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Travis County District Attorney's Statement Regarding Governor Abbott's Call to Pardon Daniel Perry

In a state that believes in upholding the importance of the rule of law, the Governor's statement that he will intervene in the legal proceedings surrounding the death of Garrett Foster is deeply troubling.

In this case, a jury of twelve listened to testimony for nearly two weeks, upending their lives to painstakingly evaluate the evidence and arguments presented by both the State and the Defense. After hearing from civilian eyewitnesses and expert witnesses, and deliberating for over fifteen hours, they reached the unanimous decision that Daniel Perry did not kill Garrett Foster in self-defense and was guilty of murder beyond a reasonable doubt. I thank them for their service and want them to know that their service and the service of every juror matters. In our legal system, a jury that gets to decide whether a defendant is guilty or innocent – not the Governor.

Make no mistake, without intervention from the Governor, the defendant's conviction would be reviewed by both state and federal courts who will examine the record to ensure that no legal errors were made at this level and that the evidence supported the conviction. Our constitution has built in protections to ensure that no defendant is convicted when the law or evidence does not support it, and this is a central tenant of our legal system.

I want to thank the Foster family. I want them to know that the Travis County District Attorney's office will continue to fight for a justice system that treats everyone equally, including Garrett Foster. I know how long they have waited for justice for Garrett and their family. I can imagine that justice must feel so elusive for them and right now, and for that, I am more sorry than words can express.

The proceedings in the case of the State of Texas v. Perry are not yet concluded. Tomorrow morning, Criminal District Judge Clifford Brown will set a date for the sentencing hearing. At that the sentencing hearing, the Judge will be able to consider and evaluate additional evidence before sentencing Mr. Perry for the crime he committed.

As this process continues, the Travis County District Attorney's office will continue to fight to uphold the rule of law and to hold accountable people who commit acts of gun violence in our community.

- Travis County District Attorney José Garza

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