

# DNA evidence exonerates Ledell Lee, four years after his execution by lethal injection in Arkansas

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New forensic testing has revealed that an unknown person was responsible for the murder of Debra Reese, for which Ledell Lee was executed by the State of Arkansas four years ago.

The new evidence was found on objects at the murder scene—including a bloody shirt and a club used to bludgeon 26-year-old Reese to death in 1993—after testing was demanded by the American Civil Liberties Union (ACLU) and the Innocence Project.

Lee was executed on April 20, 2017, the first of four inmates put to death by the Arkansas government as it rushed to carry them out before one of the drugs used in the state's lethal injection protocol was about to expire. He maintained his innocence from the time of his arrest, throughout his trial and conviction, and after he was placed on death row in 1995.

At the time of Lee's execution, Amnesty International noted, "Today is a shameful day for Arkansas, which is callously rushing the judicial process by treating human beings as though they have a sell-by date."

Reese was found dead on February 9, 1993 in her home in Jacksonville, Arkansas after she was sexually assaulted, strangled and beaten 36 times with a small wooden club. Lee was convicted for the murder of Reese after two trials—the first ended in a hung jury—in which no physical evidence directly connected him to the crime and no alibi witnesses were called to testify by the defense.

Other failures of the justice system that have also been pointed out by the Innocence Project in their campaign to exonerate Lee include the facts that, "Fingerprints from key areas of the crime scene were determined not to be Ledell Lee's and to this day have

never been identified. None of Lee's lawyers ever had the crime scene fingerprints independently examined before his execution. It turns out that there are at least five fingerprints eligible to be searched in the national Automated Fingerprint Identification System database—which could identify the source in a matter of hours."

These facts were repeatedly dismissed by the corporate media and the Arkansas political establishment with references to Lee's previous criminal offenses. Responding to media reports of the new DNA evidence in the case, Arkansas Republican Attorney General Leslie Rutledge, defending Lee's execution, declared, "The courts consistently rejected Ledell Lee's frivolous claims because the evidence demonstrated beyond any shadow of a doubt that he murdered Debra Reese."

Arkansas Republican Governor Asa Hutchinson—who signed off on Lee's execution—said, "The DNA findings released today do not present any conclusive evidence to undermine the findings of those high courts."

The ACLU and the Innocence Project filed a Freedom of Information lawsuit on behalf of Lee's sister, Patricia Young, on January 23, 2020, demanding release of the fingerprints and DNA evidence found at the scene of the crime so that it could be tested. One week later the City of Jacksonville agreed to conduct the testing of the evidence from the crime scene.

As the *World Socialist Web Site* explained at the time, "The execution came after a flurry of legal challenges and rulings Thursday, which finally resulted in an 11:30 p.m. decision by the US Supreme Court allowing the lethal injection procedure to begin just 14 minutes

before Lee's death warrant expired at midnight. He was initially set to be executed at 7 p.m. local time."

Nina Morrison, Innocence Project senior litigation counsel, said of the unusual post-mortem effort to exonerate Lee, "While the results obtained 29 years after the evidence was collected proved to be incomplete and partial, it is notable that there are now new DNA profiles that were not available during the trial and post-conviction proceedings in Mr. Lee's case. We are hopeful that one or more of these forensic law enforcement databases will generate additional information in the future."

Lee was originally scheduled to be the first of eight death row inmates to be put to death within ten days by Arkansas in April 2017, all approved by Governor Hutchinson. In the end, four men were executed—including the double-execution of Jack Jones Jr., 52, and Marcell Williams, 46, on April 24—while the four other executions were stayed by court orders.

These executions by assembly line were a particularly grisly manifestation of the brutality in America society, given the fact that they were carried out by the means of a three-drug cocktail that substantial evidence has shown can cause excruciating and prolonged pain during the process.

The Innocence Project estimates that 4 percent of defendants sentenced to death are wrongfully convicted. According to the Death Penalty Information Center, 185 innocent people have been exonerated from death row over the past 44 years. For every 8.3 people executed since 1977, one person sentenced to death has been exonerated. More than 20 of these former death row inmates were freed using DNA testing similar to that performed on Lee's behalf.



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