

The State of Texas vs. Melissa: “The State of Texas wants to kill me”

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Written and directed by Sabrina Van Tassel

French-American filmmaker Sabrina Van Tassel’s heart-wrenching documentary *The State of Texas vs. Melissa*, now streaming on Hulu, chronicles the case of Melissa Lucio, the first Hispanic woman in Texas on death row, where she has languished for 13 years. Since 1976, Texas has executed more people than any other state (572), more than one-third the total number (1,534) of victims of this barbaric punishment, and is one of only two states to have put anyone to death during the pandemic.

Born in 1969, Melissa, from Harlingen in south Texas, was convicted of the murder of her two-year-old daughter, Mariah, who died of blunt-force trauma to the head on February 17, 2007. The documentary outlines why her conviction was an egregious miscarriage of justice. It was overturned in July 2019 by the U.S. Court of Appeals for the Fifth Circuit, but the state of Texas appealed the ruling. In February 2021, the 2019 grant of relief was reversed.

“The State of Texas wants to kill me,” Melissa bluntly tells the camera in the movie’s opening sequence. The prosecution’s principal evidence against Melissa was a videotaped confession she made while in police custody. Aggressively interrogated for close to seven hours (partially shown in the documentary), the traumatized mother was coerced to confess, according to Melissa and her attorneys.

The mother of 14 children, Melissa talks about her poverty-stricken, abusive background. Her brother Rene movingly describes her childhood traumas and problems with addiction. A sister, Diane, asserts that “she was a very loving person, but she had a rough life. Melissa was a good person.” Another sister claims the trial was a “kangaroo court ... a circus,” where the jury was laughing with the prosecutor and the judge.

“*The State of Texas vs. Melissa* is a character study about a woman on death row who is on her last appeal,

and is about to be executed,” commented director Van Tassel in an interview with *Women and Hollywood*.

“On the surface, she checks all the boxes of the ideal culprit. She’s a mother of 14 children, with a history of drug abuse and a life of poverty, who is accused of abusing her younger daughter to death.”

The filmmaker continued: “But through the film we discover who the real Melissa was—the abuse she suffered as a child, the harshness of her life, how she was accused without any proof and interrogated for hours until she surrendered. The film revisits how a court-appointed attorney willingly set aside evidence, and a district attorney used Melissa’s case to be reelected.

“This film not only depicts the America of the less fortunate, but also the fate of a woman who was a victim from the day she was born, a woman who has been crushed by the American judicial system.”

Confined behind a glass partition, wearing white prison garb, her face washed out in the artificial lighting, Melissa appears stunned: “I don’t understand how the court system did this to me.” Further on she comments: “I had never been arrested before. I had never been incarcerated. I did not know what to expect.” She observes sadly that “I often think about my daughter Mariah. There are days where I wish I could leave this place and be with Mariah.”

Melissa’s original defense attorney, Peter Gilman, now works for the Texas district attorney’s office. Lynn Marie Gracey, a private investigator who worked on Melissa’s appeal, remarks about Gilman: “I think the guy knew that he sabotaged the case so bad that he didn’t want anybody to rework it, re-investigate it. My gut told me that it was all messed up.”

Jason Flom, the founder of Lava Records who is an Innocence Project board member and the creator of the podcast *Wrongful Conviction* told *Variety* that the “awful case of Melissa Lucio is an appalling example of just how

broken our criminal legal system truly is.”

“She was a victim,” Flom went on, “of a vicious and corrupt prosecutor who himself is currently serving time in federal prison [Armando Villalobos was convicted of bribery and extortion in 2014 for accepting over \$100,000 in exchange for favorable outcomes in criminal trials and is currently serving a 13-year sentence in prison]; an incompetent and quite possibly compromised defense attorney; junk science; and above all—a society in which the odds were stacked against her from birth.”

A court document highlights the horrific social conditions that afflicted Melissa and her children: “The family’s water has been turned off for a month. The family is flushing the toilets with buckets of water. It does not appear that there is very much food in the home, but the children do not appear to be losing weight ... The family has been homeless for the past six weeks. They are often seen sleeping in a park near Zayala Elementary School. The children rely on the school for food and hygiene.”

That society’s “throwaways,” all those who don’t count in a country ruled by and for billionaires, have unexplored depths is underscored in a scene in which Melissa in a voiceover achingly reads a composition in the form of a letter to her mother:

It’s hard to wake up every morning in the same old ugly cage.

It’s hard to get along with these people full of rage.

It’s hard to move ahead when the clock is running slow.

It’s hard to have so many questions with answers I don’t know.

It’s hard to think I’m smart when I have lost everything so fast.

It’s hard to think about the future when I’m still stuck in the past.

It’s hard to feel their love when my family is so far.

It’s hard to forget about the mistakes when they’ve left so many scars.

It’s hard to move on when in life I have no role.

With everything being too hard, you’d think I’d just give up.

But the only thing about being at the bottom is the only way is up.

Van Tassel has directed more than 45 documentary films over the last 15 years for major television programs. She has mainly focused on social issues such as underage sex trafficking, children in ultra-right-wing movements, women in prison and the Holocaust.

In the *Women and Hollywood* interview, she revealed

that when she first went to south Texas to meet Melissa’s siblings, “what I discovered down there blew my mind away ... They told me that I was the first person in 13 years to ask anything about her case—that even her lawyer at the time of her trial had never tried to meet them. I realized there had been no investigation whatsoever, that none of her family were allowed to testify at her trial. What’s more, the district attorney involved in her case was in prison for bribery and extortion. It all seemed very bizarre to me...”

“I would also like people to realize that death row targets the poor, and it targets Black and Brown lives. It is a very unjust system ... you may well be on death row because you have a court-appointed attorney who doesn’t have the means to defend you and a district attorney’s office who has all the means in the world to get you convicted. Ninety percent of court cases are won by the State. That’s a fact. That is why most poor defendants accept plea deals even if they’re innocent. They don’t stand a chance in a court of law.”

The filmmaker added that it is “hard to imagine how traumatic a death sentence is for a family and the collateral damage it creates. Melissa’s family, and some of her children, felt so railroaded by the justice system, they didn’t trust anyone anymore.” The director further explained that Melissa’s children have been placed all over Texas.

The documentary stands as a rebuke to the indifference of the media and the fanatical self-obsession of the identity politics crowd who could care less about the fate of people like Van Tassel’s subject.

The project is an unflinching look at a deeply diseased society, corrupted through and through by social inequality and the aristocratic principle that the wealthy and powerful can do whatever they want, while the poor and powerless are to be humiliated and degraded. US prisons are filled with countless Melissa Lucios. *The State of Texas vs. Melissa* is a telling and compelling snapshot of the brutality of everyday life in capitalist America.



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