

# EXHIBIT 31

Hon. Greg Abbott  
Governor of Texas  
Office of the Governor  
State Insurance Bldg.  
1100 San Jacinto  
Austin, Texas 78701

David Gutiérrez - Chair  
Carmella Jones  
James LaFavers  
Ed Robertson  
Michelle Skyrme  
Linda Molina  
Texas Board of Pardons & Paroles  
c/o Clemency Section  
8610 Shoal Creek Blvd.  
Austin, Texas 78757

Dear Governor Abbott and Members of the Board:

We ask you to spare the life of our mother, Melissa Lucio. We ask you for closure. We ask you for peace.

The death of our sister Mariah and the prosecution of our parents tore our family apart. The wounds never fully healed. They probably never will.

We ask you not to tear those wounds open again. Please give us the chance for closure. Please give us a chance for peace. Please allow us to reconcile with Mariah's death and remember her without fresh pain, anguish, and grief.

Please spare the life of our mother.

With deepest gratitude and respect,

Sons & Daughters of Melissa Lucio

John Vincent Lucio  
Robert Andrew Alvarez  
Richard Alexander Alvarez  
Sara Nicole Alvarez  
Selina Flores  
Adriana Alvarez  
Alexandra Lucio  
Rene Alvarez

Daniella Lucio  
Signing for myself and on  
behalf of my siblings:  
Gabriel Alvarez

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Please spare the life of our mother.

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Sons & Daughters of Melissa Lucio

Melissa Isabel Lucio

# EXHIBIT 32

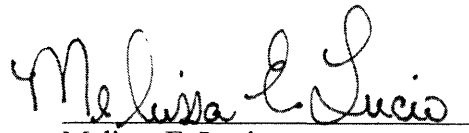
## DECLARATION OF MELISSA E. LUCIO

1. My name is Melissa Elizabeth Lucio (TDCJ No. 999537), my birthday is July 18, 1968. I am currently incarcerated at the Mountain View Unit of the Texas Department of Criminal Justice, 2305 Ransom Road, Gatesville, Texas, 76528. I am over the age of 18 and am competent to make this declaration.
2. I am aware that on January 13, 2022, and amended on January 18, 2022, the trial court, the 138th District Court of Cameron County, Texas set an execution date for me of April 27, 2022.
3. I am a Christian and practicing Roman Catholic. Before my incarceration, I was not an especially religious person. I believed in God, but I did not have any relationship with God. However, since I have been on death row, I have turned to God for support, direction, and guidance, and I have found great comfort in finding faith and the spiritual strength the Catholic faith has given me to deal with my situation.
4. In 2014, I welcomed God into my life and began my relationship and walk with God. I was facing some difficult times here on Death Row and began to think about how I wanted to live my life and what I needed to be doing. God reached out to me, and I realized I was being called. I got on my knees and asked God to accept me.
5. On September 26, 2014, I began my walk with God and my practice of the Catholic faith. I chose the path of Catholicism because that was the faith I had been exposed to and that was the faith I identified with in the past, even though I was not practicing the faith. I have maintained my faith and faith practice since that date.
6. In 2015, myself and other women on Death Row began Bible study groups amongst ourselves. We would read passages aloud and then discuss them as a group. These studies sessions also involved watching videos on the various aspects of the Catholic faith, and then we would discuss them.
7. Since I began my walk with God in 2014, I have attended Catholic Mass services each week. Our Catholic Mass includes praying out loud, and what Catholics call, "passing the Peace," where we shake hands and tell one another, "Peace be with you."
8. These services are currently being led by Deacon Ronald "Ronnie" Lastovica, who is also my Spiritual Advisor. Deacon Ronnie is with the Diocese of Austin, Prison Ministry (P.O. Box 294, Gatesville, Texas 76528).
9. I have asked Deacon Ronnie to be present with me in the execution chamber, if it comes to that, and he has agreed.
10. It is important for me to have my Spiritual Advisor, Deacon Ronnie, pray aloud for me in the execution chamber, because this is part of my Catholic faith and practice. We pray aloud, and I want that support and consolation in my last moments. I also want Deacon Ronnie to lay his hands on me during my last moments and have him anoint me with holy water or blessed oils. I have already received the last sacrament of the "Anointing of the Sick," but I may request it again if I or my Spiritual Advisor feel it is needed.
11. In addition to Catholic Mass, I also meet with Deacon Ronnie individually, 1-on-1, once a week. Since I received an execution date, I have been meeting with Deacon Ronnie for 2 additional hours each week.
12. Over the years, our Bible study and prayer groups have changed. Now, Deacon Ronnie and sometimes the Warden, participate in our Bible studies. Together, we pray aloud, read passages, watch videos, and discuss. These sessions also involve answering questions

M.E.L.  
Page 1 of 2

about the lessons we studied and discussions about how the specific topic relates to something from our own lives.

13. We all help each other with our study and understanding of the Bible.
14. I find great joy in these group discussions and exercises.
15. Recently, my son John has been visiting me once a week. We begin and end our visits with a prayer. I will also select a particular sermon ahead of time, and we will discuss the passage together when he visits me. I try to select something that will benefit us all.
16. When John was incarcerated, I tried to get him to learn about God and to welcome God into his life. I even offered to get him a Bible. At the time, he was resistant. Years later, John came to me and told me that he was ready and wanted to learn about God. I got him a Bible and John welcomed God into his life. He started his own prayer group while incarcerated and began ministering to other inmates. Today, John shares his experiences with others and demonstrates how far his relationship with God has taken him. I am very proud of my son for this.
17. I have requested audible prayer and physical touching by my Spiritual Advisor in the execution chamber. These are important aspects of my Catholic faith and my religious practice.
18. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief and that this declaration was executed in Coryell County, State of Texas, on the 2<sup>nd</sup> day of March, 2022.

  
Melissa E. Lucio

# EXHIBIT 33

## Declaration of Melissa Lucio

My name is Melissa Lucio, I reside at my brothers' house at 716 North O Street Apartment 6, Harlingen Texas 78550. I am over 18 years of age and competent to give this declaration.

I am Melissa's daughter and I was 18 years old when my mother was arrested. I don't want my mother to be executed because she is not guilty, because she is innocent, because her kids and her grandkids need her. I feel that if my mother was executed i would totally loose it and i think I wouldn't want to be in this world anymore. I would want to die. I never witnessed my mom to be violent with any of us and I never witnessed her being violent towards Mariah. Even though I no longer lived with her at the time and I was in and out of the house, none of my siblings ever told me that she was being violent towards Mariah. My mom was always cooking, she was a great cook and her food was delicious, she was affectionate, we would play I spy, and I always have good memories of my mother. Even though we were poor we still had a good life. There wasn't a day that we went without eating, and we were always well dressed, we always has clean clothes. Even if she had to wash by hand, we always had clean clothes on. Even tough our water would be cut off at times, my mom always made sure we would be washed and we would take individual showers. Please do not kill an innocent mother, do not take her away from our family, by killing her you will be killing me too.

I noticed the last time that i visited her that she has great faith in God, it made me super happy because she is a changed person, she is a different soul. She wasn't a believer when we were young and now she is. I think that her believing in God is helping her while she is in prison and I want her to have a priest by her side to comfort her and pray with her until the last second if she was to be executed.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

This declaration was executed on February 26th 2022 in Harlingen, Texas.

Melissa Lucio

A handwritten signature in black ink that reads "Melissa Lucio". The signature is written in a cursive style and is positioned to the right of the printed name "Melissa Lucio".

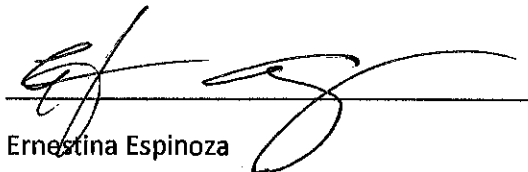


# EXHIBIT 34

Declaration of Ernestina Espinoza

1. My name is Ernestina Espinoza, my date of birth is 10/23/1954, my address is 1101 Blue Bonnet Dr. Harlingen, TX 78550. I declare under penalty of perjury that the following is true and correct.
2. I was a juror on the Melissa Lucio trial. When I heard that Melissa Lucio's defense attorney went to work at the prosecutor's office right after her trial, that raised some red flags for me.
3. The jury wanted to hear from Melissa's children, especially the older children. During deliberations, we discussed why the children didn't come to court to defend Melissa if she hadn't abused Mariah.
4. I was upset with the job Child Protective Services did in this case. I thought that Child Protective Services was equally responsible for the death of Mariah. They also should have taken some responsibility for her death.
5. There were a couple of jurors who didn't think they would be able to give the death penalty. It was a very emotional process, but we went through the checklist, as we were told, in order to come to a decision.
6. I think that if there is evidence in this case that a jury did not get to hear that Melissa should get a new trial. The new information could have swayed the opinion of the jurors, and we would have wanted to hear that information at the trial.
7. With the information presented at the time of trial, I believed that Melissa was guilty. I didn't think her defense did anything to show there was any other conclusion to come to.
8. With the information that is now available I do not think the state of Texas should execute Melissa. A jury has not heard all of the evidence in this case. For this reason, I support either a reprieve or Clemency for Melissa Lucio in this case. If it were me in Melissa's situation, I would want a jury to get a chance to hear all the evidence.

