

URGENT ACTION

MAN WITH CLAIMS OF INNOCENCE EXECUTED IN TEXAS

Lawrence Swearingen, who has been on death row in Texas, USA since 2000, was executed on 21 August 2019. He was convicted on circumstantial evidence in connection with the murder of a young woman; he maintained that he did not kill her, and several forensic experts provided expert opinion supportive of Lawrence Swearingen's claim of innocence. We will continue to urge authorities to place a moratorium on all executions as a first step towards full abolition of the death penalty.

NO FURTHER ACTION IS REQUESTED. MANY THANKS TO ALL WHO SENT APPEALS.

Lawrence Swearingen was tried and sentenced to death in 2000 for the murder of Melissa Trotter, who went missing in Texas, USA on 8 December 1998. Lawrence Swearingen was arrested three days later. The body of Melissa Trotter was found in a forest on 2 January 1999. He maintained his innocence until his execution. Several forensic experts have provided statements and testimony that support his claim.

Lawrence Swearingen was first granted [a last-minute stay](#) of execution on 26 January 2009 by the US Court of Appeals for the Fifth Circuit. Dr. Joye Carter, who performed the autopsy of Melissa Trotter, later provided an affidavit that the body had been left in the forest within two weeks of it being found, meaning that Lawrence Swearingen was already in custody when the body was dumped. She testified at trial, seven years earlier, that the body was likely dumped 26 days before being found. Other experts have stated that the body was likely dumped only days before it was found. The Fifth Circuit panel considered whether these claims were sufficient to overcome the obstacles of the federal Anti-Terrorism and Effective Death Penalty Act of 1996 (AEDPA), which limits the grounds for federal courts to reopen state court decisions. The Court found that Larry Swearingen had satisfied AEDPA's requirements based on constitutionally deficient legal representation at trial, including in cross-examining Dr. Carter, and authorized Lawrence Swearingen to file a petition in District Court, stressing that the court "must dismiss" the petition "without reaching the merits" if it were to find that Swearingen had not satisfied the AEDPA's requirements. The district court [dismissed that petition](#). He was provided a new execution date in 2011 before another stay of execution was issued to allow him to pursue his innocence claim.

In 2014, Lawrence Swearingen sought DNA testing on several evidentiary items, and an agreement to test the materials was reached in 2017. Testing concluded in 2019 and the results did not find Larry Swearingen's DNA on the evidence. Without necessarily clearing him of the crime, the results paved the way for his execution to be set. He was executed by lethal injection on 21 August.

The death penalty is the ultimate cruel, inhuman and degrading punishment. Amnesty opposes the death penalty in all cases without exception - regardless of who is accused, the nature or circumstances of the crime, guilt or innocence or method of execution.

NAME AND PREFERRED PRONOUN: Lawrence Swearingen (He/his/him)

THIS IS THE FIRST AND FINAL UPDATE FOR UA 108/19

LINK TO PREVIOUS UA: <https://www.amnesty.org/download/Documents/AMR5108422019ENGLISH.pdf>

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