

MELISSA LUCIO MAY SOON BE FREE

By Rachel Jennings



The State of Texas v. Melissa (2020), a documentary questions the reliability of Melissa Lucio's trial.

Melissa Lucio, a Rio Grande Valley mother convicted of capital murder after the 2007 death of her two-year-old daughter, Mariah, may be released from death row. On Friday, April 12, 2024, Judge Arturo Nelson of the 138th state District Court recommended that Lucio's 2008 conviction be overturned and has sent the case to the Texas Court of

Criminal Appeals. Judge Nelson's decision was in response to cosigned court filings from the Cameron County District Attorney Luis V. Saenz and Lucio's lawyers, who concluded that key evidence had been suppressed by prosecutors during the original trial. This evidence included interviews with 5 of Lucio's children, who told investigators their mother had not been abusive toward them. One of the children also testified to having seen Mariah fall down a flight of stairs and denied that Melissa Lucio had pushed the child down the stairs or otherwise abused her.

Melissa Lucio's case highlights serious problems with the death penalty, underscoring the likelihood that innocent people are sent to death row and executed. In Lucio's case, prosecutorial misconduct played a role in her conviction. In addition, one sees the role of coercive interrogations in obtaining false confessions. Lucio was interviewed by police for many hours without food or drink. Apparently, too, faulty forensic analysis played a role in Lucio's conviction, since experts at first claimed that bruising on Mariah's body proved physical abuse, while more recent analysis has suggested that a fall down the stairs could have caused the bruising.

Rachel Jennings joins a rally in support of freeing Melissa Lucio. Public support has helped bring the case for review and probable dismissal.



Screenshot from "The State of Texas Vs Melissa": Melissa enjoying time with her family.

Melissa Lucio came within 2 days of execution that had been scheduled for April 27, 2022. Following intensive media coverage, a groundswell of support increased in intensity before her scheduled death. *The State of Texas v. Melissa* (2020), a documentary that questioned the reliability of her trial and conviction, galvanized public opinion in her favor. Subsequently, a bipartisan group in the Texas House of Representatives asked the Cameron County district attorney to intervene in Lucio's case. Likewise, religious groups and anti-death penalty organizations asked for a reprieve. On March 26, 2022, I marched with members of the Texas Coali-

tion to Abolish the Death Penalty and scores of Melissa Lucio's other supporters at the Cesar Chavez March in San Antonio. Our large numbers that day suggest how the wrongful conviction of this family-oriented Mexican American woman had aroused people's anger and sense of injustice. Texas, after all, has a history of lynchings and wrongful convictions.

Melissa Lucio, a mother of fourteen children, has been on death row since 2008. Although she received a stay of execution in 2022, she remains on death row

as her case winds its way through the courts. While most people now view her as innocent, and her conviction will likely be vacated, she will remain the first Mexican American woman to be given a death sentence by the state of Texas. In 1863, Josefa "Chipita" Rodriguez was tried and hanged by San Patricio County rather than by the state of Texas, which did not claim authority to carry out executions until 1923. Prosecutors, defense lawyers, and judges alike have recommended that Melissa Lucio's case be overturned. Her supporters are optimistic that the Texas Court of Criminal Appeals will free her at last. One may ask why it has taken so long.

The 2022 Cesar Chávez March included a contingency of marchers in support of freeing Melissa Lucio. Such community support galvanized efforts for her release.



BIO: Rachel Jennings an English professor at SAC and a member of the Texas Coalition to Abolish the Death Penalty has published poems and articles about the execution of Chipita Rodríguez and about the death penalty, in general. She is also a member of the Conjunto de Nepantleras of the Esperanza Peace & Justice Center.