This declaration was executed in Cameron County, State of Texas, on this 17<sup>th</sup> day of March, 2022

  
Ernestina Espinoza

# EXHIBIT 35

My Johnny Craven Jr., my date of birth is August 21, 1952, my address is 1900 Coffee Port Road, ~~INDIANAPOLIS~~ Apt. B3, Brownsville, TX 78521

1. I served as a juror on Melissa Lucio's trial.
2. I remember that the prosecution put on a show. They wanted her to die. I remember that the prosecution told us not to pay attention to Melissa. The prosecutor went "boo-hoo, boo-hoo" and made a crying motion, mocking Melissa and her pain.
3. Nothing stood out to me that Melissa killed Marjorah. She was blaming herself in the video. ~~why~~ No mother would want to murder her child.
4. Melissa reminded me of other people in this area. She was on food stamps. She had lots of children, likely from different dads. She could have been anyone.



5. I don't remember the defense discussing her boyfriend or if he abused Melissa or their children.

6. The fact that you can't pinpoint what actually caused Manah's death means that she shouldn't be executed. I don't remember the defense attorney giving us anything to explain what happened. Now that I think about it, ~~it~~ it looks like a ~~sham~~ Sham!

7. The fact that <sup>the prosecutor</sup> ~~prosecutor~~ went to jail means we should not give Melissa death. The prosecutor was a politician. It was clear he wanted to move up the ladder.

8. I remember the prosecutor making a big deal out of the fact that Melissa was smoking while the EMS took care of Manah. They tried to say she didn't care. But if you're stressed and you're a smoker, you're going to smoke!

9. Melissa was struggling. I tried to think about this from the point of view of a mother.

10. When the jury went to decide, we took a vote. 11 of us voted for the death penalty. I was holding out. At first I wanted death penalty but then something changed. Peer pressure. The others all looked at me. They said if I didn't change my vote we would be there all day. Another juror took me aside and spoke to me about a bible verse. He told me <sup>about a Bible verse that says</sup> that if <sup>you want</sup> a little one ~~is short~~, then it is better for you to be cast into the sea with a block tied around you. So I said yes to the death penalty.

11. This was a difficult decision for me to make because I am religious. But I saw a pastor on TV who said that she would go to her creator either way. I put the pastor out of my mind when I made my decision. But there is freedom on the other side. It is better for her to find freedom.

13

12. I remember the photos of Maniah with the bruises all over her body. They said that the bruises on her skull were from being punched. ~~There~~ ~~at~~ I was told that these bruises could not just come from falling down the stairs. I was told that the bruises had to be from more than that.

B. There was no real defense put on by Melissa's lawyers.

14. I think it would be better if Melissa was not killed. I wish I could change my vote. She did not deserve this. There was no real evil in her. She was not evil. She was just struggling.

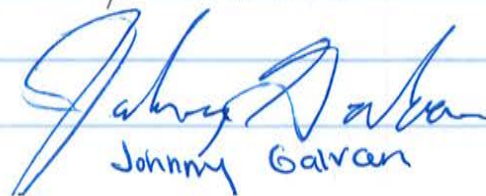
15. I don't remember hearing that Melissa's boyfriend was physically aggressive and abusive. The defense did not present this information.



16. When deciding life or death, I first wanted to give her life. After the jurors voted + most wanted death, I thought about what would be worse - to live in prison for the rest of her life or have freedom after death.
17. If we had heard passionately from the defense defending her in some way, we might have reached a different decision.
18. The judge, Judge Nelson, was looking at me because I was crying. He just looked at me because I was moved. The judge just kept watching me.
19. You can blame somebody. But this is not the scenario that would merit the death penalty.

I declare, under penalty of perjury, as provided in the laws of the United States, and in the laws of the State of Texas, that the foregoing 5-page declaration is true and correct and based on my personal knowledge.

Executed in Cameron County, State of Texas, on the 6 day of March, 2022.

  
Johnny Galvan





# EXHIBIT 36

## Declaration of Constance Poland

My name is Constance Poland. I am 76<sup>yr.</sup> years of age and my address is 5619 Gary Payer Cir. Harlingen TX. I declare under penalty of perjury that the foregoing is true and correct.

1. I was a juror in the Melissa Lucio trial.
2. I was part of the jury that convicted and sentenced Melissa Lucio to death after her trial.
3. I felt confident in my decision because of the evidence presented by the prosecution i.e. the photos I was shown during the trial.
4. I am a retired nurse and I have witnessed such injuries on children. My experience as a nurse convinced me that the cause of Manab's death was by physical abuse.
5. Nonetheless, I made my decision solely on the evidence presented to me at the trial and not my medical expert opinion.
6. I understand that a Court of Appeal overturned Melissa's conviction reasoning that she was not given the opportunity to present important evidence which would have gone to her defense.
7. I believe that if there was evidence that was not presented to me during the trial that can help with Melissa getting a new trial, a new jury should be allowed to hear that evidence.

Executed in Cameron County State of Texas on the sixth  
day of March, 2022

Constance Poland  
Declarant, CONSTANCE POLAND

Executed in Cameron County State of Texas on the sixth  
day of March, 2022

Constance Poland  
Declarant, CONSTANCE POLAND

# EXHIBIT 37

## Declaration of Emma Molina

My name is Emma Molina, I am 73 years of age and my address is 2501 El Dorado Ave. 78575 I declare under penalty of perjury that the foregoing is true and correct.

1. I was a juror (alternate) in the Melissa Lucio trial
2. I was a juror that listened to the evidence presented at the trial.
3. I did not hear any evidence about the abuse Robert inflicted on Melissa, Mariah and the other children
4. I did not hear any testimony from Melissa's family. It would have been nice to hear testimony from her sisters or her children.
5. Evidence from her family would have made me more sympathetic to Melissa.
6. Had I heard evidence of Melissa's psychological state due to the abuse she suffered in her past, I would have understood why she showed no emotion in the interrogation video.
7. I say this because I was really shocked that she showed no emotion or cry for the loss of her child.
8. I believe Melissa had no resources to assist her get a better defense.
9. She did not have a good lawyer to represent her. There is no lawyer called Ernesto Gamez who I believe is a good lawyer.
10. In all this I don't want Mariah Puyotien about.

Executed in Comanche County State of Texas on the sixth day  
of March, 2022.

Erma Medina  
Declarant

11. I would have liked to hear evidence about the other cause of  
bravery and that physical abuse could not have been the only  
cause of bravery
12. I believe Melissa did not get a good defense.
13. Melissa should get a new trial with the benefit of an  
actual defense

Erma Medina  
Declarant.



# EXHIBIT 38

My name is Erminio Cruz, my date of birth is 4/25/50, and my address is 32113 FM-803, Los Fresnos, 78566, Texas, and USA. I declare under penalty of perjury that the foregoing is true and correct.

I, Erminio Cruz, was a juror on the case of Melissa Lucio.

I still agree with my decision to give death because we had enough evidence.

Nothing the defense presented could have made me not give the death penalty.

I don't remember most of what we discussed.

After the trial the judge said we did a good job and sent me a certificate, I think he would have chose death too.

I don't remember too much of the evidence anymore.

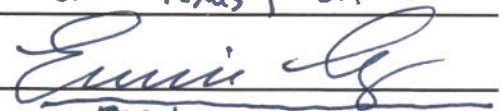
I think they should execute people right away.

I f a prosecutor knew what I think they would put me on every jury, I'm old fashion so I don't have sympathy.

I think every time someone is found guilty of murder they should be hung.

I think we did the right thing and you would do it again.

Executed in Cameron County, state of Texas, on the 5<sup>th</sup> day of March, 2022.

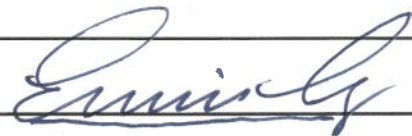
  
~~Erminio~~ Erminio Cruz

Addendum to the declaration signed on March 5<sup>th</sup>, 2022.

I wanted to add the following information that was not included in my previous declaration.

I did not and do not think Melissa is a danger to others. This is not something we discussed in deliberations and did not impact our decision.

I remember someone saying during deliberation on penalty that if we don't decide now we will be here all day.



Erminio Cruz

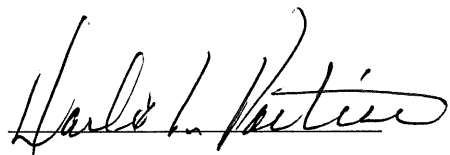
# EXHIBIT 39

## DECLARATION OF DARLIE LYNN ROUTIER

I, Darlie Lynn Routier, state and declare as follows:

1. My name is Darlie Lynn Routier. I reside at the Mountain View Unit of the Texas Department of Criminal Justice, 2305 Ransom Road, Gatesville, Texas, 76528. I am over the age of 18 and am competent to make this declaration. My TDCJ number is 00999220.
2. I have known Melissa Lucio well since around 2012. We both participate in the work program on death row. Through that program, we spend much of our days together: we work near each other, we take recreation together, and our cells are located close together.
3. Melissa is a devout Roman Catholic. She speaks openly and often about her love of God and her desire to serve God in everything she does.
4. In 2018, I began going to Catholic Mass and Bible study classes. Melissa had already attended those classes and those services for some time. Deacon Ronald "Ronnie" Lastovica leads those services and classes.
5. With Deacon Ronnie, we practice intimate rituals unique to the Catholic faith. We pray out loud holding hands. We "pass the Peace," which is when we shake each other's hands and tell each other, "Peace be with you." We take Holy Communion. When we take Holy Communion, we believe that, through touch and prayer, the body of Jesus Christ is imbued in the food and drink that we consume.
6. I know that Melissa attends Catholic Mass services and Bible study each week. I also know that she meets regularly with Deacon Ronnie for spiritual counsel.

