



For Immediate Release
Friday, July 8, 2022

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LDF Submits Amicus Brief to Supreme Court Defending Due Process to Post-Conviction DNA Testing in Capital Case

Today, the Legal Defense Fund (LDF) filed an [amicus brief](#) in the United States Supreme Court in *Rodney Reed v. Bryan Goertz*, arguing that the petitioner — a Black man on death row in Texas for a crime he likely did not commit — was wrongfully denied post-conviction DNA testing that could help prove his innocence.

Mr. Reed was convicted and sentenced to death for the murder of a white woman, Stacy Stites, despite considerable evidence that the victim's fiancé was the actual perpetrator. The prosecution's case ultimately relied on one piece of evidence: A small amount of sperm connecting Mr. Reed to Ms. Stites. At trial, the defense presented evidence that Mr. Reed and the victim were romantically involved. But the prosecution told the all-white jury, which ultimately convicted Mr. Reed, that the prospect of their being romantically linked was "preposterous." Following his conviction, Mr. Reed requested DNA testing of several pieces of evidence from the crime scene — including the murder weapon — and was repeatedly denied.

The U.S. Supreme Court has held that those denied post-conviction DNA testing under state statutes may turn to federal courts under 42 U.S.C. § 1983 to plead their case that "the governing state law denies [them] procedural due process." Mr. Reed filed such a claim in federal court but has found no relief. The Fifth Circuit Court of Appeals held that the claim is untimely, on the theory that the clock began to run on the statute of limitations for Mr. Reed's Section 1983 claim the moment the trial court denied testing, even though it was not until after the state appellate courts denied relief that it became clear state procedures would be inadequate.

"Rodney Reed's case illustrates the role that racial bias can play in wrongful convictions and the significance of fair procedures for accessing objective evidence to exonerate the innocent," said Adam Murphy, LDF Criminal Justice Fellow. "Since the first DNA exoneration in 1989, DNA evidence has helped to free hundreds of wrongfully convicted men and women — the overwhelming majority of whom have been Black and other people of color, who are disproportionately burdened by a presumption of guilt. Despite its critical role in correcting unjust and racially biased convictions, roadblocks to DNA testing persist."

"The most basic notions of fairness require that Mr. Reed be able to have the crime scene evidence tested," said Catherine Logue, Policing Fellow at LDF. "In prior case law, the Supreme Court has established an important safeguard for the wrongfully convicted by providing a pathway for accessing DNA evidence where state procedures fall short. By closing that pathway to Mr. Reed, the Fifth Circuit compounds the harms of racial bias in our criminal-legal system and condemns a likely innocent man to his death."

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Founded in 1940, the [Legal Defense Fund](#) (LDF) is the nation's first civil rights law organization. LDF's Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the Legal Defense Fund or LDF. Please note that LDF has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights.