

Kenneth Foster, Jr Death Row Inmate – A Story of Redemption

The Story

As I watched the 2nd episode of “I Am A Killer” on Netflix I sat up – intrigued by the words I was hearing from the death row inmate known as Kenneth Foster Jr. "You don't understand death row until you're there," says Kenneth Foster, Jr., speaking from behind a thick pane of glass.

"Every day there were executions mounting up. Some of those people became my friends and one day that was going to be me."

I can get lost in the mall parking lot and experience a minor anxiety attack I could not image waking up every day or going to bed every night knowing it could be my last day on earth. I know that no one knows when their last day of living will end, but one who is on death row knows that it could very well be the next day.

The Crime

One night in August of 1996, four black men were arrested in connection to the shooting of Michael Lahood Jr., a white 26-year-old San Antonio law student. They were also found guilty of two robberies that took place hours before the event that changed many lives forever.

History

Between 1775 and 1974, more than thirteen thousand people were put to death in the United States. During this period, the Supreme Court consistently affirmed the constitutionality of the death penalty. At various points, the Justices did suggest that some forms of execution, such as quartering, might be unconstitutional;¹⁰ however, they never found a problem with capital punishment as actually practiced by the states. Indeed, in 1971, the Supreme Court went so far as to hold that states need not establish standards to govern the jury's imposition of the death penalty in capital cases.

Then, in the 1972 case *Furman v. Georgia*, the Supreme Court reversed course, holding that the death penalty, as then applied, violated the Eighth Amendment's ban on cruel and unusual punishment. *Furman* uniquely divided the Court, yielding nine separate opinions. On top of that, not a single Justice who adopted the majority conclusion joined the opinion of any other Justice. This resulted in five separate concurrences and failed to produce a plurality-much less a majority-opinion.

Over the next few years, state legislators passed statutes that they hoped would alleviate the Court's concerns regarding arbitrary sentencing practices. Criminals sentenced to death under these new guidelines filed appeals challenging the constitutionality of their sentences. Five of these cases—challenges against statutes in Florida, Georgia, Louisiana, North Carolina, and Texas—were consolidated and formed the basis for the landmark 1976 Supreme Court decision, *Gregg v. Georgia*. In that case, the litigants urged the Court to go beyond *Furman* and definitively hold that the death penalty is *per se* unconstitutional.

The Justices declined to take that path. Instead, Justice Stewart, writing for the *Gregg* plurality, held that capital punishment was not, in itself, cruel and unusual. Capital punishment failed to meet this threshold because it (1) was compatible with "the evolving standards of decency that mark the progress of a maturing society," and (2) "accord[ed] with 'the dignity of man,' which is the 'basic concept underlying the Eighth Amendment.'"

The Law

Capital punishment, death penalty or execution is government sanctioned punishment by death. The sentence is referred to as a death sentence. Crimes that can result in a death penalty are known as capital crimes or capital offenses, such as first-degree murder, terrorism, and espionage.

Final Thoughts

According to Mr. Foster he did not actually pull the trigger however he involved with the murderer would it be reasonable to say that he chose not to kill because of the threat of punishment? Does one become criminally responsible when they choose to avoid the act in order to avoid punishment?

On another note does serving 20, 30, 40, 50 years in prison condition the prisoner to accommodate himself to it, till at last, it ceases in a manner to operate upon him?

The death penalty is the worst punishment society can inflict upon one of its members. It is the most powerful act of reprobation—the ultimate sign of condemnation for a fellow human. The

claim that death is the ultimate sanction has been repeated so frequently that most simply accept it without question.

Mr. Foster described his ordeal as traumatic – emotionally disturbing – do you ever think of a situation as similar to “trauma in the ER” without blood on the floor? Some marriage is #traumatic.

Redemption

Hours before his scheduled execution as a disputed accomplice in a 1996 murder, Kenneth Foster won a rare commutation to life in prison on Thursday after [Gov. Rick Perry](#) followed the recommendation of the Texas Board of Pardons and Paroles and granted a death row reprieve.

Kenneth Foster is serving a life sentence with the possibility of parole and will be up for review in 2036. Foster and his support team refuse to accept this fate.

[Colossians 1:20-22](#)

And through him to reconcile to himself all things, whether on earth or in heaven, making peace by the blood of his cross. And you, who once were alienated and hostile in mind, doing evil deeds, he has now reconciled in his body of flesh by his death, in order to present you holy and blameless and above reproach before him,

Redemption - the action of saving or being saved from sin, error, or evil. Punishment, whatever shape it may assume, is an evil.

The matter of *evil*, therefore, is the sort of matter here in question:—the matter of evil in almost all the shapes of which it is susceptible. In considering this matter, two objects, constant accompaniments one to the other, will require to be distinguished;—viz. 1. The act by which the evil is considered as being produced; and, 2. What is considered as being the result of that same act, the evil itself which is thus produced, (Bentham, n.d.)

