

URGENT ACTION

FIRST TENNESSEE EXECUTION SINCE 2020 NEARS

Oscar Smith is scheduled to be executed in Tennessee on May 22, 2025. He was convicted in 1990 of the 1989 murder of his estranged wife and her two teenaged sons. He was 40 years old when sentenced to death on July 26, 1990, and is now 74. A forensic expert, using modern latent print techniques, has called into question evidence the state argued was central to its case. Juror misconduct and misinformation violated Oscar Smith's fair trial rights at the sentencing. The Governor should commute this death sentence immediately.

TAKE ACTION:

- Write a letter to the government official(s) listed. Use the sample letter below as a guide or use your own words.
- [Click here](#) to report your action(s) on **UA 44.25**. We share this number with the officials we are trying to persuade.

Governor Bill Lee
1st Floor, State Capitol
600 Dr Martin L. King, Jr. Blvd.
Nashville, TN 37243, USA

Dear Governor,

I urge you to stop the execution of **Oscar Smith**, scheduled for May 22, 2025. In appealing for clemency, I do not seek to downplay the murders in 1989 of Oscar Smith's estranged wife and her two teenaged sons in their home.

An expert has called into question a key piece of forensic evidence used to convict Oscar Smith, who maintains his innocence. The prosecution told the jury that a palm print from the murder scene was so conclusive that there was no doubt it was left by Oscar Smith, and that the jury could convict him on this alone. In 2021, a print examiner with over 40 years of experience concluded that the evidence was "inconclusive" on whether Oscar Smith was the source of the print, and that the analysis presented at trial was "flawed" and met neither 1990 nor today's standards. This expert also identified a fingerprint on an awl (a leather-working tool) used in the murder. That print, which was not Oscar Smith's or any of the victims, contained DNA revealed under modern DNA analysis, not belonging to Smith or the victims. In 2022, the trial-level court denied his lawyers' motion to reopen proceedings based on this new evidence, ruling that even if presented at trial, it would not have made a difference. In 2022, a juror from the trial signed a statement that if it had been known at trial that there was "an unknown person's DNA" on the awl, she would not have voted for the death penalty.

Additionally, the 1990 sentencing was marked by juror bias and misconduct and the introduction of extraneous and inaccurate information regarding Oscar Smith's eligibility for parole if he received a life sentence. Under international law, capital proceedings must scrupulously observe fair trial guarantees and conform to the highest standards of independence, competence, objectivity and impartiality of judges and juries. The carrying out of a death sentence after a trial in which such guarantees have not been respected constitutes a violation of the right to life.

I appeal to you to prevent Oscar Smith's execution and to commute his death sentence.

Yours sincerely,

ADDITIONAL INFORMATION

The bodies of **Oscar Smith**'s estranged wife and her two teenaged sons were found at their home on October 2, 1989. After a two-day trial in Nashville in July 1990, the jury convicted Oscar Smith of three counts of first-degree murder. The sentencing phase began and ended the next day, July 26, 1990. Tennessee adopted life without the possibility of parole as a sentencing option in 1995, but at the time of Oscar Smith's trial, if the jury had voted for life imprisonment, he would still only have been eligible for parole after 108 years (36 years per murder). Before the sentencing deliberations, the defense asked the judge to instruct the jury about when the defendant would be eligible for parole if they voted for life. The request was denied. The jury voted for the death penalty.

In 2019, some of the trial jurors were interviewed. In signed declarations, two revealed themselves to have been fixed, even before the sentencing, on a death sentence. One had voiced this position during jury selection and only adapted his responses when the judge questioned him. He recalled that he had felt the judge "did not like my answers... so I just went along with him" (and gave responses that suggested he could vote for life). Another juror confirmed that there were "hotheads" on the jury who were fixed on death from the outset and just wanted "to make a quick decision and go home".

Under US constitutional law, "due process demands that a jury provided to a capital defendant at the sentencing phase must stand impartial" – allowing the dismissal for cause of "any prospective juror who will automatically vote for the death penalty" as "such a juror will fail in good faith to consider the evidence of aggravating and mitigating circumstances" as required.

Two weeks after the trial, the prosecutors wrote to the Chief of Police in Nashville to commend the key role that the police Identification Section had played. The letter stressed that "the most important piece of evidence presented to the jury" was a bloody palm print which a Sergeant in the ID Section had identified as having been left by Oscar Smith. In 2021, an expert latent print examiner with over 40 years of experience signed a declaration that, far from what the jury had been told, "the evidence is inconclusive as to whether Mr Smith is the source of the palm print". She noted that the Sergeant had placed "strong emphasis" on the fact that the palm print appeared to be missing two fingers (as was Oscar Smith). She said that it was "far from conclusive" that this was an accurate assessment because the print had been left on soft fabric, and in such circumstances whole records of all fingers are not necessarily left. She concluded that under both "the outdated analysis and the modern analysis procedures" there was "no support" for the Sergeant's testimony that there was "no doubt" that the palm print had been left by Oscar Smith. She concluded that the Sergeant had generally flouted scientific standards by overriding objective scientific opinion with his own personal belief and had presented a conclusion in court unsupported by the evidence.

Oscar Smith came an hour from execution in 2022 when Governor Lee granted a reprieve after it emerged that the prison authorities had violated their own lethal injection protocol. Lawyers are challenging the state's new execution protocol, but the challenge will not be heard until January 2026.

PREFERRED LANGUAGE TO ADDRESS TARGET: English or your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: May 22, 2025

NAME AND PRONOUNS: Oscar Smith [He/Him]