I declare under penalty of perjury under the laws of the United States and the State of Texas that the foregoing is true and correct to the best of my knowledge and that this declaration was executed on March 10, 2022, in Gatesville, Texas.

A handwritten signature in cursive script, appearing to read "Darlie Lynn Routier". The signature is written in black ink and is positioned above the printed name.

Darlie Lynn Routier

# EXHIBIT 40

## DECLARATION OF ERICA YVONNE SHEPPARD


I, Erica Yvonne Sheppard, state and declare as follows:

1. My name is Erica Yvonne Sheppard. I reside at the Mountain View Unit of the Texas Department of Criminal Justice, 2305 Ransom Road, Gatesville, Texas, 76528. I am over the age of 18 and am competent to make this declaration. My TDCJ number is 00999144.
2. I have known Melissa Lucio since she arrived at the Mountain View Unit in 2008. We immediately formed a friendship and have remained close friends ever since.
3. Melissa and I spend time together throughout our daily routine. Because we are now on the Work Capable program, we work together. We also go to recreation together.
4. The Death Row Unit has designated days for religious services that include church services like mass, but also bible study classes and one-on-one devotional time with volunteers from the community who come and lead these services. One of those volunteers is Deacon Ronnie.
5. I know for at least the past several years Melissa has attended Catholic service opportunities every week. That includes Monday Catholic services with Bible study and services with Deacon Ronnie. Melissa also attends weekly visits with Deacon Ronnie on Thursdays. Melissa attends Mass every Sunday.
6. I am Muslim and do not attend all of these activities, however I do attend some Bible studies on Mondays and Tuesdays along with Melissa, and sometimes on Sundays if I am up for it. During Bible studies we pray together, and everyone holds hands.



7. I know that Melissa has a prayer life. She prays regularly and although we currently don't live in cells next to each other, I can sometimes hear her pray in her cell.
8. For the last several years, I have observed Melissa read her Bible every day.

I declare under penalty of perjury under the laws of the United States and the State of Texas that the foregoing is true and correct to the best of my knowledge and that this declaration was executed on March 10, 2022, in Coryell County, in the State of Texas.



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Erica Yvonne Sheppard

# EXHIBIT 41

## Declaration

My name is Lewis McCall Bowden. I am over 18 years of age and am competent to give this declaration.

I am a friend of Melissa Lucio's and I have been visiting and writing her for over two years.

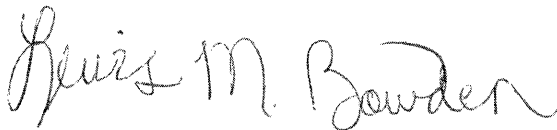
When I first started visiting Melissa Lucio, I did not really know what to expect. Yes, her friends said she was very nice and she had a beautiful spirit, but I didn't know how she had withstood the harshness of her situation. To my joy, I found Melissa to be caring, engaging and had a fight in her to make it to the finish line for her children. I looked forward to our monthly visits (before COVID) and felt I had so much to learn from her. Her life was filled with abuse and hardships, but her indomitable spirit is inspirational. I am scheduled to visit with her tomorrow and cannot wait to see her as we lift each other up.

I have researched Melissa's case, watched the movie, talked to some of her children and family members and am convinced of her innocence. I cannot believe that the State of Texas would be so eager to kill someone who has such a genuine possibility of being able to prove her innocence. Her death will satisfy nothing, but only serve to further injure those family members who have continued to be hurt for so many years.

In our conversations, Melissa has spoken of her faith and the journey through the teachings of the Catholic church. She seems to have found a spiritual home there, and in my observations, it has given her comfort. I realize that everyone takes a different path, but I am glad that Melissa has found a faith journey that continues to give her comfort in such dark times.

I request that Melissa's sentence simply be commuted so that she may pursue the fight for her innocence. This harms no one and yet shows that our state values both life and justice. Melissa and her family deserve this.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief that this declaration was executed on March 11, 2022.



Lewis McCall Bowden  
P.O. Box 832  
San Marcos, TX 78667

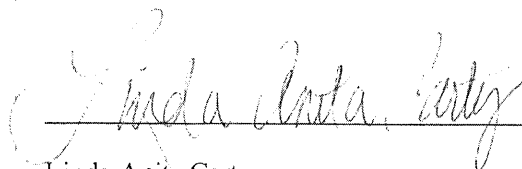
# EXHIBIT 42

UNSWORN DECLARATION OF  
LINDA ANITA CARTY

1. My name is Linda Anita Carty, my date of birth is October 5, 1958, and my TDCJ Number is 999406. I am presently incarcerated in the Mountain View Unit located at 2305 Ransom Road, Gatesville, Texas 76528.
2. I am a devoted Catholic.
3. I have known Melissa Lucio for fourteen years while we have both been incarcerated on death row.
4. During this time, Melissa Lucio has been a devoted Catholic and I have observed her hold strongly to her faith.
5. Melissa Lucio generally attends church with me twice a week. Monday's services are a mass and we receive the Eucharist. Thursday's services include going to confession and the Eucharist. During church services we pray aloud and shake hands during the sign of peace.
6. I have also seen Melissa attend the religious groups of volunteers who come to the facility and have seen her participate in Bible study. We discuss our faith together.
7. Melissa has also shared with me her role in her son's faith journey which brings tears to Melissa's eyes. Over the years, she has shared her faith with her son.

I declare that the foregoing is true and correct.

Executed on the 20th day of February, 2022.

  
\_\_\_\_\_  
Linda Anita Carty

# EXHIBIT 43

My name is Rae L. Gaither. My address is 630 Division Street, Huntington, IN 46750. I am over 18 years of age and competent to give this declaration. I am a Registered Nurse in the state of IN. I am an inmate advocate and have served over 100 inmates across 14 states.

I have known Melissa Elizabeth Lucio, inmate #999537 on death row at Mountain View Unit, Gatesville, TX for approximately 8 years. I send Melissa letters of emotional and spiritual support. I have been contact with her 2-4 times per month that entire time.

Melissa Lucio has really stood out as an exemplary example of how our justice system can fail us, in my eyes. She grew up in severe poverty. She was a victim of sexual abuse by her mother's boyfriends. Her mother not only did not believe her, but she did not do anything to help her daughter. She would marry young to escape an abusive home, only to become a victim of domestic violence. Her second partner and codefendant would also be extremely controlling and abusive to her. At times she was homeless with multiple children. Family failed to help her. The state of Texas failed to help her. She developed a drug and alcohol problem to deal with her tragic life. CPS had been involved with her more than once and at no time did they ever find her abusive to any of her many children. She was the only one looked at when her daughter Mariah's tragic death occurred. She was appointed an attorney that mounted very little defense for her capital murder case. He dismissed and did not use a court document filed by Melissa's mitigation specialist, stating some of the children said an older daughter had been abusing Mariah. She was not allowed to have her children, many of whom were present when the baby died, testify. Even though the state possessed interviews of each child. She was not allowed to have her experts testify at trial. No one was there to testify for her.

I have found Melissa to be a shy and quiet mother and grandmother that enjoys talking about her children and grandchildren a lot. She makes painted hankies from death row to send her grandchildren on their birthdays. She also draws pictures for them. I have noticed she mentions her children and grandchildren every letter. I write to several women that are in prison for killing their child or children and claim they are innocent. None of them talk about their kids like Melissa does. Her main worry heading toward execution is for the kids and grandkids. I have spoken with several of her adult children and they have all told me Melissa was never violent towards any of the children. Melissa's children were scattered across the state after she was incarcerated. That will forever mar their lives. If Melissa is murdered by the state of Texas, it will forever make victims of them again. She is loved and supported by many children, grandchildren, siblings, her mother, cousins and friends. She deserves to be with her family.

Melissa is a devout Christian. She has been a lifelong Roman Catholic but will attend mass or Christian meetings of any denomination offered to the death row at Mountain View. Approximately 4 years ago last September, Melissa decided to really dedicate her life to the Lord, and I encouraged her to place all her burden onto our Lord and believe he would free her. She began in earnest to pray several times a day and work toward building better relationships with other death row inmates and relatives. I have witnessed her grow by leaps and bounds. I never hear her complain about the prison or the way her life has gone. She has taken a tough stance against alcohol and drugs. I believe she would not relapse on either. She shows compassion and love for others. She has even given me spiritual encouragement

when I needed it the most. I believe with everything in me this woman is innocent of murder. I also believe it would be a huge travesty to execute her. Her murder would devastate her children who have already been robbed of their mother growing up.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief and that this declaration was executed on 02/07/2022.

