

Statement by Innocence Project Senior Attorney Bryce Benjet in Response to Court of Criminal Appeals of Texas Decision on Rodney Reed Case

Rodney Reed was convicted and sentenced to death based on racially charged and scientifically impossible allegations that he kidnapped Stacey Stites on her way to work and then sexually assaulted and killed her. Newly discovered evidence has contradicted every aspect of the state's case against Mr. Reed.

Evidence presented both at a bond hearing and at Mr. Reed's 1998 trial showing that he and Ms. Stites were having an affair has now been confirmed by additional witnesses who either saw Mr. Reed and Ms. Stites together or knew of their relationship, explaining the presence of Mr. Reed's DNA in the victim's body.

A wealth of new evidence also confirms the initial suspicion by law enforcement that Ms. Stites was actually murdered by her fiance, Jimmy Fennell. Fennell, a police officer at the time of the murder, recently completed a 10-year prison sentence stemming from allegations that he kidnapped and raped a woman while on duty.

The new evidence in Mr. Reed's case includes:

- Uncontradicted medical opinions from world-renowned forensic experts that (1) the State's theory of Mr. Reed's guilt is scientifically impossible and (2) that Ms. Stites was murdered at a time Fennell testified he was at home alone with Ms. Stites, and that her body was later dumped where it was found.
- Recantations by all of the State's experts (or their sponsoring agency) of their scientifically invalid testimony at trial that Mr. Reed's semen could not have come from consensual sex between he and Ms. Stites.
- Credible sworn accounts by witnesses, including a co-worker and Ms. Stites's own cousin, who knew of the relationship between Mr. Reed and Ms. Stites.
- Testimony from Curtis Davis, a Bastrop County Sheriff's Officer and Fennell's best friend at the time of the murder, that Fennell gave an inconsistent account of his whereabouts at the time of the murder. When confronted with this inconsistent account at a recent hearing, Fennell refused to answer and invoked his right not to incriminate himself.

The Court of Criminal Appeals' denial of Mr. Reed's case simply cannot be squared with the compelling and uncontradicted evidence of his innocence. Although we are still reviewing the opinion, this is by no means the end of the case. The decision of the Court of Criminal Appeals is subject to review by the United States Supreme Court. Mr. Reed's constitutional claims can also be presented to the federal courts by way of a motion to the United States Court of Appeals for the Fifth Circuit.

There is also the matter of DNA testing. Bastrop County District Attorney Bryan Goertz continues to resist DNA testing on crucial items of evidence from the crime scene—such as the belt used to strangle Ms. Stites. Based on a strained interpretation of the law, the Texas Court of Criminal Appeals previously denied Mr. Reed's request to conduct DNA testing on crucial items of evidence from the crime scene. An amendment correcting this misinterpretation of the law was considered in the most recent legislative session, but failed to secure a final vote. Absent a legislative fix, Mr. Reed now intends to enforce his constitutional right to DNA testing through a federal civil rights lawsuit.