.”⁶⁹ But he sees his art as “one thing which he can create through diligent work and a great deal of effort, that he can offer to others.”⁷⁰ He has drawn many pictures and illustrations for his friends and family.⁷¹ One drawing, which he gave to Christ United Methodist Church in Forsyth, hangs in the office of its pastor, Keith Harris.

Daniel has seen the value in art for other inmates on Death Row and helped them benefit from it. He is a “natural teacher, patient and caring for those who seek to learn from him.”⁷² One inmate wrote, “[i]t only took me one look at his work to know that I could learn a great deal from the way he expressed himself with a pencil,” and whenever this inmate was looking for inspiration, “I always knew the place to go would be Daniel’s cell.”⁷³ Daniel has explained to others that he believes “if he [can] help other prisoners to see their own positive potential, to be creative

⁶⁸ Letter from Elizabeth Lancaster-Thomas (App. 8).

⁶⁹ Letter from Elizabeth Lancaster-Thomas (App. 8).

⁷⁰ Letter from Elizabeth Lancaster-Thomas (App. 8).

⁷¹ Letter from Elizabeth Lancaster-Thomas (App. 8).

⁷² Letter from Elizabeth Lancaster-Thomas (App. 8).

⁷³ Letter from Joshua Bishop (App. 9).

and express themselves in healthy ways, that this would be a way in which they could transform their lives like he has been able to transform his own.”⁷⁴

IV. One Of The Jurors Who Sat In Judgment Of Daniel Lucas Now Supports Clemency.

Having learned that Daniel has behaved well in prison, one of his jurors asks that the Board “please show Mr. Lucas mercy and give him life without parole.”⁷⁵ Victor Thompson writes that he “felt so sorry for Mrs. Moss and I still do.”⁷⁶ “These were terrible crimes Mr. Lucas did, and I believe he is guilty of them.”⁷⁷ At the same time, “[i]t is important to me to learn that Mr. Lucas has had good behavior in prison.”⁷⁸ So “[e]ven though these were terrible crimes and I believe he should be held one hundred percent responsible for what he did, I feel that living the rest of his life in prison is the right punishment for Mr. Lucas.”⁷⁹

CONCLUSION

When he was 19 years old, Daniel Lucas committed a terrible crime. But since then he has done what one would hope he would do, and the only thing he could do to atone: accept responsibility, express remorse, lead a virtuous life, and

⁷⁴ Letter from Les Ste. Marie (App. 12).

⁷⁵ Letter from Victor Thompson (App. 20) at 2.

⁷⁶ Letter from Victor Thompson (App. 20) at 1.

⁷⁷ Letter from Victor Thompson (App. 20) at 1.

⁷⁸ Letter from Victor Thompson (App. 20) at 2.

⁷⁹ Letter from Victor Thompson (App. 20) at 2.

find ways to give back to others. After doing the greatest wrong, he has spent 18 years devoted to doing right.

The Parable of the Lost Sheep says “there will be more joy in heaven over one sinner who repents, than over ninety-nine righteous people who need no repentance.” Luke 15:7. Daniel has repented. This is therefore a case in which mercy should be given.

Mercy is a divine quality, but it is not reserved for God alone. This Board, both as a group and by each individual member, has the power and the moral authority to consider what Daniel Lucas has done with his life since his crime, to allow him to continue to help and inspire others and to give back to humanity everything he can. Daniel’s many supporters ask you to do so.

* * *

For these reasons, and for the reasons found in the evidence and argument that will be presented at the hearing on this Application, on behalf of Daniel Lucas and a world that stands to benefit from the good works he still has to offer, we ask the Board to (1) grant a stay of execution for 90 days to permit the Board to review and deliberate about the evidence presented on Daniel’s behalf and (2) exercise its power

to bestow mercy and commute Daniel's death sentence to a sentence of life without the possibility of parole.⁸⁰

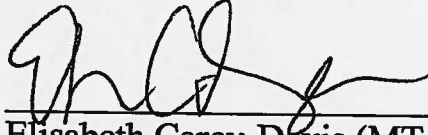
This 20th day of April, 2016.

Respectfully submitted,

David C. Blickenstaff (IL 6224496)
SCHIFF HARDIN LLP
233 S. Wacker Drive, Suite 6600
Chicago, IL 60606
Tel: (312) 258-5500
Fax: (312) 258-5600

One Atlantic Center
1201 West Peachtree Street NW
Suite 2300
Atlanta, GA 30309

By:


Elisabeth Carey-Davis (MT 12528)
CAREY-DAVIS LAW
811 N. 17th Avenue
Bozeman, MT 59715
Tel: (406) 219-3859

Counsel for Daniel Anthony Lucas

⁸⁰ A proposed order setting forth the reasons that commutation is appropriate in this case is included in the appendix that accompanies this Petition (App. 24).