

EDDIE LUCIO, JR.
SENATE DISTRICT 27



SENATE OF TEXAS
STATE CAPITOL 3S.5
AUSTIN, TX 78711

April 13, 2022

Mr. David Gutierrez, Chair
Texas Board of Pardons and Paroles
8610 Shoal Creek Blvd.
Austin, TX 78757
via email

Chairman Gutierrez and Board Members:

We, as members of the Texas Senate, urge you to recommend that Governor Abbott cancel Melissa Lucio's execution by either commuting her sentence or granting her a reprieve. Ms. Lucio currently is scheduled to be executed by the State of Texas on April 27, 2022. New evidence that has emerged since Ms. Lucio's trial points to the fact that her daughter, Mariah, died after a tragic accident and not by her mother's hands. A commutation or a reprieve would give her lawyers the time they need to develop all the evidence that could prove Ms. Lucio's innocence. While we understand the gravity of the issue before you and the important role that the Board of Pardons and Paroles plays in our criminal justice system, we also believe this is an opportunity to prevent a miscarriage of justice that would undermine public trust in our legal system.

The death penalty is the ultimate punishment in Texas, and our state has an absolute obligation to ensure that it never executes an innocent person. With eyewitness accounts of Mariah's accidental fall, and no eyewitness accounts that point to murder, Ms. Lucio's case is one that gives even proponents of the death penalty pause. Doctors who recently reviewed the autopsy—including a leading specialist from The University of Texas Medical Branch—concluded that the jury heard false testimony about whether Mariah was abused.

While the many doubts in this case alone suffice to provide the grounds to grant Ms. Lucio relief, other factors apply as well. Ms. Lucio experienced ineffective assistance from counsel in various aspects of her trial and appeal and claims of prosecutorial misconduct and *Brady*¹ violations currently are being investigated.

What's more, the dramatic sentencing disparity between Ms. Lucio and her husband, who also was responsible for Mariah's care, casts doubt on the fairness and equity of the proceedings against her. Unlike Ms. Lucio, a survivor of domestic abuse with no prior history of violence, her husband had a history of assaultive behavior, but is now a free man after serving a four-year sentence for child endangerment.

Lastly, Ms. Lucio is a critical source of support for her family and those around her. She is a practicing Catholic, who attends Mass, formed a Bible study group on death row, and brought other inmates to Christ.

¹ *Brady v. Maryland*, 373 U.S. 83 (1963).

Accordingly, we submit that Ms. Lucio's execution will not achieve justice for Mariah. Instead, it will cause more suffering for her siblings, grandmother, father, aunts, and uncles, who lost Mariah 14 years ago and who are desperate not to lose another family member. A commutation, or at a minimum, a reprieve, would prevent further harm to a family that has experienced tremendous hardship already.

We thank you for your thoughtful consideration and your leadership on this issue.

Respectfully,



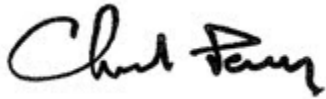
Sen. Eddie Lucio, Jr.
SD 27



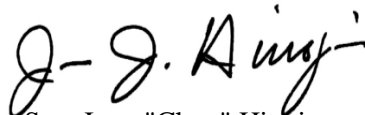
Sen. Dawn Buckingham
SD 24



Sen. José Menéndez
SD 26



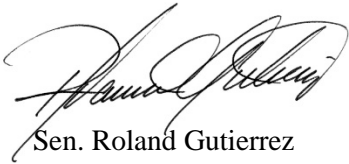
Sen. Charles Perry
SD 28



Sen. Juan "Chuy" Hinojosa
SD 20



Sen. Carol Alvarado
SD 6



Sen. Roland Gutierrez
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Sen. Paul Bettencourt
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