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The U.S. Supreme Court building is seen in Washington Oct. 2, 2022

The U.S. Supreme Court building is seen in Washington Oct. 2, 2022. (CNS photo/Elizabeth Frantz, Reuters)



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Washington — October 12, 2022

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In oral arguments Oct. 11, the Supreme Court considered the case of Texas inmate Rodney Reed, who has been on death row for more than 25 years and has gained the attention of Catholic leaders and celebrities for his claims of innocence.

In this case, the justices were specifically looking at a procedural question: whether Reed had been too late in filing his civil rights lawsuit against state officials who had rejected his requests for DNA testing of crime-scene evidence he hoped would clear him.

Reed, who is Black, was convicted by an all-white jury of the 1996 murder of a white woman, Stacey Stites. He has consistently maintained his innocence, explaining that he was in a secret relationship with Stites. His attorneys and activists have said that evidence unearthed since Reed's trial points to Stites' fiancé as the murderer.

So far, the state has denied Reed's request for DNA testing, saying that evidence from the crime scene should not be tested because the items were improperly stored and could be contaminated. A Texas district court agreed in 2014 and three years later, the state's Criminal Court of Appeals affirmed that decision.

Reed took his case to U.S. District Court in Texas and argued that the Texas law about post-conviction DNA testing violated his right to due process. The state in turn argued that his claims have a statute of limitations of two years that began in 2014 when the state district court made its initial decision not to test the DNA.

In the oral arguments, Texas Solicitor General Judd Stone argued that as time passes, it is harder for the state to defend its case because the evidence degrades and the witnesses age.

The justices did not clearly tip their hands in this case, wrote SCOTUSblog, an online site that covers the Supreme Court. The justices asked varied questions about the deadline imposed by the lower court on the timing of Reed's lawsuit. Some seemed to understand it, while others were skeptical.

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Reed's execution had been set for November 2019 but was stayed by the Texas Court of Criminal Appeals and sent back to a lower court for a review of new claims. In 2021, after an evidentiary hearing, a district judge said the new evidence was not enough to give Reed a new trial.

Sr. Helen Prejean, a Sister of St. Joseph who is a longtime opponent of the death penalty, has been drawing attention to Reed's case for several years, citing the lack of evidence of his guilt.

Similarly, Bishop Joe S. Vasquez of Austin, Texas, said in a 2019 statement that if Reed's execution proceeds, "there is great risk the state of Texas will execute a man who is innocent of this crime while allowing the guilty party to go free."

The bishop pointed out at the time that he had joined other state bishops through the Texas Catholic Conference in asking Texas Gov. Greg Abbott to grant Reed a stay of execution.

He said there were "enough doubts in this case that justice dictates a careful review of the new witness statements and other evidence recently brought forward," he said, referring to recent statements from other witnesses that have implicated Stites' fiance, Jimmy Fennell, in the murder.

The Innocence Project, a nonprofit legal group committed to exonerating wrongly convicted people through the use of DNA testing, filed an application for Reed's clemency with the Texas Board of Pardons and Paroles following the sworn affidavit of a witness who said Fennell confessed to Stites' murder when the two men were in prison together. Other witnesses have come forward with similar statements.

A decision in Reed v. Goertz is expected next year.