

Death row inmate Rodney Reed should not get new trial, Texas judge says, rejecting claims of his innocence

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A judge appointed to reexamine the capital murder case of Texas death row inmate Rodney Reed recommended Monday that newly presented evidence is not enough to grant Reed a new trial. The ruling is a setback for Reed, 53, whose fight for a new trial has garnered national notoriety and the support of the Innocence Project, which has taken up his defense. Reed was convicted and sentenced to death for the murder of a young white grocery store clerk a quarter century ago and has spent 23 years on death row.

Reed, who is black, was convicted by an all-white jury. In a two-week hearing this summer, the Innocence Project presented evidence that the murder weapon was never tested for DNA evidence and that forensic experts admitted to errors in their testimony. They also brought forward new exculpatory witnesses as evidence pointing to the victim's fiancé Jimmy Fennell, who is white and a former local police officer, as the perpetrator.

Reed was scheduled to be executed on November 20, 2019, when only days before that date he was granted a stay by the same Texas court with directions for a review of Reed's claims that "the State suppressed exculpatory evidence;" that "the State presented false testimony in violation of due process;" and that he is "actually innocent."

Reed has consistently maintained his innocence. The Texas Court of Criminal Appeals will now hear Reed's bid for another trial. While it is not unheard of for the criminal appeals court to go against a judge's recommendation in such a case, it would be unusual. It is unclear when they will make their decision.

Reed was convicted on May 18, 1998, by a Bastrop County District Court jury for the April 23, 1996, abduction, rape and murder of Stacey Stites, 19, a Giddings, Texas resident. Reed initially denied knowing

Stites, but after his DNA matched semen found inside her body he claimed that the two were having a clandestine affair. A pickup truck belonging to Fennell was found near the murder scene, along with part of Stites' belt, the purported murder weapon. Reed's attorney had subsequently argued that the belt allegedly used in the murder had never been tested for DNA.

Police claimed they could not find any witnesses who would attest to a relationship existing between Reed and Stites, and Reed's defense brought forward no witnesses who could testify to the affair. Reed said that he initially denied knowing the victim because he thought it would be best for him not to admit knowing "a dead white girl" and later because "I knew she was seeing a cop, and we're in the South. There's still a lot of racism going on." Prosecutors at trial pushed for the death penalty by arguing that Reed posed a future danger based on a history of similar previous rape charges, for which he was never convicted.

Witnesses coming forward after the trial included Richard Derleth, who worked at the Bastrop County Sheriff's office with Fennell. He said he occasionally saw Stites at the local grocery store where she worked and that on one occasion other employees told him they would be on the lookout for Fennell and would warn Stites if they saw him coming, causing her to "run and hide from Jimmy."

Rebecca Peoples, a former coworker of Stites, said Stites told her that she was afraid of her fiancé. In her sworn affidavit, Peoples said that Stites also confided in her that she was having an affair with a black man.

For months after the murder, Fennell was the prime murder suspect. A new witness presented by the Innocence Project, Arthur Snow Jr., said Fennell told him in prison, "I had to kill my n*****-loving fiancée." The

cop was imprisoned at the time for an unrelated kidnapping and sexual assault conviction, according to the Associated Press.

Reed has been scheduled to meet his death in the Texas death chamber three times. He was originally scheduled to be executed on January 14, 2015, but his execution was rescheduled to March 5, 2015, due to a request by the state; that execution date was stayed on February 23, 2015 to allow for consideration of further evidence. It was later rescheduled for November 20, 2019, but has been stayed pending the criminal appeals court ruling.

As the execution date nears, celebrities, including Kim Kardashian West, Rihanna, Beyoncé, Meek Mill, Pusha T, Susan Sarandon, Seth Green and Oprah Winfrey, have publicly urged Texas Governor Greg Abbott to exonerate Reed or stay his execution. A petition calling for Reed's freedom has collected more than 3 million signatures, according to *Newsweek*. In December 2020, ABC aired a special episode of "20/20" on his case.

In his six years as Texas governor, Republican Abbott has overseen the execution of nearly 50 prisoners, while only once sparing a condemned man's life. Republican Rick Perry, Abbott's predecessor as Texas governor, signed off on a staggering 235 executions in his nearly 11 years in office. George W. Bush oversaw the execution of 152 people as governor before heading to the US presidency.

Since the US Supreme Court reinstated the death penalty, Texas has executed 579 death row inmates, far more than any other state and more than a third of the 1,538 death warrants executed during this period.

Texas is renowned for disproportionately meting out death sentences to African Americans and Latinos, as well as to foreign nationals denied their consular rights, those convicted of crimes committed as juveniles and defendants represented by incompetent, disreputable and overworked legal counsel. Texas prosecutors are notorious for witness tampering, withholding evidence and relying on false evidence from forensic "experts."



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