The act was evil the punishment was evil, and the brother was consumed with anger. Based on Mr. Foster’s admission he believes in redemption and according to the brother he too believes in redemption except there will be no redeeming feeling for Mr. Foster.

Christians tend to use the term "redemption" in two general ways, given the particular contexts, persons, and/or situations needing to be redeemed. First, Christians talk about redemption as

being forgiven of sins, absolved of guilt, justified before God, and saved from the consequences of sin.

American public interest in prison movies has remained unabated from the time when Robert Montgomery in *The Big House* portrayed a fearful playboy sentenced to ten years in prison for a death caused by his drunk driving. In the congested penitentiary, we gradually discover the difficulties of survival there. In 1994 Tim Robbins and Morgan Freeman portrayed prison comrades in Hollywood's inspirational prison film, the best picture Oscar-nominated *Shawshank Redemption*. Adding in 1995 to the sagas about Alcatraz, Kevin Bacon played a convict gone crazy by years of solitary confinement in *Murder in the First*, the real-life tale of Henry Young's brutal treatment at the nation's most notorious penitentiary. A crusading passion marks their genre, as a similar theme recurs in film after film: the injustice and cruelty imposed on the convicts as they try to retain a semblance of human dignity under difficult circumstances, together with the concept of redemption through physical and spiritual suffering.

Will an 40 additional years for Kenneth equate to a life lost – at first glance perhaps not but what we don't know is (1) *true believers of God* know that IF God wanted Michael's life spared, he would still be alive; (2) what we don't know is if we believe the first statement then we could further surmise that perhaps (a) he had fulfilled his purpose on this planet; or (2) his sins were so grave God allowed Satan to take his soul.

Another Note

Regarding Nico (Michael's angry brother) - when appellant Tashayla Jackson requested an appeal from a final order terminating her parental rights. An appeal was due on December 28, 2015. See [Tex. R. App. P.26.1\(b\)](#) (requiring notice of appeal to be filed within twenty days after the judgment is signed in an accelerated appeal. Next - A motion for extension of time to file the notice of appeal was, therefore, due on January [*2] 12, 2016. See [Tex. R. App. P. 26.3](#) (providing a fifteen-day grace period after the deadline for filing a notice of appeal). Appellant filed her notice of appeal on January 29, 2016, well after the deadlines for filing the notice of appeal and motion for extension of time to file the notice of appeal had expired. See *id.* Once the period for granting a motion for extension of time under [Rule 26.3](#) has passed, a party can no longer invoke the appellate court's jurisdiction. [Verburgt v. Dorner, 959 S.W.2d 615, 617 \(Tex. 1997\)](#). On March 2, 2016, this court ordered appellant to show cause in writing within thirty days why this appeal should not be dismissed for want of jurisdiction. Appellant responded by providing an explanation for the late filing of the notice of appeal, contending it constitutes a reasonable explanation warranting our retention of the appeal. However, provision of a reasonable explanation for filing a late notice of appeal operates as an implied motion for extension only when the notice of appeal was filed during the fifteen-day grace period for filing an extension. *Id.* Here, the fact that appellant's notice of appeal was filed after expiration of the

fifteen-day grace period for requesting an extension deprives this court of jurisdiction in this matter. [*3] Id. Accordingly, the appeal must be dismissed for want of jurisdiction. See [Tex. R. App. P. 42.3\(a\)](#).

I know hundreds of women who work on getting their lives together and it is a daunting and tumultuous process with setbacks from every organization designed to help those without deep pockets. Things we take for granted like getting in the car going to the grocery store, or picking up the phone with the expectation that it is still “on”, getting our teeth cleaned, keeping our lights on seem easy – but imagine – just imagine your demon is drugs or an abusive relationship – and you can’t see your way out because you don’t see your way while you’re in the mess and then – **BAM** the light goes on and you have a *moment of clarity* and make a MAJOR decision to turn your life around. It’s not as easy as it looks or sounds on television in those 15 seconds drug rehab commercials at zero dark thirty in the morning. There is a million folk who will go back to what they were doing because folk can get comfortable with chaos. Then they can make a real long-lasting choice because there’s nothing like going back into the shit hole and realizing it stinks and you never knew how bad it was until you came out.

Why do I mention this, because Mr. LaHood stated - “I tell our prosecutors to always do what’s right, not what’s easy,” LaHood explained. “To do what’s right means to do what is appropriate.” Was it appropriate to not lend way to Tashayla and is not appropriate or necessary for Nicholas’ to extend a heart-felt unconditional sign of forgiveness to Mr. Foster so that he too can be healed?

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