

IN THE
SUPREME COURT OF THE UNITED STATES

JOHN GEDDES LAWRENCE AND TYRON GARNER,
PETITIONERS

v.

STATE OF TEXAS,
RESPONDENT

Prepared by
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TIME LINE

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| 1860 | Texas adopted a law prohibiting anal sodomy applicable to all persons. |
| 1943 | Texas adopted a law prohibiting oral sex applicable to all persons. |
| 1973 | Texas repealed prior sex laws, and adopted the Homosexual Conduct statute that prohibited oral and anal sex when performed by persons of the same sex. |
| June 30, 1986 | The Supreme Court of the United States decided <i>Bowers v. Hardwick</i> , 478 U.S. 186, 106 S.Ct. 2841 (1986). “Whether the Federal Constitution confers a fundamental right upon homosexuals to engage in sodomy and hence invalidates the laws of the many States that still make such conduct illegal and have done so for a very long time.” |
| October 25, 1990 | Retired Justice Powell said he “probably made a mistake” when he voted with the majority decision in the 5-4 ruling of <i>Bowers v. Hardwick</i> . |
| September 24, 1992 | Supreme Court of Kentucky declared its sodomy statute unconstitutional under the Kentucky state constitution in <i>Commonwealth of Kentucky v. Wasson</i> , 842 S.W.2d 487 (Ky. 1992). |

- January 12, 1994 The Supreme Court of Texas dismissed *State v. Morales*, 869 S.W.2d 941 (Tex. 1994) based on want of jurisdiction.
- May 20, 1996 The Supreme Court of the United States decided *Romer v. Evans*, 517 U.S. 620, 116 S.Ct. 1620 (1996). “We must conclude that Amendment 2 classifies homosexuals not to further a proper legislative end but to make them unequal to everyone else. This Colorado cannot do. A State cannot so deem a class of persons a stranger to its laws. Amendment 2 violates the Equal Protection Clause . . .”.
- September 17, 1998
11:10 p.m. John Lawrence and Tyron Garner were arrested for “homosexual conduct” by Harris County Sheriff’s Deputy and taken to jail.
- September 21, 1998 Robert Royce Eubanks was convicted of “false report to peace officer.” Sentenced to 30 days confinement in Harris County jail.
- November 20, 1998 John and Tyron plead no contest in Justice Court. Found guilty of homosexual conduct and fined \$150.00 each. Appeal to County Criminal Court at Law.
- November 23, 1998 The Supreme Court of Georgia declared its sodomy statute unconstitutional under Georgia state constitution in *Powell v. State*, 510 S.E.2d 18 (Ga. 1998).
- December 22, 1998 Motions to quash indictments denied by County Criminal Court. John and Tyron pled no contest and were again found guilty of homosexual conduct and each fined \$200.00 plus costs. Appeal was made to the 14th Judicial Court of Appeals in Houston, Texas.
- June 8, 2000 Panel of 14th Court of Appeals in Houston **reversed convictions** of John and Tyron based on the Texas Equal Rights Amendment (i.e., sex discrimination).
- June 2000 2000 Texas Republican State Convention held in which the following was approved as part of the official party platform:
- Texas Sodomy Statutes-** The party opposes the decriminalization of sodomy.
- Judicial Activism** – The Party stands strongly against activist judges, who use their power to usurp the clear will of the people. We publicly rebuke judges Chief Justice Murphy and John Anderson, who ruled that the 100 year-old Texas sodomy law is unconstitutional, and ask that all members of the Republican Party of Texas oppose their re-election, and activist judges like them, and support non-activist judges as their opponents.
- June 28, 2000 State files motion for rehearing and request for en banc review.