Rae Gaither



630 Division Street

02/07/2022

Huntington, IN 46750



# EXHIBIT 44

DECLARATION OF RENE TREVINO

1. My name is Rene Trevino. My address is 2108 Southfork dr. Harlingen Texas. 78552. I am over the age of 18 and I am competent to make this declaration.

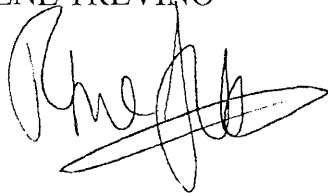
2. I am Melissa Lucio's youngest brother and I was always very close to her. Because I am fourteen years younger than her, she was my best friend and like a second mother to me. As a result I would always spend a lot of time at her house. On a daily basis I was there with her children, eating lunch or dinner and sometimes sleeping over at her house. I witnessed everything that was going on at her house with her kids and I can testify that my sister Melissa was an excellent mother. She was caring with her children, she would cook and clean. Her children were everything to her. She was never abusive to them on the opposite she was very lenient with them.

3. I feel that considering how close we were and my relationship with my nieces and nephews I should have been asked to testify at my sister's trial and I feel that my testimony would have helped understand who my sister Melissa Lucio really was. I was a really good witness to what was really happening in that house and I could have testified that my sister was never abusive towards her kids. I was never contacted by Peter Gilman and Adolfo Cordova, her lawyers at her trial. After her trial I wasn't contacted either by Margaret Schmucker, her appellate lawyer.

4. I strongly believe that my sister Melissa Lucio is innocent and did not have a fair trial. She was wrongly accused and shouldn't be on death row

5. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief and that this declaration was executed on June 17<sup>th</sup> 2018 in Harlingen, Texas

RENE TREVINO

A handwritten signature in black ink, appearing to read 'Rene Trevino', with a long horizontal flourish extending to the right.

# EXHIBIT 45

## Declaration of Sabrina Van Tassel

My name is Sabrina Van Tassel, my address is 121 avenue de Wagram 75017 Paris, France. I am over 18 years of age and competent to give this declaration.

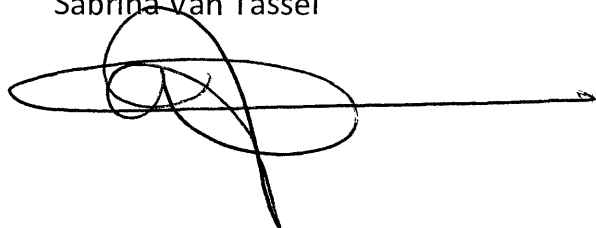
I have known Melissa Lucio since 2017. I was doing a documentary about women on death row when I first met her and interviewed her at the Mountain View Unit. Since then we have exchanged over 300 letters and I have interviewed her five times to the extent that I directed a film about her story which is now on Hulu. After reading over 7000 pages of documents and investigating her case I believe that this is a terrible miscarriage of justice. I believe that Melissa Lucio is innocent and did not receive a fair trial. I believe that the death of Mariah was a tragic accident. This is why Melissa Lucio should not be executed.

Since the very first day I met her, I have known of Melissa's deep faith in God. She is a devout Catholic. She found god in 2010 and was baptized again. The deacon and the spiritual advisor come to see her every week and they do a special mass for her. If she were to be executed it would be of most significant importance to have a priest pray vocally at her side and with her as this is a very important component of the Roman Catholic faith. I also believe it would be very important for Melissa to have her spiritual advisor give her consolation in the form of the laying on of hands and the anointing with holy water or administering the last sacrament, "the anointing of the sick" with holy oils.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

This declaration was executed on February 21st 2022 in Paris, France.

Sabrina Van Tassel

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

# EXHIBIT 46

Declaration of Sandra L. Jonas

My name is Sandra L. Jonas and my address is 800 N. Country Club Rd., Unit 2102, Tucson, Arizona 85716. I am over 18 years of age and competent to give this declaration.

1. Melissa Lucio has been my pen pal since August of 2021.
2. Ms. Lucio and I have exchanged many letters since we started writing.
3. In any given week, it is not uncommon for me to receive multiple letters and cards from Ms. Lucio.
4. I have visited Ms. Lucio at the Mountain View Unit in Gatesville twice.
5. I have personal knowledge of Ms. Lucio's religious beliefs and devotion.
6. Ms. Lucio has sent me prayer cards and shared her religious views with me.
7. Ms. Lucio is very religious.
8. Ms. Lucio subscribes wholeheartedly to Catholicism.
9. Ms. Lucio has expressed to me that her relationship with God is extremely important to her.
10. Ms. Lucio prays.
11. Ms. Lucio appreciates being prayed for.
12. Ms. Lucio trusts in God to protect her.
13. Ms. Lucio believes in the afterlife in accordance with the teachings of Catholicism.
14. Ms. Lucio believes in the necessity of the end-of-life ceremony performed by a Catholic priest.
15. I have no doubt that, during the execution, Ms. Lucio will need to have her spiritual advisor present with her to pray and have an unrestricted ability to perform the end-of-life ceremony in accordance with the teachings of Catholicism.
16. I have no doubt that Ms. Lucio's devotion to her religion is genuine.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

This declaration was executed on March 4, 2022 in Tucson, Arizona



Sandra L. Jonas

# EXHIBIT 47

## Declaration

My name is Shannon FitzPatrick. I am over 18 years of age and competent to give this declaration.

I am a friend of Melissa Lucio's and have been visiting and corresponding with her for over two years.

I have visited with several people on death row – both men and women, and each and every case is tragic, not the least of which is the case of Melissa Lucio. I am glad to call Melissa Lucio my friend. I am adamantly opposed to Melissa's execution not just because of what I see as her innocence, but her death at the hands of the state will serve no purpose. It will not be a deterrent – no death sentence ever is. The only other option is vengeance and as a society I would hope that we are well beyond that. In this case the vengeance is sorely misplaced. Melissa's life story is no less than heartbreaking, suffering sexual abuse from the time she was just a girl. Men abused her for all of her life and after her daughter's devastating death, when she was pounded with questions from a detective for hours on end, she did what many people would have done in her shoes and said the words this man wanted to hear: "I guess."

This is not a confession that should ever be accepted when considering taking of a human life. It seems it was politically convenient for a DA who was not worthy to argue the case for anything – much less death of another human being. As a state, we should be better than this. As a former prosecutor, I am appalled we have gotten to this – I see no justice here.

Having spent many hours with Melissa having sometimes deep, sometimes irreverent discussions, I feel I have gotten to know her better than most. I know that she has found a faith in God that she never had the chance to express in her pain-filled life prior to her arrest. I have seen her talk to other death row inmates and try to persuade them that there is a better path, and it was clear to me that her faith as a Roman Catholic is real. Her savior Jesus Christ was also wrongfully executed and she has told me that she feels he is by her side through this terrible journey.

Melissa's death will serve no one and will further damage a family whose trauma is immeasurable. Please commute her sentence – it will harm no one and the grace of such action will be the reflection of our values in Texas – that we do not take innocent lives. She is a kind and loving woman and should be given the chance to prove her innocence, and her children should get back their mother.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief and that this declaration was executed on March 4, 2022



Shannon FitzPatrick

P.O Box 832

San Marcos, Texas, 79667



# EXHIBIT 48

## Declaration of Sonya Valencia

My name is Sonya Valencia, my address is 1617 Velvet Oaks - Harlingen 78550 Texas. I am over 18 years of age and competent to give this declaration.

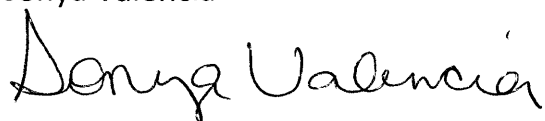
I am Melissa's younger sister and I have always been very close to my sister. I have always believed in my sister's innocence. I strongly believe that Melissa should not have been charged with Mariah's death. Melissa is a loving person, she is a loving mother with a beautiful soul and was never violent towards us, her siblings, her children, or anybody in general. Melissa did not like discipline and therefore would never discipline her kids. She does not like violence. Her way of disciplining them was yelling or threatening to spank them. During all those years none of her children ever expressed that she was abusive towards them. My memory of her with Mariah was that she was always loving. I believe this was an accident. Yes my sister had too many children and she had her issues with drugs and poverty but she was never violent. Please spare my sister's life. She is not a danger to society. She is a mother of 14 with no prior record apart from a DUI. I still to this day don't understand how she got the death penalty. She did not have a fair trial. I was the only member of the family allowed to testify and I can attest that she stood there with no defense. All these years she has been a model inmate. Please spare my sister's life.

Melissa has a strong faith in God. I know that she found God while being incarcerated and always writes to me about her faith. She meets with the Deacon every week. She believes that she was saved and that Jesus our savior has a plan for her. She is a completely changed person due to her faith in Him. I am told that the day of her execution she won't be allowed to have the priest pray out loud with her or touch her. Please this is an important part of her faith and she needs that audible last prayer if that time comes.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

This declaration was executed on February 22nd 2022 in Harlingen, Texas.

Sonya Valencia

A handwritten signature in black ink that reads "Sonya Valencia". The signature is written in a cursive style with a large, prominent 'S' at the beginning.

