

# THE RUTHERFORD INSTITUTE

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November 7, 2011

The Honorable Rick Perry  
Governor of Texas  
1100 San Jacinto Street, Suite 412  
Austin, TX 78701

Re: Execution of Henry W. Skinner

Dear Governor Perry:

I call upon you, as a man who aspires to be this nation's 45th President, to demonstrate your commitment to justice now by temporarily staying the execution of Henry W. Skinner and allowing him access to DNA testing in order to put to rest any doubts that may linger about his guilt or innocence. You can rest assured that temporarily staying Skinner's execution will not be seen as a sign of weakness but of leadership and strength. This nation needs a president with the wisdom and discernment necessary to lead the country—one who, when faced with tough decisions, is capable of doing what is morally right, whether or not it is politically expedient.

Henry Skinner was convicted in 1995 of murdering his girlfriend, Twila Busby, and her two sons. A preponderance of doubt surrounding the case suggests that these claims should be explored more fully. Since the trial, the lead witness has recanted her testimony, admitting that she was pressured by police to testify against Skinner. Subsequent investigations have implicated another man as the murderer. Further, a new medical report suggests that Henry Skinner did not have the capacity to commit these crimes on the day in question, having consumed a mixture of alcohol and codeine.

Most critically, key pieces of evidence relating to the murders were not tested, including a knife that might have been used in one of the murders and scrapings from the fingernails of one victim that could contain the killer's DNA. Believing that DNA testing of the evidence will

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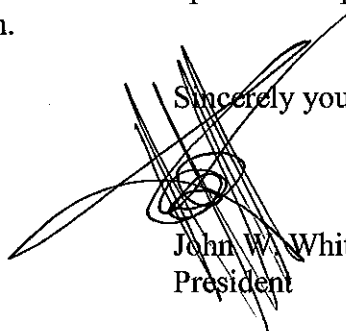
exonerate him<sup>1</sup>, Skinner has repeatedly petitioned the courts to allow the testing, but his pleas have been to no avail. State and federal judges have ruled that Skinner was at fault for not requesting these DNA tests at his original trial.

If Texas is to stand by its practice of capital punishment, it must ensure that the system is error-free and provides the accused with every reasonable opportunity to ensure that their death sentence is warranted beyond reasonable doubt. Understanding this, on June 17, 2011, you signed into law legislation affording prisoners the right to test biological evidence that was previously untested. Skinner's case tests your commitment to this legislation. Indeed, the law's sponsor, state Senator Rodney Ellis, along with a number of other state officials have affirmed that refusing Skinner the right to DNA testing would be a miscarriage of justice.

Allowing Skinner access to DNA testing, regardless of the outcome of the tests, will only be advantageous to Texas. If the tests establish Skinner's innocence, a man's life will be saved and Texas can stand by its commitment to ensuring that justice is served. If, on the other hand, these tests establish Skinner's guilt, the state's case will be that much stronger.

In two days, Henry Skinner's time will expire, and your own opportunity to show that you can balance wisdom, justice and leadership will have passed. Thus, I urge you to give this matter your immediate attention.

Sincerely yours,



John W. Whitehead  
President

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CC: The Honorable Greg Abbott  
Attorney General of Texas  
300 W. 15th Street  
Austin, TX 78701

The Honorable Lynn Switzer  
District Attorney, 31st Judicial District of Texas  
205 N. Russell Street, Suite 413  
Pampa, TX 79065

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<sup>1</sup> Since 1976, 138 people have been exonerated through DNA testing, out of 1273 total executions. Source: "Facts about the Death Penalty," Death Penalty Information Center, accessed Nov. 3, 2011 at <http://www.deathpenaltyinfo.org/documents/FactSheet.pdf>.