July 2000	Draft letter anonymously faxed to Justice Anderson demanding reversal of panel decision by republican precinct chairs.
September 13, 2000	14th Court of Appeals grants rehearing en banc without oral argument.
September 27, 2000	Texas legislative committee on judicial affairs held public hearing regarding draft letter to Justice Anderson demanding reversal of panel decision.
November 2000	George W. Bush elected President of the United States.
March 15, 2001	14th Court of Appeals reinstated John and Tyron's criminal convictions for Homosexual Conduct based on <i>Bowers v. Hardwick</i> .
April 13, 2001	Petition for discretionary review filed with the Texas Court of Criminal Appeals (i.e., highest criminal court in Texas).
April 18, 2001	Texas House Committee on Criminal Justice voted to repeal Homosexual Conduct statute, but action died on House of Representatives floor.
April 17, 2002	Petition for discretionary review denied by Texas Court of Criminal Appeals.
July 5, 2002	The Supreme Court of Arkansas declared its sodomy statute unconstitutional under the Arkansas state constitution in <i>Jegley v. Picado</i> , 80 S.W.3d 332 (Ark. 2002).
July 16, 2002	Petition for writ of certiorari in <i>Lawrence</i> filed with Supreme Court of the United States. Response waived by state, but later ordered to file response.
December 2, 2002	Writ of certiorari granted by United States Supreme Court in <i>Lawrence</i> case.
March 26, 2003	Oral argument in <i>Lawrence</i> at U. S. Supreme Court; Washington, D.C.
April 7, 2003	Republican U.S. Senator, Rick Santorum, makes controversial statements regarding <i>Lawrence</i> case: "If the Supreme Court says that you have the right to consensual sex within your home, then you have the right to bigamy, ...polygamy, ... incest, ... adultery. You have the right to anything."
June 26, 2003	Decision in <i>Lawrence v. Texas</i> , 123 S.Ct. 2472 (2003) by United States Supreme Court overruling <i>Bowers v. Hardwick</i> and declaring the Texas homosexual conduct statute unconstitutional. "This, as a general rule, should counsel against attempts by the State, or a court, to define the meaning of the relationship or to set its boundaries absent injury to a person or abuse of an institution the law protects. It suffices for us to acknowledge that adults may choose to enter upon this relationship in the confines of their homes and their own private lives and still retain their dignity as free persons." ...

“*Bowers* was not correct when it was decided, and it is not correct today. It ought not to remain binding precedent. *Bowers v. Hardwick* should be and now is overruled.”

39 rallies held from coast to coast in America celebrating the *Lawrence* decision. President Bush and the Pope make statements criticizing the *Lawrence* decision. A constitutional amendment on marriage is proposed in Congress.

- June 27, 2003 United States Supreme Court granted writ of certiorari in *Limon v. Kansas*, ___ U.S. ___, 123 S.Ct 2638 (2003) vacating the 17 year conviction of Matthew Limon for engaging in underage sex with someone of the same sex and remanded the case to the state court for further proceedings in light of the *Lawrence* decision.
- June 28, 2003 Annual gay pride celebrations held throughout North America.
- July & August, 2003 Supplemental briefs filed in *Lofton v. Kearney*, 01-16723-DD, 11th Cir., United States Court of Appeals, challenging Florida’s Ban on gay and lesbian adoptions (still pending). “In *Lawrence* the Supreme Court dramatically changed the constitutional landscape for gay people in America.”
- November 18, 2003 Supreme Court of Massachusetts decision in *Goodridge v. Department of Public Health*, declaring the right of same sex persons to marry in accordance with the Massachusetts constitution, citing *Lawrence* for various underlying propositions such as “our obligation is to define the liberty of all, not to mandate our own moral code.”
- January 20, 2004 Mandate issued by 14th Court of Appeals to acquit John and Tyron.
- January 28, 2004 11th Cir. upholds Florida ban on gay and lesbian adoptions (2004 WL 161275).

“As the Constitution endures, persons in every generation can invoke its principles in their own search for greater freedom.”

Lawrence v. Texas
United States Supreme Court
June 26, 2003