# EXHIBIT 49

## Declaration of Vanessa Escamilla

My name is Vanessa Escamilla and my address is 1305 S. D street – Harlingen 78550 Texas. I am over 18 years of age and competent to give this declaration.

I am Melissa Lucio's niece, on my mom's side. I have always maintained my aunt's innocence and I am asking you to please not execute her. I have so many memories with my aunt and would like to make more. She was always the most patient and lenient member of my family. She was never violent with any of us. Her children and I were raised like brothers and sisters and I can attest that she was never abusive with any of them. She wasn't just my aunt she was friend and I could always talk to her about everything in my life. She is not a danger to society and she does not deserve to die. Please don't break my family more than it's already been broken.

I have been writing my aunt for a while now and I was amazed to find out how religious she has become. Her faith in God is incredible. We come from a very religious family and belong to the Roman Catholic Church. It would be very important for her to have her spiritual advisor pray out loud next to her and hold her hands if she were to have an execution date. Please don't let this happen.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

This declaration was executed on February 23rd 2022 in Harlingen, Texas.

Vanessa Escamilla

A handwritten signature in black ink that reads "Vanessa Escamilla". The signature is written in a cursive, flowing style.

# EXHIBIT 50

## Declaration of Diane Cerda

My name is Diane Cerda and my address 603 East Monroe apt #2  
Harlingen 78550 Texas.

I am over 18 years of age and competent to give this declaration.

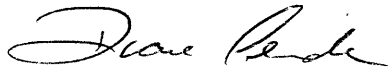
I am Melissa Lucio's younger sister and I beg you not to execute  
Melissa. I believe heart and soul that she is innocent. Melissa is not a  
murderer, she is a loving person who was never violent. We lost 15  
years without her, the family has been broken, her children were all  
raised without her. As a result an entire family has suffered deeply.  
Executing Melissa would kill my mother and make us suffer more.

Melissa is very religious. She belongs to the Catholic Church. In her  
letters she tells me about her faith and how God talks to her. The day  
she is executed it will be very important for her to have audible prayer  
with the priest that will be standing next to her and to get the last  
sacraments from him.

I declare under penalty of perjury that the foregoing is true and correct to  
the best of my knowledge and belief.

This declaration was executed on February 23rd 2022 in Harlingen,  
Texas.

Diane Cerda.

A handwritten signature in cursive script that reads "Diane Cerda".

# EXHIBIT 51

Name of Defendant	Case	Description	Gender of Defendant	Race of Defendant	Race of Victim	Date of Execution
Coleman, Lisa	Coleman v. Thaler, 716 F.3d 895, 898 (5th Cir. 2013)	Defendant starved and abused her girlfriend's nine-year-old son—tying him up with an extension cord, whipping him with a belt, locking him inside a pantry—eventually resulting in his death, at which point he had over 250 wounds on his corpse and weighed only twenty-five pounds	Female	Black	Black	Executed by lethal injection on September 17, 2014
Muhammad, Naim Rasool	Muhammad v. State, No. AP-77,021, 2015 WL 6749922 (Tex. Crim. App. Nov. 4, 2015)	Defendant abducted the mother of his children, who he had physically abused for many years, and their five- and three-year-old sons, and after mother escaped and ran for help, the defendant drowned his sons in a creek by holding their heads underwater	Male	Black	Black	TBD
Mullis, Travis James	Mullis v. Lumpkin, No. 3:13-CV-121, 2021 WL 3054800 (S.D. Tex. July 20, 2021)	Defendant, who voluntarily confessed, sexually assaulted his three-month-old son, then strangled him and stomped on his head, crushing his skull	Male	White	White	TBD
Green, Gary	Green v. Lumpkin, 860 F. App'x 930, 933 (5th Cir. 2021)	Defendant learned that his wife was seeking divorce and proceeded to stab his wife multiple times and drown their six-year-old daughter in a bathtub, to which he voluntarily confessed	Male	Black	Black	TBD
Milam, Blaine Keith	Milam v. State, No. AP-76,379, 2012 WL 1868458, at *2 (Tex. Crim. App. May 23, 2012)	Defendant convicted in murder of girlfriend's 13-month-old daughter, where baby was found with severe facial abrasions and bruises, twenty-four human bite marks, bruises, scrapes, and abrasions from head to toe, extensive fracturing to the back of the skull, eighteen rib fractures, and extensive injury to the genitals, and defendant later asked his sister to destroy evidence of the murder and also confessed to jail employee	Male	White	White	TBD



Thomas, Andre	Thomas v. Lumpkin, 995 F.3d 432, 438 (5th Cir. 2021)	Defendant broke into the apartment of his estranged wife and stabbed her, their four-year-old son, and his wife's one-year-old daughter, killing all three, and then attempted to cut the hearts out of each victim	Male	Black	Mixed Race (Black & White)	TBD
Rubio, John Allen	Rubio v. State, No. AP-76,383, 2012 WL 4833809, at *3-4 (Tex. Crim. App. Oct. 10, 2012)	Defendant and his girlfriend fatally stabbed and beheaded his girlfriend's 3-year-old and 1-year-old children, along with the couple's two-month-old infant	Male	Hispanic	Hispanic	TBD
Renteria, David Santiago	Renteria v. State, No. AP-74829, 2011 WL 1734067 (Tex. Crim. App. 2011)	Defendant, previously convicted of indecency with a child, kidnapped five-year-old victim, beat and strangled her to death, and then set her body on fire, after apparent sexual assault	Male	Native American	Hispanic	TBD
Vasquez, Richard	Vasquez v. Thaler, 389 Fed. Appx. 419 (5th Cir. 2010)	Defendant, in a drug-fueled rage, sexually abused and beat to death his girlfriend's four-year-old daughter while the girlfriend was at work	Male	Hispanic	Hispanic	TBD
Gallo, Tomas Raul	Gallo v. State, 239 S.W.3d 757, 762-63 (Tex. Crim. App. 2007)	Defendant brutally raped and beat to death child in his sole care, based in part on confession	Male	White	Hispanic	TBD
Roberson III, Robert Leslie	Roberson v. State, No. AP-74671, 2002 WL 34217382, at *15 (Tex. Crim. App. June 20, 2007)	Defendant well known for hitting his child when in a rage, where child then died of massive head injuries while in his sole care	Male	White	White	TBD
Avila, Rigoberto Jr.	Avila v. State, No. 74142, 2003 WL 21513440, at *1 (Tex. Crim. App. July 2, 2003)	Defendant stomped 19-month infant in the abdomen	Male	Hispanic	Hispanic	TBD
Ochoa, Abel Revill	Ochoa v. State, No. AP-74,663, 2005 WL 8153976, at *1 (Tex. Crim. App. Jan. 26, 2005)	Defendant, who confessed to the crime, "shot his wife, two of his sisters-in-law, his father-in-law, and his 18-month-old daughter," after which he "reloaded his gun and shot his seven-year-old daughter"	Male	Hispanic	Hispanic	Executed by lethal injection on February 6, 2020

Ramos, Robert Romero	Ramos v. State, 934 S.W.2d 358, 363 (Tex. Crim. App. 1996)	Defendant “had a history of violence against his family,” gave conflicting versions of the whereabouts of his missing wife, daughter (7), and son (3)—that they had died in a car accident, that they were in Austin, then San Antonio, then Mexico—a neighbor had heard them “screaming in pain” around the time of their disappearance, and he eventually admitted to burying their bodies under the bathroom floor	Male	Hispanic	Hispanic	TBD
Battaglia, John David	Battaglia v. State, No. AP-74,348, 2005 WL 1208949, at *1–2 (Tex. Crim. App. May 18, 2005)	Defendant forced his daughters (6 and 4) to call his wife, who had filed restraining order against him for abuse, and shot both of them while their mother listened over the phone	Male	White	White	Executed by lethal injection on February 1, 2018
Holiday, Raphael Deon	Holiday v. Stephens, No. CIV.A. H 11-1696, 2013 WL 3480384, at *2 (S.D. Tex. July 10, 2013)	Defendant’s girlfriend found out he had sexually abused her seven-year-old daughter and filed a protective order, defendant violated the order and became increasingly abusive, and eventually lit her house on fire with three children (his girlfriend’s daughters, 7 and 5, and the couple’s infant son) inside	Male	Black	Black	Executed by lethal injection on November 18, 2015
Hernandez, Jesse Joe	Hernandez v. State, No. 74,401, 2004 WL 3093221, at *1 (Tex. Crim. App. May 26, 2004)	Defendant confessed to striking ten-month-old and four-year-old who were in his care with a flashlight, admitted he “just exploded and hit them with the back of [his] hand,” and infant died of blunt force trauma to the head	Male	Hispanic	Hispanic	Executed by lethal injection on March 28, 2012
Salazar, Robert Jr.	Salazar v. State, 38 S.W.3d 141 (Tex. Crim. App. 2001)	Defendant sexually abused and murdered the child of his girlfriend by beating her “with repeated blows of severe force” and by shaking her, resulting in numerous life-threatening injuries	Male	Hispanic	Hispanic	Executed by lethal injection on March 22, 2006

