

URGENT ACTION

TEXAS COURT ISSUES STAY OF EXECUTION

On 23 February, the Texas Court of Criminal Appeals issued a stay of execution in the case of Rodney Reed, who was due to be put to death on 5 March for a murder in 1996 which he has consistently said he did not commit.

On 23 February, the Texas Court of Criminal Appeals issued a stay of execution in the case of **Rodney Reed**. The lawyers had filed a new petition in the court on 13 February. The Court decision was six to two in favour of a stay and said: "In this application, applicant asserts that he has newly discovered evidence that supports his claim that he is actually innocent, that new scientific evidence establishes his probable innocence..., and that the State presented false, misleading, and scientifically invalid testimony which violates his right to due process...The Court orders applicant's execution stayed pending further order of this Court".

Rodney Reed has been on death row in Texas since 1998 after being convicted of the murder of Stacey Stites, whose body was found near a road in Bastrop County in rural central Texas on the afternoon of 23 April 1996. Nearly a year after the murder, DNA testing of semen from the body was matched to the DNA of Rodney Reed. He had initially denied knowing the victim, but then said that they had been in a consensual intimate relationship.

New expert opinion and other evidence 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. They concluded that she was killed before midnight on 22 April 1996, and her body kept face down for several hours before being transported to the location where it was found. One of the experts concluded that the forensic evidence renders the state's theory about time of death "medically and scientifically impossible". Another 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 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.

No further action by the UA Network is requested at this time. Many thanks to all who sent appeals.

This is the first update of UA 39/15. Further information: www.amnesty.org/en/documents/AMR51/0010/2015/en/

Name: Rodney Reed
Gender m/f: m

Further information on UA: 39/15 Index: AMR 51/1064/2015 Issue Date: 24 February 2015

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