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Texas Frees 12 on Bond After Drug Sweep Inquiry

By MONICA DAVEY

TULIA, Tex., June 16 — In the same warm third-floor courtroom where she was convicted three years ago, Kizzie White was told this afternoon to go home. She searched the packed room for her son, Cashawn, 6, who had lived with relatives since she went to prison and who, for the rest of the afternoon kept one small hand touching her — her hand, her ear, her neck.

Joe Moore, 60, clutched a crumpled shopping bag. In it were gifts he had asked his lawyers to deliver like bubble bath, a toothbrush, cocoa butter and hair conditioner. Mr. Moore, a hog farmer, had been craving a long hot bath for the four years that he spent in a prison in Abilene, he said.

A third man left the courthouse and went home as fast as possible.

"I've got to get to my kids," he called out as he pushed to the exit.

They were among 12 inmates released on bond, most of the remaining people behind bars stemming from a drug sweep in 1999 that led to convictions against 38 people, most of them black. Lawyers and advocates have pointed to the case as an example of racism in law enforcement, and the narcotics agent who organized and carried out the sweep has been criticized for his tactics, racial comments and history.

Still, as the former prisoners and their families celebrated this evening with barbecued ribs and hot links in the basement of the Swisher County Memorial building, their lawyers warned that their legal troubles were not ended.

Ron Chapman, a retired judge who has presided over hearings in the case, ordered the prisoners released after Gov. Rick Perry signed a special bill this month to allow that unusual step. The State Court of Criminal Appeals and the Board of Pardons and Paroles are reviewing the case. Those outcomes will decide whether any convictions stand and whether the 12 people might return to prison.

"It's a significant day, but it's not the end at all," said Vanita Gupta, a lawyer with the NAACP Legal Defense and Educational Fund Inc. "Our clients are walking out under the cloud of conviction."

In fact, some defendants struggled before they went to prison. Some were unemployed, their lawyers said, and others had criminal records. At the hearing, Judge Chapman urged them to avoid trouble.

"There are a great number of people who have a great deal of time, effort and faith in each of you invested," he said. "Your friends and loved ones are counting on you."

As they left the courthouse, some former inmates outlined plans — for engineering school, for road trips, for a big first meal on the outside.

"I just want to go on with my life," said Mr. Moore, adding that he was not certain what that may mean.

Since he was sentenced to a 90-year term for the delivery of cocaine, he said, he did not know what had happened to the 350 hogs that he cared for on 30 acres.

"I don't know," he said. "I've been locked up. I want to go home, look at TV and stay out of trouble."

Some of the lawyers said they planned to deliver a blunt message for their clients when they met with them privately, leave Tulia.

"It's going to be impossible to stay here," said Jeff Blackburn, a lawyer from Amarillo.

The prisoners will encounter the jurors who convicted them, Mr. Blackburn said, adding:

"These folks will have virtually no chance if they stay here. They will be arrested for spitting. They will be pursued to the ends of the earth."

If the prisoners had harsh feelings about Tulia, a dusty town of 5,000 between Amarillo and Lubbock, they were not saying so tonight.

"There's no doubt about it, we have great people here in Tulia," said Freddie Brookins Jr., who was serving a 20-year sentence for the delivery of cocaine.

As lawyers, reporters and relatives gathered at the courthouse, far fewer white residents showed up. The cases have stirred deep racial tensions, and the reactions of the white majority were all but silent. Almost no one, not even officials, would offer opinions about race relations here.

"It's a great community with great people," Sheriff Larry Stewart said. "That's it. That's all I'll say."

On nearby streets and in nearby stores, some white residents, all refusing to be quoted by name, questioned whether the defendants were not guilty of drug crimes and faulted the news media for unfairly portraying an entire town as racist by pinning the work of one troubled officer on an entire community.

Thomas Coleman, the former undercover narcotics agent who carried out the 18-month investigation as part of the Panhandle Regional Narcotics Task Force, was named the state's Lawman of the Year shortly after the arrests. But his credibility — and the case itself — have unraveled. In April, he was charged with lying under oath about his background at a hearing related to the drug cases.

Mr. Coleman has an unlisted telephone number. His lawyer, Cindy Ermatinger of Waxahachie, did not return a call.

Early on July 23, 1999, as television cameras captured their images, the 46 people whom Mr. Coleman said he had bought drugs from were arrested. Thirty-nine were black. No drugs, weapons or large quantities of cash were seized.

At least two of the 38 people who were convicted remained behind bars this evening because of legal complications.

Mr. Coleman's methods raised questions. He did not record his purchases, and he worked alone. His notes sometimes consisted of his jotting down broad information about sales on his leg.

The cases had inconsistencies, too. Tonya White's lawyers proved that she withdrew \$8 from a bank in Oklahoma on the day she was reportedly selling drugs here.

"I knew something would come up to prove I was innocent," Ms. White said. But three siblings, including Kareem and Kizzie, went to prison. Both emerged today.

In a crush of television cameras, Kizzie White, 26, stood with her son and a daughter, Roneisha, 9. Ms. White looked down shyly at the reporters and the constant questions. She said she had missed her children bitterly.

"I wanted to be there for them," she said. She saw her children eight times in prison, she said. She was allowed to call them for a few moments every 90 days, and she wrote to them three times a week to remind them that she loved them, she said. Their names are tattooed in fancy script on her shoulder and neck.

For now, Ms. White said, she will stay in Tulia. But she said she was thinking about moving to Houston, perhaps to attend nursing school.

Sometime, she said, she will explain all that happened.

"What I want to do now is to be the best mother I can," she said.

Roneisha turned to her mother, who was talking with a reporter, and asked, "After this, can we go now?"