Styron, Ronford Lee	Styron v. Johnson, 262 F.3d 438, 442 (5th Cir. 2001)	Defendant admitted to striking his son, and autopsy revealed at least three blows to his head and evidence of other abuse, including hemorrhaging consistent with repeated episodes of shaken-baby trauma and multiple rib fractures	Male	White	White	TBD
Martinez, Virgil Euristi	Martinez v. State, 17 S.W.3d 677, 681-82 (Tex. Crim. App. 2000)	Defendant shot and killed his ex-girlfriend and her two children, ages 5 and 3, as well as a witness to their murders, each dying from multiple gunshot wounds	Male	Hispanic	Hispanic	Executed by lethal injection on January 28, 2009

# EXHIBIT 52

Name of Defendant	Case	Description	Gender of Defendant	Race of Defendant	Race of Victim	Sentence
Bibbs, Tradezsha	Bibbs v. State, No. 14-17-00939-CR, 2019 WL 6606399, at *2 (Tex. App. Dec. 5, 2019)	Defendant admitted to abusing her four-month-old child since the baby was two months old	Female	Black	Black	Sentenced to life without parole on November 17, 2017
Day, Laura	Day v. State, No. 13-13-00338-CR, 2016 WL 4272383, at *2 (Tex. App. Aug. 11, 2016)	Defendant drowned her six-year-old stepson, and fisherman testified that he watched defendant motion for child to enter the ocean and then, later, saw her drive away and "she waved at him with an 'ear-to-ear' grin"	Female	White	Unknown	Sentenced to life without parole on June 12, 2013
Muniz, Melinda Lynn	Muniz v. State, No. 05-18-00428-CR, 2018 WL 3599196, at *1 (Tex. App. July 27, 2018)	Defendant murdered fiancé's 2-year-old daughter, who was found with duct tape over her mouth while she was under defendant's sole care, and police found search history about killing children and claiming insanity and about duct taping over children's mouths, and security footage showed defendant purchasing duct tape, zip ties, kitchen shears, and cotton swabs	Female	White	Unknown	Sentenced to life without parole on February 2, 2015
Whitehead, Jennifer	Whitehead v. State, 437 S.W.3d 547 (Tex.App.-Texarcana June 19, 2014)	Defendant had sole care of 16-month-old daughter, who died of blunt force trauma to the head	Female	White	White	Sentenced to life without parole on March 1, 2013
Latimer, Beverly	Latimer v. State, 319 S.W.3d 128 (Tex.App.-Waco 2010, reh'g overruled)	Defendant was sole caregiver at time of child's death, and child died from blunt force trauma to the head, and had bruising on his chest, head, face, arms, legs, and behind his ear	Female	Black	Unknown	Sentenced to life on September 19, 2008
Williams, Jamie Lynn Mosby	Williams v. State, 294 S.W.3d 674, 678 (Tex.App.-Houston 2009, pet. ref'd)	Defendant's two-year-old child "was covered in cuts, bruises, and puncture wounds at different stages of healing," died of severe head injuries, and witnesses testified they urged defendant to seek medical attention and she declined to do so for 12 hours	Female	Black	Black	Sentenced to life on March 23, 2007

Alexander, Kimberly Michele	Alexander v. State, 229 S.W.3d 731, 735 (Tex.App.-San Antonio 2007, pet. stricken)	Defendant's two-year-old daughter died from blunt force trauma to the head and thorax inflicted by at least three different instruments and a minimum of 26 blows, and victim's body "exhibited extensive bruising on her forehead, chest, back, both arms and both legs, along with hemorrhaging around her optic nerves," and a laceration to the liver, defendant admitted to hitting her but stated it was merely discipline	Female	Black	Black	Sentenced to life without parole on December 13, 2005
Martin, Tameka Nichole	Martin v. State, 246 S.W.3d 246 (Tex.App.-Houston 2007, no pet.)	Defendant had sole care of 10-month old child and refused to call 911 for several hours and tried to prevent baby's father from doing so, though the baby had swollen eyes and was unresponsive, baby died of head trauma, and also suffered from malnutrition and multiple broken bones	Female	Black	Black	Sentenced to life on July 31, 2006
Stevens, Kim	Stevens v. State, 234 S.W.3d 748, 760-65 (Tex.App.- Fort Worth 2007, no pet.)	Defendant had sole care babysitting two-and-half-year old victim who "had a fairly recent fracture that was four to five inches long on the back left part of her skull, [...] her duodenum had been transected such that the two ends of [victim]'s bowel were completely torn apart, and [...] she had bruises all over her body," defendant gave conflicting accounts of events leading up to child's death, and child's death was inconsistent with those accounts	Female	White	Unknown	Sentenced to life on June 2, 2005

Badia, Calandra Trish	Badia v. State, No. 13-05-267-CR, 2006 WL 2382773, at *1 (Tex.App.-Corpus Christi Aug. 17, 2006, pet. ref'd)	Defendant had sole care of three-month-old son who died of blunt force trauma to the head, victim's "head was grossly misshapen and swollen in areas, and there was bruising in the area of his left shoulder," and "there was swelling to such an extent that it was hard to tell if there was one particular area of injury"	Female	White	White	Sentenced to life on March 31, 2005
Qualley, Veronica Dawn	Qualley v. State, 626-27 (Tex. Crim. App. 2006)	Two co-defendants, 2-year-old victim's mother and mother's boyfriend, had sole care of child, whose body "was riddled with injuries," including 44 bruises on the body, and the pathologist testified "that it was one of the worst cases of child abuse that he had ever seen"	Female	White	White	Sentenced to life on February 6, 2003
Logan-Gates, Terri Ellen	Logan-Gates v. State, No. 05-02-1624-CR, 2005 WL 159627, at *1 (Tex.App.-Dallas Jan. 6, 2005, pet. ref'd)	Defendant's infant died as a result of blunt force trauma to the skull, and though defendant claimed baby had slipped in the bathtub, autopsy revealed that this would not explain the level of trauma that she suffered -- instead, injuries were consistent with the baby's "head moving with speed and rotation and suddenly being stopped against a hard surface or ... being shaken violently," and at least some of the injuries occurred weeks before the baby's death	Female	Unknown	Unknown	Based on online available information, Logan-Gates was likely convicted for life around 2004 or 2005. Logan-Gates is not in the Texas Department of Criminal Justice Inmate Database.
Chapman, Rita	Chapman v. State, No. 01-00-110-CR, 2001 WL 754812, at *1 (Tex.App.-Houston July 5, 2001, pet. ref'd)	Defendant had sole care of two-year-old niece, who died as a result of substantial blunt trauma to her head, and also had 15 distinct injuries including fresh bruises on her back, face, and arms, and defendant several times said "I didn't do it on purpose" or "it was an accident"	Female	White	White	Sentenced to life on January 18, 2000

Webb, Rosie Mae	Webb v. State, No. 03-00-228-CR, 2001 WL 725663, at *1 (Tex.App.-Austin June 29, 2001, no pet.)	Defendant's three-year-old granddaughter died from blunt force injuries sustained after defendant and her son struck her with a shoe and spanked her, and after defendant failed to intervene (and, indeed, admitting to holding the victim's shoulders) when her son struck victim 15 or 20 times with a belt, as punishment for urinating in her bed	Female	Black	Black	Sentenced to life on March 3, 2000
McCollister, Randy Ray	McCollister v. State, 933 S.W.2d 170, 171 (Tex.App.-Eastland 1996, no pet.)	Defendant's 23-month-old stepdaughter died from blunt force injuries to the head while in his sole care, and evidence showed defendant "hit the victim with his fist above her eye, causing her to fall against the couch," "hit the victim's head again," then "picked the victim up and shook her until he noticed blood coming out of her mouth"	Male	White	Unknown	Sentenced to life on October 28, 1994
Phifer, Charles Wayne	Phifer v. State, No. 05-18-01232-CR, 2020 WL 1149916, at *3 (Tex. App. Mar. 10, 2020)	Defendant bound 4-year-old's wrists with electrical wire and tied her inside closet, and autopsy revealed multiple blunt force traumatic injuries to her head, face, torso, and extremities	Male	White	Unknown	Sentenced to life without parole on October 15, 2018
Bryant, Jekaris Lee	Bryant v. State, No. 11-17-00025-CR, 2019 WL 613643, at *2 (Tex. App. Feb. 14, 2019)	Defendant was the sole caregiver of 28-day old infant at the time of her death, and autopsy showed severe bruising and over 28 rib fractures, consistent with an infant who "was sh[a]k[en] violently for a sustained amount of time"	Male	Black	Black	Sentenced to life without parole on January 27, 2017



