

DEATH PENALTY ACTION

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Ivan Cantu's Execution Date Withdrawn After Two Trial Jurors Call For Halt to Execution and Review of New Evidence

*** Interviews Available ***

Austin, TX: Less than 24 hours after receiving the request, 380th Judicial District Court Judge Benjamin A. Smith signed an order to withdraw the April 26th execution date for Ivan Cantu, pending further orders of the court. [See the order here.](#)

Cantu was scheduled to be executed in Texas next week, despite significant questions about his guilt. Numerous issues of concern were spelled out in legal motions filed Tuesday. ([Subsequent Application for a Writ of Habeus Corpus](#), [Motion for a Stay of Execution](#), [Motion to Withdraw Execution Date](#)). Two jurors from the original trial filed declarations expressing deep concern that evidence presented at trial has been shown to be false.

"I am disturbed by the possibility that false testimony and evidence was presented to me and the other jurors at trial," wrote Montra Marie Biggs in a declaration signed on April 2, 2023 and included in the clemency petition. "As a juror who served in this case, I do not want to see Mr. Cantu executed without getting a full hearing on this new information."

[Bigg's declaration](#), referenced in [Cantu's clemency petition](#)), was compiled after she viewed a brief [video summary of evidence](#) compiled by investigator Matt Duff. A second juror, Maurice Roger Jacob, [submitted a similar declaration](#).

Issues raised in the application include evidence of perjured testimony, retracted testimony, newly developed concerns expressed by multiple jurors from the original trial, ineffective assistance of counsel, and rebuttal evidence showing that multiple claims made by prosecutors at trial were demonstrably false.

"We have to applaud when the system works," said Abraham Bonowitz, executive director of Death Penalty Action, an organization that has been raising awareness of Cantu's case. "Evidence of innocence has been procedurally barred in case after case recently, so this is a breath of fresh air that is even greater in light of today's US Supreme Court ruling in favor of Rodney Reed." (Rodney Reed is another Texas death row prisoner with strong indications that he was wrongfully convicted.)

Death Penalty Action applauds the legal team in this case, including Attorney Gena Bunn, investigator Matt Duff, and law professors Raoul Schonemann and Jim Marcus, and their students.

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