



November 8, 2019

The Honorable Greg Abbott
Office of the Texas Governor
P.O. Box 12428
Austin Texas 78711

Dear Governor Abbott,

I am writing to you on behalf of all of the members of Witness to Innocence, an organization of exonerated survivors of death row. We were each wrongfully sentenced to death but were fortunate to prove our innocence before facing execution. We are living proof that mistakes do happen in our courts and that innocent Americans can be convicted of crimes they did not commit and even be sent to their deaths.

We are very concerned about the integrity of the conviction in the case of Rodney Reed who will be killed 12 days from now if you do not intervene. The issues present in Mr. Reed's case are frighteningly similar to the issues that led to each of our wrongful convictions.

- **FORENSIC ERRORS:** Forensic errors can easily lead a jury to feel there is enough evidence to convict, and so **it is vitally important that new forensic evidence be thoroughly reviewed** when those original errors are discovered. Many Witness to innocence members were wrongfully convicted due to forensic errors including Randal Padgett (AL), Damon Thibodeaux (LA), Dale Johnston (OH), Ray Krone (AZ), Debra Milke (AZ), Sabrina Smith (MS), Anthony Ray Hinton (AL), and Edward Chapman (NC).

In Mr. Reed's case, the Innocence Project reports that "The state's three forensic experts have admitted on the record to errors in their testimony, [and]... have submitted affidavits that the original time of death is inaccurate, which makes the timeline for Reed killing Stites implausible...Renowned forensic pathologists concluded that Reed's guilt is medically and scientifically impossible. The prosecution's only forensic evidence linking Reed to the crime was semen taken from Stites's body, which was attributed to the consensual relationship between them."

- **MISSING TESTIMONY:** After a wrongful conviction, people with information on the case can be moved by their consciences to come forward and offer new testimony. Far too often they also report that they shared this information during the original investigation, though the defense was not made aware and it was not presented during trial. **We risk executing an innocent person if we ignore new testimony when it comes to light.** Witness to Innocence members such as Derrick Jamison (OH), Wiley Bridgeman (OH), Sabrina Smith (MS), Ricky Jackson (OH), Juan Melendez (FL), Kwame Ajamu (OH), and Lawyer Johnson (MA) were exonerated after people came forward with testimony that was missing at trial.

In Mr. Reed's case, the Innocence Project reports that "Rodney Reed and Stacey Stites were having a consensual sexual relationship. At the time of the trial, no one came forward to corroborate their relationship. Today, new witnesses including Stites's own cousin and co-worker have corroborated Reed's claim that they knew that Reed and Stites were romantically involved."

- **DISREGARD OF ALTERNATE SUSPECT:** Wrongful convictions do not only victimize the defendant. They also rob the victims' families of justice and put our communities in danger when the actual perpetrator remains at large. **Tragically, more people can fall victim to the true killer during the years that an innocent person sits on death row.** This happened in my own case. The DNA that proved my innocence also led to the conviction of a man who had gone on to brutally harm others while I was nearly executed for his crimes. In fact, investigators had ignored a police report pointing to this man at the time of my wrongful arrest. In the cases of Derrick Jamison (OH) and Lawyer Johnson (MA) witnesses had come forward identifying someone else as the perpetrator. In Freddie Lee Pitts' (FL) case, someone else confessed to the crime. **Several of our members were even framed for the crimes that sent them to death row.** In the cases of Perry Cobb (IL) and Lawyer Johnson (MA) it was later found that the primary witness against them was the true perpetrator. Ron Keine (NM) was exonerated when a law enforcement officer admitted to the killing. Randy Steidl (IL) was exonerated when an investigation by the Illinois State Police proved that local law enforcement and prosecutors had framed him.

