

URGENT ACTION

TEXAS APPEALS COURT BLOCKS EXECUTION

On 25 April 2022, the Texas Court of Criminal Appeals granted an indefinite stay of execution to Melissa Lucio, two days before she was scheduled to be put to death. It remanded the case to the trial court to consider her innocence and other claims in the light of new expert and scientific evidence. Amnesty International believes that her trial did not meet international fair trial standards, that there are serious doubts about the reliability of her conviction, and that her execution in such circumstances would violate international law.

NO FURTHER ACTION IS REQUESTED. MANY THANKS TO ALL WHO SENT APPEALS.

Melissa Lucio was convicted in July 2008 of the capital murder of her two-year-old daughter in February 2007. When the US Court of Appeals for the Fifth Circuit declined on 31 March 2022 to revisit its earlier rulings upholding the death sentence and conviction of Melissa Lucio, one of the judges described the case as a “systematic failure, producing a train of injustice”, one “shadowed” by the subsequent federal conviction for corruption of the prosecutor (who is “now serving a 13-year federal sentence for selling his office over a time-period in which this indictment [of Melissa Lucio] was returned”).

On 15 April 2022, Melissa Lucio’s lawyers filed a 242-page habeas corpus petition asking the Texas Court of Criminal Appeals (TCCA) to stay the execution and vacate her conviction and death sentence. The petition contained new scientific and expert evidence casting serious doubt on the reliability of incriminating statements Melissa Lucio made during a five-hour interrogation conducted immediately after her child’s death, explained why her life history of trauma and abuse at the hands of men left her particularly susceptible to making a false confession under such an interrogation, described the state’s investigative tunnel vision and use of scientifically invalid testimony, and raised further doubts about whether there was a crime at all, rather than the child’s death being the result of an accidental fall.

In its order on 25 April 2022, the TCCA ruled that four of the nine claims raised in the habeas corpus petition met the requirements of Texas statutory law for review on the merits by the trial court. These four issues are: “but for the State’s use of false testimony, no jury would have convicted her”; “previously unavailable scientific evidence would preclude her conviction”; “she is actually innocent”; “the State suppressed favourable, material evidence”. The TCCA remanded those four claims to the trial court for review and stayed the execution pending resolution of the claims.

The TCCA’s decision came shortly before the Texas Board of Pardons and Paroles (BPP) was due to vote on whether to recommend that Governor Greg Abbott commute the death sentence or issue a 120-day reprieve from execution. The clemency petition filed before them in March 2022, containing the new scientific and expert evidence, was supplemented on 12 April by Melissa Lucio’s lawyers, to include further expert evidence, and a declaration from a fifth trial juror (who had served as the jury foreperson) to join the four others and an alternate juror who had already declared their opposition to the execution or support for a new trial.

Melissa Lucio’s lawyers have expressed their gratitude “to the hundreds of thousands of Texans and people around the US and the world who advocated for Melissa”.

NAME AND PREFERRED PRONOUNS: Melissa Lucio (She/her)

THIS IS THE SECOND AND FINAL OUTPUT FOR UA 29/22

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/amr51/5420/2022/en/>

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