Washington, Sherrick	Washington v. State, 567 S.W.3d 430, 436 (Tex. App. 2018)	Defendant admitted to beating girlfriend's 5-year-old son, who suffered severe external and internal injuries, including "three pelvic fractures and two fractures at the base of his skull ... multiple cuts and several-inch-long contusions on his head; linear and striated bruises on his legs and buttocks; and bruises on his ribs, hip, torso, and shin"	Male	Black	Unknown	Sentenced to life without parole on June 28, 2017
West, Dustin	West v. State, No. 10-15-00326-CR, 2018 WL 3580784, at *2 (Tex. App. July 25, 2018)	Defendant had sole care of girlfriend's two-year-old child, who had extensive injuries all over his body and medical expert concluded he had been beaten to death	Male	White	Unknown	Sentenced to life without parole on September 10, 2015
Gayton, Clifford James	Gayton v. State, No. 06-16-00218-CR, 2017 WL 3382325, at *3 (Tex. App. Aug. 4, 2017)	Defendant had sole care of girlfriend's two-year-old child, who was found "naked, [with] substantial bruising over much of his body and a fresh cut on his left upper lip," and autopsy described "blunt force trauma of extraordinary force" to child's head	Male	Black	Unknown	Sentenced to life without parole on December 2, 2016
Mercado, Michael David	Mercado v. State, No. 05-16-00152-CR, 2016 WL 7473906, at *3 (Tex. App. Dec. 29, 2016)	Defendant had sole care of girlfriend's two-year-old son, who had numerous severe external injuries, including bruising on his head, ears, and face, bruising and cuts on his chest, fractured ribs, and hemorrhaging at four different areas of his head	Male	Hispanic	Unknown	Sentenced to life without parole on February 1, 2016
Mayreis, Shawn	Mayreis v. State, 462 S.W.3d 569, 573 (Tex.App.-Houston [14th Dist.] Mar. 24, 2015, pet. ref'd)	Defendant's infant daughter, who was in his sole care, died on multiple blunt force trauma, sustaining rib fractures, skull fractures, extensive hemorrhaging, and bruises to her face, abdomen, legs, and back	Male	Asian	Asian	Sentenced to life without parole on August 8, 2013

Roberson, Alexdenar	Roberson v. State, No. 05-13-01416-CR, 2015 WL 2195097 at *2 (Tex. App.—Dallas May 8, 2015, no pet.)	Defendant had sole care of girlfriend's 20-month-old son who died of blunt force trauma to the head and torso, resulting in 13 rib fractures, a torn liver, and "shredded areas of the lungs"	Male	Black	Unknown	Sentenced to life without parole on October 3, 2013
Duncan, Micah Troy	Duncan v. State, No. 05-12-00166, 2013 WL 1258449 (Tex.App.-Dallas Mar. 22, 2013, no pet.)	Defendant had sole care of 15-month-old victim, who sustained a severe head injury described by one doctor as "almost the most severe head injury" he had ever seen, involving multiple head injuries, bleeding around the brain, massive brain swelling, a large skull fracture, scalp swelling, facial bruises, and extensive, multiple-layer retinal hemorrhages in the back of the eyes	Male	White	Unknown	Sentenced to life without parole on November 1, 2011
Cervera, Eric	Cervera v. State, No. 04-11-00875-CR, 2012 WL 4810318 (Tex.App.-San Antonio Oct. 10, 2012, no pet.)	Defendant had sole care of two-year-old victim, his stepson, who sustained at least six injuries to the face and head, and had bruises "up and down" his leg and on his penis, several rib fractures, a large tear in the liver, and a complete tear in the pancreas	Male	Hispanic	Unknown	Sentenced to life without parole on September 20, 2011
Gray, Daniel James	Gray v. State, No. 14-10-00200-CR, 2011 WL 4793792 (Tex.App.-Houston [14th Dist.] Oct. 11, 2011, pet. ref'd)	Defendant was caregiver to girlfriend's 4-year-old grandson, who died from blunt head trauma, asphyxia, and chronic child abuse and had multiple bruises on his forehead, face, cheek, nose, eyelid, and lips, and girlfriend testified to the abuse	Male	White	Unknown	Sentenced to life without parole on January 22, 2010
Andrus, Dennis	Andrus v. State, No. 01-08-738-CR, 2009 WL 4856202, at *1 (Tex.App.-Houston Dec. 17, 2009, no pet.)	Defendant was sole caregiver at time of child's death, his infant child suffered a broken left arm, a large skull fracture and contusions on the right side of her head, a smaller skull fracture on the left side of her head, and significant bleeding into her brain	Male	Black	Black	Sentenced to life without parole on August 25, 2008

Marin, Pete	Marin v. State, No. 01-08-517-CR, 2009 WL 2526434, at *1 (Tex.App.-Houston Aug. 20, 2009, pet. stricken)	Defendant had sole care of his girlfriend's 10-month-old infant when he sustained head injury causing brain damage resulting in death, and had fractures in his ribs and right tibia consistent with past abuse	Male	Hispanic	Unknown	Sentenced to life without parole on May 6, 2008
Munoz, Albert	Munoz v. State, No. 08-07-325-CR, 2009 WL 2517664, at *1 (Tex.App.-El Paso Aug. 19, 2009, no pet.)	Defendant had sole care of girlfriend's 11-month-old, who was "malnourished and underfed" and died from blunt force trauma to the head likely caused by his head striking a hard object "while traveling at great velocity"	Male	Hispanic	Unknown	Sentenced to life without parole on August 3, 2007
Guerrero, Juan Carlos Jr.	Guerrero v. State, No. 13-05-709-CR, 2008 WL 5179740, at *1 (Tex.App.-Corpus Christi Mar. 13, 2008, no pet.), cert. denied, 129 S. Ct. 2740 (2009)	Defendant would call girlfriend's three-year-old a "bastard" because his father was a Black man, victim died from blunt force injuries to the head and neck after defendant became upset that the victim's mother had begun communicating with Black man she previously dated, and proceeded to beat her and then repeatedly slammed the victim's head into a wall	Male	Hispanic	Mixed Race (Unknown & Black)	Sentenced to life without parole on February 7, 2003
Giddens, David Michael	Giddens v. State, 256 S.W.3d 426 (Tex.App.-Waco 2008, pet ref'd)	Defendant admitted to accidentally banging three-month-old adopted son's head against the wall and failing to take any action or inform his wife, and child suffered multiple, complex fracturing to the skull, hemorrhaging, and a rectangular depression in the skull	Male	White	Unknown	Sentenced to life without parole on February 22, 2007
Medrano, Mark Anthony	Medrano v. State, No. 01-07-408-CR, 2008 WL 4837473, at *1 (Tex.App.-Houston Nov. 6, 2008, no pet.)	Defendant had sole care of girlfriend's near-two-year-old at the time of death, victim had a total of 63 bruises on his body, four fractured ribs, a large tear in the root of his intestines, a large tear in his liver, and a tear of abdominal membranes	Male	Hispanic	Unknown	Sentenced to life without parole on May 10, 2007

Moore, Ernest Murry	Moore v. State, 265 S.W.3d 73 (Tex.App.-Houston 2008, pet. dismissed as improvidently granted)	Defendant had sole care of girlfriend's 20-month-old child, who died from blunt force trauma to the head and suffered extensive injuries, including to the small bowel, pancreas, abdominal cavity, thymus, and heart	Male	White	Unknown	Sentenced to life sentence on May 9, 1987
Nunez, Isaiah	Nunez v. State, No. 05-07-00620, (Tex.App.-Dallas June 12, 2008)	Defendant had sole care of infant victim at time of death, victim had numerous facial bruises consistent with knuckles from a fist, a swollen eye, hemorrhages around the optic nerves of both eyes, and subdural hemorrhages resulting from multiple blunt force trauma to the head	Male	Hispanic	Unknown	Sentenced to life without parole on May 16, 2007
Rios, Abel	Rios v. State, No. 08-06-211-CR, 2008 WL 4351133, at *1 (Tex.App.-El Paso Sept. 24, 2008, no pet.)	Defendant had sole care of girlfriend's four-year-old daughter at the time of death and autopsy showed victim died from blunt force head injuries caused by something striking her head with an object or striking her head against an object	Male	Hispanic	Unknown	Sentenced to life without parole on June 24, 2006
Villegas, Esteban Trevino	Villegas v. State, No. 13-05-371-CR, 2008 WL 2515879, at *1 (Tex.App.-Corpus Christi Mar. 13, 2008, pet. ref'd)	Defendant's 10-week-old son died in his sole care, from blunt force trauma to the head resulting in a large skull fracture and intracranial bleeding, and victim also had 12 fractured ribs in various stages of healing, a fractured right arm bone, and fractures to both of his thigh bones	Male	Hispanic	Hispanic	Sentenced to life without parole on February 9, 2005

Cornelius, Joseph Earl	Cornelius v. State, No. 05-06-830-CR, 2007 WL 4341048, at *1 (Tex.App.-Dallas Dec. 13, 2007, no pet.)	Defendant had sole care of three-month-old daughter at her time of death, and she sustained blunt force injuries to the head and neck, multiple contusions and abrasions to the head and neck, a laceration about the right eyebrow, deep soft tissue hemorrhage below the scalp, and hemorrhaging surrounding the spinal cord, and also had recent fractures to three ribs, scattered abrasions and contusions of the arms, hands, and legs, and multiple blunt force injuries consistent with strangulation	Male	Black	Black	Sentenced to life on May 25, 2006
Dismuke, Arminius Darrell	Dismuke v. State, No. 05-04-1856, 2006 WL 3200113, at *1 (Tex.App.-Dallas June 6, 2006, pet. ref'd)	Defendant had sole care of his girlfriend's 14-month-old victim daughter, who died from blunt force head injuries resulting in massive brain trauma and retinal hemorrhages	Male	Black	Unknown	Sentenced to on October 21, 2004
Lozano, Leoncio	Lozano v. State, No. 13-03-290-CR, 2006 WL 3095353, at *1 (Tex.App.-Corpus Christi Oct. 26, 2006)	Defendant had sole care of girlfriend's 20-month-old infant, who died from two intestinal ruptures and a mesentery rupture caused by multiple, blunt force trauma to the abdomen, and had sustained bite marks to the groin and had bruises and lacerations to the face, abdomen, back, legs, one toe, and groin, and defendant testified to accidentally stepping on the baby	Male	Hispanic	Unknown	Sentenced to life on May 15, 2003
Montgomery, Frank Allen	Montgomery v. State, 198 S.W.3d 67, 85-88 (Tex. App.-Fort Worth 2006, pet. ref'd)	Defendant had sole care of girlfriend's 16-month-old child at time of death, and victim died as a result of blunt force head injuries and also had suffered a large second-degree burn on her back while in defendant's care	Male	Black	Unknown	Sentenced to life on August 27, 2004

