

URGENT ACTION

NEW DOUBTS ABOUT CONVICTION AS EXECUTION SET
Rodney Reed is scheduled to be executed in Texas on 5 March. He was sentenced to death in 1998 for a murder he says he did not commit. Three leading forensic experts have added their voices to the serious doubts about the reliability of his conviction.

The body of 19-year-old Stacey Stites was found near a road in Bastrop County in rural central Texas on the afternoon of 23 April 1996. She had been reported missing that morning after failing to turn up for work. Initially the prime suspect was her fiancé until, nearly a year after the murder, DNA testing of semen from the body was matched to the DNA of **Rodney Reed**. He was charged, convicted and sentenced to death. He had initially denied knowing the victim, but then said that they had been in a consensual intimate relationship. He has said that he initially kept it from police because he feared becoming a suspect "if I told police we had been dating". Rodney Reed is black, Stacey Stites was white, and her fiancé was a white police officer.

New expert opinion and other evidence now calls into question the state's theory of the crime and the forensic evidence on which it was based. The prosecution had argued that Rodney Reed's DNA had been left during a rape contemporaneous with the murder, which the state said had occurred around 3am on 23 April 1996. The state's forensic expert supported this theory at the trial. Since then, he has signed a statement that his testimony was misused by the prosecution and that his estimate "should not have been used at trial as an accurate statement of when Ms Stites died", and that the semen could have been left more than 24 hours before the victim's death, consistent with Reed's claim of consensual sex in that time frame. Three leading forensic pathologists have also concluded from their review of all available materials that there is no forensic evidence that Stacey Stites had been sexually assaulted at the time of her murder rather than having engaged in consensual intercourse 24 hours or more before her murder. They concluded that she was killed before midnight on 22 April 1996, and her body kept face down for some four to six hours before being transported to the location where it was found. One of the experts has concluded that the forensic evidence renders the state's theory about time of death "medically and scientifically impossible". Another has concluded "beyond a reasonable degree of medical certainty that, based on all of the forensic evidence, Mr Reed is scheduled to be executed for a crime he did not commit".

Two people have also recently signed statements that they were aware of the relationship between Rodney Reed and Stacey Stites. Previous witnesses who attested to the relationship were deemed unreliable by the courts because of their relationship to the defendant or for other reasons. The two who recently signed these statements are former work colleagues of the victim. More than a dozen relatives of Stacey Stites have also stated that they do not believe Rodney Reed is guilty of her murder.

Please write immediately in English or your own language, referencing inmate No. 999271 in your appeals:

- Calling for clemency for Rodney Reed;
- Noting the new expert and other evidence supporting his consistent claim of innocence;
- Noting the irrevocable nature of the death penalty and the repeated errors discovered in US capital cases.

PLEASE SEND APPEALS BEFORE 05 MARCH 2015 TO:

Clemency Section, Board of Pardons and Paroles
 8610 Shoal Creek Blvd., Austin, Texas 78757-6814, USA
Fax: 512 467 0945
Email: bpp-pio@tdcj.state.tx.us
Salutation: Dear Board members

Governor Greg Abbott
 Office of the Governor, P.O. Box 12428
 Austin, Texas 78711-2428, USA
Phone: 512 463 2000
Fax: 512 463 1849
Salutation: Dear Governor

Please let us know if you took action so that we can track our impact! EITHER send a short email to uan@aiusa.org with "UA 39/15 " in the subject line, and include in the body of the email the number of letters and/or emails you sent, OR fill out this [short online form](#) (press Ctrl + click on link) to let us know how you took action. Thank you for taking action! Please check with the AIUSA Urgent Action Office if sending appeals after the above date

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ADDITIONAL INFORMATION

In 2012, a US magistrate judge recommended after reviewing the case that Rodney Reed's habeas corpus petition, which had been pending before him for 10 years while other litigation was in train, be denied by the US District Court, which then did so. The magistrate judge wrote: "Reed was never a suspect. Never, that is, until the sperm found in Stacey Stites body was discovered to be a match to Reed's DNA... Without reliable evidence demonstrating that this happened consensually, the DNA evidence effectively condemns Reed". The new expert forensic evidence would appear to call the magistrate judge's recommendation into serious question. UN safeguards guaranteeing protection of the rights of those facing the death penalty state: "Capital punishment may be imposed only when the guilt of the person charged is based upon clear and convincing evidence leaving no room for an alternative explanation of the facts". The new expert opinion of the three forensic pathologists, coupled with post-conviction clarification by the state's forensic expert of his the trial testimony, and the additional statements from the victim's co-workers, open "room for an alternative explanation of the facts".

The new evidence is currently pending before the Texas courts. There is also a petition for clemency pending before the Governor and the Texas Board of Pardons and Paroles. The governor cannot commute a death sentence without a recommendation to do so from the state Board of Pardons and Paroles, but can issue a temporary reprieve.

Numerous relatives of Stacey Stites have written to Governor Abbott to ask for clemency. For example, an uncle has written: "It is important that justice be done for her murder, but I do not believe that Rodney Reed is guilty and believe that her murderer has yet to face prosecution for this terrible crime". A cousin has written: "I and other members of my family do not believe that justice has been served for Stacey. It is our belief that Rodney Reed did not murder Stacey". Another cousin has written on behalf of herself and other named family members: "There can be no closure for our family with the wrongful execution of Rodney Reed". Yet another cousin has written: "My family will not be at peace or comforted by the capital sentence and execution of Rodney Reed. I am sure you do not wish to execute an innocent man".

Eight retired state and federal judges filed a brief in 2014 in the US Supreme Court expressing "serious concern" that the Fifth Circuit had "deprived Reed of the opportunity to develop the facts needed to prove his ineffective assistance of counsel claims".

On 17 February 2015, outgoing US Attorney General Eric Holder said that the justice system "is comprised of men and women who do the best they can, get it right more often than not... But there's always the possibility that mistakes will be made". He pointed out that "there is no ability to correct a mistake where somebody has in fact been executed. And that is from my perspective the ultimate nightmare". Four days earlier, the governor of Pennsylvania announced a moratorium on executions in that state, as had the governors of Oregon and Washington State in recent years. The Pennsylvania governor noted that the capital justice system was "anything but infallible" and that his state accounted for six of the 150 cases of death row inmates in the USA since 1973 found to have been wrongfully convicted. Texas accounts for 12 of the 150 cases.

Texas also accounts for 521 of the 1,402 executions in the USA since the US Supreme Court approved revised capital statutes in 1976. There have been eight executions in the USA so far this year, three of them in Texas. Amnesty International opposes the death penalty in all cases, unconditionally.

Name: Rodney Rodell Reed (m)

Issues: Imminent execution, Death penalty, Legal concern

UA: 39/15

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