

CAPITAL PUNISHMENT

ACLU Client Agrees To Life In Prison After Death Sentence Thrown Out Because Of False Testimony

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Death Penalty System In Texas And Across Country Riddled With Flaws And Errors

FOR IMMEDIATE RELEASE

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SAN ANTONIO – An American Civil Liberties Union client whose death sentence was thrown out last year after the highest criminal court in Texas ruled it was based on the false testimony of a state expert agreed today to a new sentence of life in prison.

Adrian Estrada's death sentence was thrown out last June after the Texas Court of Criminal Appeals found that A.P. Merillat, who investigates prison crimes for Texas, wrongly testified that, if allowed to live, Estrada could receive a prisoner classification that would allow him to leave the prison grounds. This testimony led the jury to find that Estrada posed a future threat to society. Merillat, who has testified in numerous other death penalty cases in Texas, told prosecutors after Estrada's sentence was thrown out, "I don't know if my presence in your courthouses would serve you or your cases well."

"Death sentences such as Mr. Estrada's that are based on false or misleading testimony are just one of the many fatal flaws of the U.S. death penalty system," said Brian Stull, an attorney with the ACLU Capital Punishment Project. "The nation's death penalty system is riddled with error and death sentences are handed out in unfair and unjust manners. This case provides clear evidence of the urgent need for Texas and all other death penalty states to abolish capital punishment and replace it with the sentence of permanent imprisonment."

Jurors in Estrada's 2007 sentencing trial were incorrectly told by Merillat that if Estrada were given a sentence of life without parole instead of the death penalty, he could be eligible for a classification level that would allow him to leave the prison grounds after 10 years of imprisonment. Two juror notes strongly suggested that Merillat's false testimony led to their decision to sentence Estrada to death.

In a 66-page ruling issued in June, Judge Barbara Hervey of the Texas Court of Criminal Appeals wrote, "This information, now properly before this court, demonstrates there is a fair probability that appellant's death sentence was based upon incorrect testimony as evidenced by the jury's notes. We believe that the Supreme Court would find this to be constitutionally intolerable."

Estrada agreed to his new sentence before state District Court Judge Sid Harle in Bexar County, TX.

Additional information about the work of the ACLU Capital Punishment Project is

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ACLU Capital Punishment Project Director John Holdridge discusses the current state of the death penalty at the New Hampshire Civil Liberties Union's Annual Meeting. Audio ...

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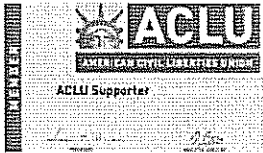
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