

Innocent Man Released from Prison after Nine Years, Four on Death Row

Manuel Velez was sentenced to death due to injustices that continue to plague our justice system; only luck saved his life

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HUNTSVILLE, TEXAS – At 12:32 PM CT today, Manuel Velez stepped out of the Huntsville Unit of the Texas Department of Criminal Justice as a free man after nine years behind bars, four of them on death row, all for a crime he didn't commit.

"Manuel never belonged in prison, let alone on death row waiting to be executed. He is indisputably innocent," said Velez's attorney, Brian Stull of the American Civil Liberties Union's Capital Punishment Project. "My joy for him and his family today is tinged with sadness for the years our criminal justice system stole from him, all because he was too poor to afford better counsel than the lawyer the state appointed to him."

Manuel Velez was arrested in 2005 and convicted in 2008 in Brownsville, Texas, of murdering the one-year-old son of his then-girlfriend. But the prosecutor's medical expert's records contained clear proof that the head injuries the baby sustained occurred when Velez was nowhere near the child. At the time that the baby received the fatal injuries, Velez was working construction in Tennessee, a thousand miles away. Velez's court-appointed attorney didn't discover or use this evidence, or do anything to build the medical timeline that proved Velez's innocence.

Nor did the lawyer discover and present the testimony of the many witnesses who said the girlfriend threw, hit, and dropped the baby and abused her children, while Manuel was never physically rough and always peaceful. The lawyer also bungled his challenge to the typewritten statement that police persuaded Velez to sign, which said he had mistreated the child. Velez was unable to read the statement, which was written in English. Velez's primary language is Spanish; he is functionally illiterate in both English and Spanish. His IQ is 65.

After his conviction, Manuel received the death penalty, largely because a state prison expert presented false testimony to persuade the jury that Manuel would pose a danger to society if given life without parole instead.

"We should be ashamed of the errors that put Manuel on the brink of execution. He is far from the only innocent person to receive a death sentence," said Stull. "A recent study estimated that, conservatively, 1 in every 25 people sentenced to death in the United States is innocent. In such a broken system of justice, we are foolish and cruel to continue capital punishment."

In 2008, Maurie Levin, a law professor tracking ongoing capital cases, noticed Velez's case and was concerned that an intellectually disabled man had just been sentenced to death. She alerted the ACLU and the American Bar Association's Capital Representation Project, which in turn recruited [Carrington, Coleman, Sloman & Blumenthal, LLP](#), and [Lewis, Roca, Rothberger LLP](#), whose work was instrumental in proving Velez's innocence. Without Levin's intervention, Velez could still be on death row or dead by lethal injection.

Even after Velez's conviction was overturned, and in the face of overwhelming evidence of his innocence, the State refused to dismiss the murder charge against him unless he took a plea. Velez pleaded no contest to a lesser charge of injury to a child rather than face a new trial that could be plagued by the same injustices that sent him to death row.

For more about Manuel Velez's case: <https://www.aclu.org/capital-punishment/manuel-velez-v-state-texas>

For information about the ACLU's Capital Punishment Project: <https://www.aclu.org/capital-punishment>

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