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OPINION // OUTLOOK

# Opinion: I voted to sentence Melissa Lucio to death. I was wrong.

Johnny Galvan Jr.

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Family members gather in February seeking to stop this month's scheduled execution of Melissa Lucio.

Yi-Chin Lee, Photographer / Staff photographer

In 2008, I served on the jury that sent Melissa Lucio to death row for the alleged murder of her 2-year-old daughter. Even at the time of trial, when it seemed to me that Lucio's defense lawyers were hardly making a case for her life, I did not want to sentence her to death. I felt pressured by my fellow jurors to vote for a death sentence, but I wish I had never done so.

At the trial, prosecutors argued Lucio had been physically abusive toward her daughter, Mariah – the youngest of her 12 children. They noted the bruises and other injuries found on her body when Mariah was brought to the hospital and later declared dead. The majority of their prosecution, however, rested on Lucio's confession, the result of five hours of interrogation.

But there were so many other details that went unmentioned. It wasn't until after the trial was over that troubling information was brought to light.

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Now, less than a month away from her planned execution, I feel deep regret. Since learning about all the things we jurors were never told when we held Lucio's life in our hands, I see her as a woman who had a hard life and many struggles, who could have been anyone in my community.

I did not know that her long history of physical and sexual abuse made her vulnerable to falsely confess when subjected to aggressive interrogation tactics on the night of her daughter's death. No one took us through the interrogation to show us how many times she asserted her innocence (over 100) or how she repeated the same words the interrogators fed to her. No evidence was presented of that and it would have mattered to me.

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I was led to believe that the medical examiner had scientific proof of abuse. We jurors did not know there was another medical explanation for the baby's bruises, that experts couldn't say for sure she had a bite mark on her back, or that she could have broken her arm in a fall or roughhousing with her brothers and sisters. We were told it was clear that Lucio did those things.

It would have mattered to have heard from an eyewitness about the child's fall down the stairs. One of Mariah's siblings saw her fall but was never called to testify. I have also learned since the trial that the district attorney who prosecuted her was corrupt. He is serving a prison sentence now. That only adds to my belief that our decision in Lucio's case was wrong.

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When we took our initial vote on the sentence in the jury room, we were evenly divided. When we took the second vote, I was the lone holdout for a life sentence. The other jurors looked at me and I felt the peer pressure to change my vote. I remember one saying we would be there all day if I didn't. If I had known all of this information, or even part of it, I would have stood by my vote for life no matter what anyone else on the jury said. But it seems some of my fellow jurors would also have voted differently if they knew all the information about Lucio's life, her interrogation and the facts surrounding the child's death that the lawyers should have told us.

Giving someone the death penalty is a staggering responsibility. I took the job seriously, and it was very difficult for me. The idea that my decision to take another person's life was not based on complete and accurate information in a fair trial is horrifying. There are so many problems in this case that I believe

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she must not be executed.

I am joining several of my fellow jurors in calling for a new trial. We are not alone. Last month, a bipartisan group of more than 80 Texas state representatives signed a letter in support clemency for Lucio.

I am now convinced that the jury got it wrong and I know that there is too much doubt to execute Lucio. If I could take back my vote, I would.

I hope that the Texas Board of Pardons and Paroles recommends clemency and Gov. Greg Abbott grants it to prevent the irreversible tragedy of Lucio's execution from taking place.

Galvan Jr. served on Melissa Lucio's capital trial jury in 2008.

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