

Plea deal ends 30-year-old Texas death row case

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One of Texas' longest-serving death row inmates has avoided execution for decades-old slaying with a sentencing agreement that makes him eligible for parole in 12 years.

Delma Banks was sent to death row in 1980 for fatally shooting a teenager and stealing his car six months earlier near Texarkana in far northeast Texas. Only eight of the nearly 300 Texas prisoners awaiting execution have been on death row longer than Banks, 53.

Banks long argued his trial for killing 16-year-old Wayne Whitehead was unfair, contending prosecutors withheld information that a witness during his punishment trial was a paid informant whose testimony was coached.

Under the plea agreement reached Wednesday, any credit for time he's already served begins with 2004, when the U.S. Supreme Court upheld Banks' conviction but agreed with a lower federal appeals court decision that he should have a new punishment hearing. When he was tried originally, Texas had no life without parole option for jurors in capital cases.

Banks' new punishment trial had been set for October on a venue change to Collin County in suburban Dallas. By the time he becomes parole eligible, he'll be 65 and have 44 years behind bars.

Bowie County District Attorney Jerry Rochelle said Whitehead's parents wanted the prolonged legal process to close.

"After 32 years of dealing with the offense, the death of their son, the original trial, the appeals and the prospect of a new trial, they were ready for it to end," Rochell told the Texarkana Gazette.

In 2003, Banks got within 10 minutes of his scheduled execution before the Supreme Court stopped it.

Whitehead, from Wake Village, just west of Texarkana, had worked with Banks at a restaurant. The night of April 11, 1980, Banks ran into Whitehead and his girlfriend after a high school dance and asked for a ride home. Banks, then 21, bought some beer and the three of them went to the park in nearby Nash. They took the girl home about 11 p.m., then went back to the park where Whitehead was shot three times — twice in the head — "for the hell of it," according to a witness who testified at Banks' trial.

Banks took Whitehead's car, drove it 160 miles west to Dallas and dumped it there, then returned home on a bus. The car never was found.

Banks was arrested in Dallas, where he returned about 10 days later to get a gun so he and two other men could commit some robberies, he said at his 1980 trial. Evidence showed he also led police to the gun that was tied to Whitehead's slaying.

Banks had no previous criminal record. At his trial, his father testified he had fallen in with "the wrong bunch."

Information from: Texarkana Gazette, <http://www.texarkanagazette.com>

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