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State law, ruling on abuse of women help free inmate

Hudie Walker leaves prison after 16 years because no effort was made to bring testimony into her murder trial on the effects of spousal battering.

May 30, 2007 | Henry Weinstein | Times Staff Writer

After spending 16 years in prison, Hudie Joyce Walker walked out of a Pomona courtroom Tuesday a free woman -- a sign of how much the law has changed for battered women who strike back.

Walker was the beneficiary of the first appellate court decision to interpret a 2002 state law that allows inmates to reopen their cases if they can show that expert testimony on abuse probably would have changed the outcome.

Walker -- who never knew her father and was sexually abused by her mother's boyfriends -- was in a series of abusive relationships until her fourth husband was shot dead and she went to prison.

Now 65, Walker has plenty of plans for her future.

As she emerged from Los Angeles County Superior Court on Tuesday, she ran into the daughter of an inmate she knew at the California Institution for Women in Corona. "Enjoy what you've got left," the daughter advised.

"Oh, I've got a lot left," Walker said. "Sixty-five is just a number."

She will visit great-grandchildren in St. Louis and Dallas whom she has never met, and she plans to be an activist on behalf of battered women.

"I see these television talk shows where they ask abused women, 'Why didn't you leave?' The hosts say, 'I never would have put up with that.' Well, ma'am, you have never walked in our shoes. I want those women to never feel ashamed."

USC law professor Carrie Hempel said the decision marks the right of a battered person to get a new trial if she was convicted of homicide before the law recognized the importance of expert testimony on the effects of battering. It could help 50 or 60 other cases.

Walker was charged with first-degree murder for allegedly shooting her husband, Thomas Walker, at their Hacienda Heights home on Mother's Day 1990. It was a day she had hoped to go to a Dodgers game with her daughters and grandchildren.

Her husband, who had beaten her for years, had other ideas. He insisted that she accompany him to the Moose Lodge in El Monte, one of his regular watering holes.

After they returned home, he pointed a shotgun at her and said, "Today will be your last goddamned day on this Earth," according to court records. She fled and called the Los Angeles County Sheriff's Department. A deputy tried without success to speak to Walker, and told Joyce Walker to stay away from the house until her husband had sobered up.

She drove around for hours. When she saw her husband's pickup truck at another bar, she went home for some belongings. He returned unexpectedly, and she called the sheriff's office.

What happened next was in dispute.

A deputy testified that Joyce Walker told him on the phone that she was going to kill her husband. But she testified that she began to cry, and told her husband that she had the police on the phone. Her husband's reaction: "That will be your last ... phone call," she testified. He threw a box on the kitchen table, and it popped open to reveal a handgun, she said.

Joyce Walker said they both grabbed for the gun. The .25-caliber handgun discharged, and Thomas Walker was killed.

It was an accident, Joyce Walker's lawyer said.

Joyce Walker also testified that her husband became verbally and physically abusive whenever he drank. She said she left him several times, but returned after he promised to treat her better and curb his drinking. Several other witnesses also testified about his violent behavior.

But the prosecutor, relying heavily on the testimony of the deputy, pressed for a first-degree murder conviction. He told the jurors that Joyce Walker would not have stayed with her husband if he had been as violent as she claimed.

"Why did you love Mr. Walker? I suppose I don't understand," he said. "There must be something you're not telling us."

The jury convicted her of second-degree murder, and she was sentenced to 19 years to life.

She then began a series of unsuccessful appeals. The most important one came 14 years ago when the state Court of Appeal rejected her habeas corpus petition that asserted that her lawyer had failed to represent her effectively because he had not offered expert testimony about battered women's syndrome.

The Court of Appeal concluded that Walker's lawyer had made a rational trial strategy decision because such evidence "would have undermined Walker's claim that she accidentally shot and killed her abusive husband."

But in the years since Walker's trial, there "was a sea change in the law and the understanding of intimate partner battering and its effect," said her attorneys, Beth Collins-Burgard and Dan Seltzer, in a statement. They represented Walker for free in recent years as part of the pro bono program of their firm, Latham & Watkins.

In 1992, the Legislature decided that people accused of a crime could use evidence of battered women's syndrome (later called "intimate partner battering and its effect"). Four years later, in *People vs. Humphrey*, the California Supreme Court said expert testimony about battered women's syndrome can "disabuse jurors of commonly held misconceptions."

"Evidence of battered women's syndrome not only explains how a battered woman might think, react or behave, it places the behavior in an understandable light," the court said.

Such evidence, the court held, could show that a person might have reasonably believed her life to be in danger even in a situation that would not seem life-threatening to others.

Then, in 2002, the Legislature permitted courts to grant a writ of habeas corpus (in which an inmate seeks release from an unconstitutional imprisonment) if a person was convicted of a violent felony before the *Humphrey* decision and could demonstrate that the absence of expert testimony on battering prejudiced her defense.

Two years later, Joyce Walker filed a new habeas corpus petition, but a Superior Court judge rejected it. Her attorneys appealed. They included information about battering's effects.

This time, on Feb. 5, the Court of Appeal found in Walker's favor, and said jurors might have convicted her of voluntary manslaughter if they had heard testimony about the effects of abuse.

The ruling entitled Walker to a new trial.

If Walker originally had been sentenced for manslaughter, she would have been released by the time of the new ruling.

After some negotiations, the district attorney's office agreed to accept her plea of no contest to manslaughter. She was released on bail in late April, and on Tuesday she was sentenced to time served and then freed.

For 16 years, her daughters and the group Concerned Women Against Abuse helped Walker endure prison.

And incarceration had some things going for it: "No one ever mistreated me in prison, even the guards. I respected them and they respected me.... One thing about prison -- for the past 16 years I did not wake up with a black eye on Christmas or my teeth knocked out on New Year's."

Now, she is looking at life free of regimentation. "Just to walk in and out the door when I want to," Walker, who is living with a friend, said. "For 16 years, I have never slept alone, taken a shower alone, used a restroom alone."

May 13 was particularly symbolic.

Seventeen years to the day that she shot her husband, Walker finally made it to Dodger Stadium. Her lawyers took her and some of her daughters and grandchildren to a game that the Dodgers won, 10-5. She saw Cincinnati Reds slugger Ken Griffey Jr. hit his 570th home run, using a pink bat to support breast cancer awareness on Mother's Day.

"We sat in the second row right behind the Dodger dugout," Walker said. "It was marvelous. I was treated like a princess."

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