

URGENT ACTION

Man with Claims of Innocence at Risk of Execution

Larry Swearingen has been on death row in Texas, USA since 2000 and is scheduled to be executed on 21 August 2019. He was convicted on circumstantial evidence in connection with the murder of a young woman; he has maintained that he did not kill her, and several forensic experts have provided expert opinion supportive of Larry Swearingen's claim of innocence. We urge authorities to recommend granting clemency and stop his and any future executions.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

**Governor of Texas
Greg Abbott**

Office of the Governor

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Dear Governor Abbott and Board of Pardons and Paroles,

Larry Swearingen has been on death row since 2000, despite being convicted on circumstantial evidence. He has maintained his innocence but is scheduled to be executed on 21 August 2019.

Larry Swearingen was convicted of the murder of a young woman in 1998. Evidence that may have led to his acquittal was not presented at trial and appeals courts could not consider his claims regarding ineffective legal representation because of procedural obstacles. Larry Swearingen's DNA was not found on evidentiary materials tested in 2019 and several forensic experts supported his innocence claim.

The death penalty is the ultimate denial of human rights. Since 1973, 166 people have been exonerated from death row on innocence grounds. Texas has 9 executions scheduled before December.

I urge you to recommend and grant clemency to Larry Swearingen and stop his and any future executions.

Sincerely,

ADDITIONAL INFORMATION

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. Larry Swearingen was arrested three days later. The body of Melissa Trotter was found in a forest on 2 January 1999. He maintains his innocence. Several forensic experts have provided statements and testimony that support his claim.

He 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 Larry 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 Lawrence Swearingen had satisfied AEDPA's requirements based on constitutionally deficient legal representation at trial, including in cross-examining Dr. Carter, and authorized 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 [as the results also did not conclusively exclude him from the crime evidence], his execution was set for 21 August.

International safeguards guaranteeing protection of the rights of those facing the death penalty state that the death penalty "may be imposed only when the guilt of the person charged is based upon clear and convincing evidence leaving no room for an alternative explanation of the facts."

PREFERRED LANGUAGE TO ADDRESS TARGET: English

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 21 August 2019

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

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

LINK TO PREVIOUS UA: n/a

ADDITIONAL TARGETS

Texas Board of Pardons and Paroles

8610 Shoal Creek Blvd.

Austin, Texas 78757

Fax: (512) 406-5482

Email: bpp_pio@tdcj.texas.gov

Salutation: Dear Board of Pardons and Paroles

Also send copies to diplomatic representatives accredited to your country.

American Embassy 33 Nine Elms Lane, London SW11 7US 020 77499 9000

Please check with your section before sending appeals after the above date.