

Texas death row developments: Stay of execution blocked for Robert Roberson, Melissa Lucio ruled innocent

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The Texas Supreme Court has cleared the way for innocent man Robert Roberson to be executed for a crime that never happened. The ruling comes in response to a subpoena for Roberson's testimony issued by the state House Committee on Criminal Jurisprudence, which led to the state Supreme Court temporarily halting his execution last month to consider the request. Roberson's attorney, Gretchen Sween, asked for the state to refrain from setting a new execution date given "the overwhelming new evidence of innocence."

The delay was initially rendered at the eleventh hour on the night of October 17, literally an hour before his scheduled execution.

Roberson is innocent of a crime which in fact never happened. He is facing the death penalty for the murder his 2-year-old daughter via "shaken baby syndrome" (SBS). The fact is that experts have established that Roberson's daughter, who was in the hospital more than 40 times before she died, in fact died from undiagnosed pneumonia which progressed to sepsis. The pneumonia was likely worsened by inappropriate medications prescribed in her final days. Brain scans found in the basement of the district clerk's office in 2018 showed SBS was not the cause of death. SBS itself as a valid cause of death was in any case subsequently called into question by medical experts.

The state Supreme Court explicitly ruled on the basis of facilitating rapid executions, regardless of innocence, writing, "Categorically prioritizing a legislative subpoena over a scheduled execution ... would become a potent legal tool that could be wielded not just to obtain necessary testimony but to forestall an execution."

That is, the right of the state to execute people supersedes any question over innocence or the truth. Regardless of the circumstances, innocence or guilt, the

state asserts its right to kill with impunity.

Those calling for the stay in the Texas House included a bipartisan group, some of whom are convinced of Roberson's innocence. Among these, the main concern was voiced by Republican State Representative Brian Harrison, who said that had the Texas House not called for a stay, "That would call into question the integrity of our entire criminal justice system." That is, the concern was that one of the key pillars of the capitalist state would be discredited.

Texas has executed 591 people since 1982, more than any other state. Five men have been executed so far in 2024. Of the total since 1982, Harris County in Houston, Texas, accounts for the largest share among all cities, with 135 sent to the death chamber. Four new death sentences have been imposed to date this year.

The United States continues the barbaric practice of the death penalty, despite 112 countries having abolished it for all crimes, according to Amnesty International. Since 1976, there have been 1,603 executions in the US. Among US states, 27 still practice the death penalty. The federal government's most recent execution took place in 2021.

Of course, none of the above numbers include the much larger number of people summarily executed by the police, who kill on average more than 1,000 people every year, the vast majority of whom are poor and working class. In the past 12 months 1,164 people have been shot and killed by police.

Roberson was sentenced to death in 2003. Since that date there have been numerous appeals which have been denied. As the WSWs previously wrote, he suffered more than "two decades of rejected appeals." The Texas Supreme Court is afraid that revealing the facts would undermine the effort to make an example of Roberson.

Melissa Lucio, who is also innocent of a similar crime that never happened, was recently found to be innocent by a Texas judge, who is recommending her conviction and death sentence be vacated. Arturo Nelson, the judge who presided over the original murder trial, wrote that the “applicant is actually innocent; she did not kill her daughter.”

Lucio was initially convicted and sentenced to death for the murder of her 2-year-old daughter Mariah in 2007. Mariah had a physical disability which made her walk unsteadily and which likely led to her accidental death after falling down a flight of stairs. Nelson wrote that evidence that could have proved that Mariah’s injuries were accidental was improperly withheld from the defense team. This included testimony from Melissa’s children that she was not abusive. Nelson also found that the testimony given by the state’s medical examiner at the trial, which concluded there was no other possible other cause of death, was incorrect.

The case will be considered by the Texas Court of Criminal Appeals, which will decide whether her sentence and conviction are to be vacated or not.

“We pray our mother will be home soon,” said John and Michelle Lucio, as well as Bobby Alvarez, all children of Melissa.

Lucio’s initial trial was a travesty of justice, with the main piece of evidence used to convict her being coerced testimony extracted from her by Texas Rangers, the state equivalent of the Federal Bureau of Investigation. This was after she pleaded her innocence over 100 times. Lucio was susceptible to giving false testimony because of domestic abuse inflicted on her previously, and psychologists and a mitigation specialist were barred by the trial court from testifying to this fact.



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