*In Mr. Reed's case, the Innocence Project reports that "For months after the murder, Jimmy Fennell was the prime suspect in the case. A recording of one of the police investigators indicates that Fennell was suspected in the murder of Stites, motivated by her relationship with another man. Fennell's best friend at the time of the crime, [a] Bastrop Sheriff's Officer, has now revealed that Fennell gave an inconsistent account of where he was on the night of the murder...Two witnesses have...submitted signed affidavits...[including] testimony from an insurance salesperson who stated that Fennell threatened to kill Stites while applying for life insurance...[and testimony from] a Deputy in the Lee County Sheriff's Office at the time of the murder, who Fennell made an alarming and incriminating statement to at Stites's funeral regarding her body. Fennell later served a 10-year prison term for a sex crime and kidnapping. Law enforcement records also document a pattern of violence against women perpetrated by Fennell... On October 29, 2019...a former member of the Aryan Brotherhood and prison mate of Jimmy, disclosed a conversation in which Jimmy confessed to murdering Stacey Stites stating, 'I had to kill my n*****-loving fiancée.'"*

- **RACIAL BIAS:** Research indicates that there are strong patterns of racial bias in the application of the death penalty and that an African American person accused of killing a white person is three times more likely to be sentenced to death. **Of the 166 people who have been exonerated from a wrongful death sentence nationwide, more than half are African American.** Several African American members of Witness to Innocence were convicted by all-white juries, including Shujaa Graham (CA), Perry Cobb (IL) Lawyer Johnson (MA) and **Texas death row exoneree Clarence Brandley whose case was terribly marred by racial bias.** Mr. Brandley was the only black man on staff at a high school in Conroe, Texas when a white co-worker voiced suspicion of him that led to his arrest for the killing of a white student. During a police interview of Mr. Brandley and one of his white co-workers, an interrogator proclaimed that, "One of you two is going to hang for this," and told Mr. Brandley, "Since you're the n*****, you're elected." After two trials, both with all-white juries, Mr. Brandley was wrongfully convicted and came within weeks of execution. It took the intervention of the FBI for Mr. Brandley to be given the fair trial that resulted in his exoneration.

In Mr. Reed's case, the Innocence Project reports that "This case was racially charged: Reed, a black man, was found guilty of murdering Stites, a white woman, by an all-white jury."

What our cases do NOT have in common with Mr. Reed's case is untested DNA evidence. Many of us are alive today because of post-conviction DNA testing. I myself was the first person to be exonerated from a death sentence based on DNA evidence.

It is unconscionable that we would execute a human being when DNA evidence is available that has not been tested. Witness to Innocence members Michael Graham (LA), Albert Burrell (LA), Randy Steidl (IL), and Paul House (TN) were all exonerated due to DNA evidence. And in my case and the case of Ray Krone (AZ), the DNA that exonerated us also led to the conviction of the real perpetrator.

In Mr. Reed's case, the Innocence Project reports that "The murder weapon has never been tested for DNA evidence. Requests for DNA testing of crime scene evidence, including a belt that was used as the murder weapon has been repeatedly denied by the Texas Court of Criminal Appeals. In 2018, the United States Supreme Court declined to directly review the Texas courts' denial of DNA testing."



Clarence Brandley was a cherished member of Witness to Innocence who passed away last year.

He was one of the first people to be exonerated from death row in Texas nearly 30 years ago, and he worked tirelessly to stop his home state from executing innocent people.

In a 2010 op-ed, he said:

"I was one of the lucky ones. No one knows how many of the more than 300 people awaiting execution on Texas' death row are innocent of the crimes for which they were convicted. Even more disturbing... no one can definitively say how many of the 464 people executed in Texas since 1982 were innocent. Some, like Cameron Todd Willingham, Carlos DeLuna and Claude Jones, did not get an adequate opportunity to prove their possible innocence. **Unless we halt all executions and thoroughly review our broken capital punishment system, we will continue to convict – and possibly execute – innocent people.**"

In memory of Clarence Brandley, and on behalf of all of the death row exoneree members of Witness to Innocence, I urge you to stop the November 20th execution of Rodney Reed.

Sincerely,

A handwritten signature in black ink that reads "Kirk Bloodworth".

Kirk Bloodworth
Executive Director