Torrez, Manuel Luna	Torrez v. State, No. 03-05-157-CR, 2006 WL 2309637, at *1 (Tex.App.-Austin Aug. 11, 2006, pet. ref'd)	Defendant's 11-month-old child, who was "covered in bruises," died as a result of blunt force injuries that led to massive internal bleeding, where defendant gave several different conflicting accounts of what occurred	Male	Hispanic	Hispanic	Sentenced to life on March 2, 2005
Felder, Nathan	Felder v. State, No. 07-03-260-CR, 2005 WL 1742928, at *1 (Tex.App.-Amarillo July 25, 2005, pet. ref'd)	Defendant had sole care of girlfriend's two-year-old son at the time of death, and died of blunt force injuries to the head and had sustained 37 separate injuries to the outside of the body, as well as an abdominal injury to the mesentery fasc, and injuries were inconsistent with defendant's account of what happened	Male	Black	Unknown	Sentenced to life on March 28, 2003
Cansino, John Ross	Cansino v. State, No. 11-02-155-CR, 2003 WL 21299605, at *1 (Tex.App.-Eastland June 5, 2003, no pet.)	Defendant's seven-week-old son died while in defendant's sole care from being struck by a blunt object with great force, resulting in four skull fractures, and victim's ribs had been previously broken about two weeks prior to death, doctor determined that injuries were not consistent with accidental dropping but rather "injuries would be consistent with either an automobile accident or dropping the child from a two-story building"	Male	Hispanic	Hispanic	Sentenced to life on April 25, 2002
Jackson, Anthony Maurice	Jackson v. State, No. 04-02-00316, 2003 WL 292173 (Tex.App.-San Antonio Feb. 12, 2003)	Defendant slammed girlfriend's infant child's head into the wall, causing it to stick in the wall and leave a hole, and girlfriend witnessed the abuse	Male	Black	Unknown	Sentenced to life on March 9, 2000

Duren, Todd Michael	Duren v. State, 87 S.W.3d 719, 723 (Tex.App.-Texarkana 2002, pet. stricken)	Defendant had sole care of girlfriend's three-year-old son at time of death, victim "sustained a severe trauma force to the head and had multiple external bruises on his body, consistent with impacting a hard surface and being forcefully grabbed"	Male	White	Unknown	Sentenced to life on May 3, 2001
Garcia, Francisco	Garcia v. State, No. 07-00-0116-CR, 2002 WL 31084651 (Tex.App.-Amarillo Sept. 17, 2002)	Defendant was sole caregiver of 5-month-old stepdaughter and admitted he struck infant victim in the face in a rage: "I lost control of everything and I slapped Amanda across the face with my left hand. I was in so much rage that I dont [sic] know how hard I hit her."	Male	Hispanic	Hispanic	Online information confirms that he was sentenced around September 2002
Lewis, Michael David	Lewis v. State, No. 11-05-301-CR, 2007 WL 866636, at *1-2 (Tex.App.-Eastland Sept. 12, 2001, pet. ref'd)	Defendant's nine-month-old stepson died as a result of blunt force trauma to the brain, and there were 35 to 40 bruises on his body, and defendant claimed he accidentally dropped the baby but doctors concluded the severe injuries were inconsistent with that account	Male	White	Unknown	Sentenced to life on September 2, 2005
Pumphrey, Jason	Pumphrey v. State, No. 05-06-726-CR, 2007 WL 2052159, at *1 (Tex.App.-Dallas July 19, 2001, pet. ref'd)	Defendant and five-year-old victim's mother both admitted to abusing the child, whose "entire body was covered in marks and bruises," and died of numerous, severe blunt force injuries, including a broken arm, two black eyes, swelling to her head, bruises to her genitals, and whip marks on her back, and also had internal injuries including multiple rib fractures and injuries to her lungs	Male	Black	Hispanic	Sentenced to life May 11, 2006

Willard, Bobby	Willard v. State, 2001 WL 421574 (Tex.App.-Amarillo Apr. 25, 2001, pet. ref'd)	Defendant had sole care of two-year-old victim at the time of death, she died from blunt trauma causing brain swelling, and had sustained injuries to the chest, abdomen, pelvis, back, legs, forearms, and knee, and witnesses observed defendant "whooping" victim with a belt 12 or 13 times while holding her upside down by one leg	Male	Black	Unknown	Sentenced on April 14, 2000
Guzman, Bennito	Guzman v. State, 20 S.W.3d 237 (Tex.App.-Dallas May 4, 2000)	Defendant had sole care of girlfriend's infant son who died as a result of multiple blows to the head, resulting in multiple skull fractures and massive internal hemorrhaging	Male	Hispanic	Unknown	Sentenced on December 9, 1998



# EXHIBIT 53

### Mariah Alvarez CPS Medical History

2/24/05	Mariah has lung infection. CPS Records, Bates Stamp No. MLFD1 0018985.
3/21/05	Mariah has allergies and has mucus in her lungs. CPS Records, Bates Stamp No. MLFD1 0019062.
4/29/05	Mariah has bronchitis. CPS Records, Bates Stamp No. MLFD1 001899.
6/14/05	Mariah receives physical and occupational therapy once a month. CPS Records, Bates Stamp No. MLFD1 0018994.
10/31/05	Mariah has bronchitis and is receiving nebulizer treatment. CPS Records, Bates Stamp No. MLFD2 00016666.
1/04/06	Mariah appeared to be struggling to walk as her two feet were turned to the side instead of facing front. CPS Records, Bates Stamp No. MLFD1 0019008.
1/23/06	Dr. Zamir was going to recommend special shoes to aid Mariah in walking. CPS Records, Bates Stamp No. MLFD1 0019009.
3/16/06	Mariah has a fever and doctor prescribes Arbuterol breathing treatment for her asthma. CPS Records, Bates Stamp No. MLFD1 0019013.
3/22/06	Mariah was in her classroom at the Head Start Program, playing on school play equipment when she lost her balance and fell to the floor. Her teacher stated she hit the right side of her forehead. As per Head Start teacher, Mariah lost consciousness briefly. CPS Records, Bates Stamp No. MLFD2 00019484.
3/28/06	Mariah reported to have walking difficulties. CPS Records, Bates Stamp No. MLFD2 00019097.
5/05/06	Mariah: ITP - walking difficulties - foot goes outward when walking, her stepping up/down stairs. CPS Records, Bates Stamp No. MLFD2 00019126.
6/01/06	Mariah is not strong enough to walk on now and falls down very often. CPS Records, Bates Stamp No. MLFD1 0018979.
6/19/06	Doctor recommends Mariah wear orthopedic shoes to straighten her feet when she walks. CPS Records, Bates Stamp No. MLFD2 00019519.
11/17/06	Mariah fell down and hit corner of herself [sic] on the cubbies. CPS Records, Bates Stamp No. MLFD1 0019050.

# EXHIBIT 54

STATE OF TEXAS  
COUNTY OF CAMERON

BEFORE ME, the undersigned authority, a notary public in and for Cameron County, Texas on this day personally appeared Alexandra Marie Lucio who, after by being duly sworn did depose and say:

My name is Alexandra Marie Lucio. My date of birth is June 12th 1991. I live at 117 W. Lee St. Harlingen, TX 78550 and can be reached at (956) 792-1479.

On 2/17/07 I woke up at my house at about 7:15 a.m. and I called my dad, Guadalupe Lucio, on the phone. He lives in Temple. I called him to wake him up. After I got off the phone with my dad, I went back to sleep. I woke up again at about 9:00 a.m.

When I woke up I listened to the radio and watched T.V. for a little while. I watched T.V. until about 11:30 a.m. then I started to clean my room. I cleaned my room, by myself until 4:00 p.m. When I came out of my room I went to wake up my mom, Mellisa Lucio and my step-dad Robert Alvarez. They were still asleep in their bedroom. They had been awake all night with the baby, Mariah Alvarez. Mariah had been breathing heavily since yesterday. I think she might have got sick yesterday when she went outside with my mom, but she was only outside for a little while. Robert said that she might have got sick when she ate a tamale, but Robert ate them to and he didn't get sick.

After I woke up my parents, I went back to my room and finished cleaning it for about an hour or so, after that I went and ate with my brother's, Rene Alvarez, Richard Alvarez, Bobby Alvarez, Gabriel Alvarez, Adrian Alvarez and my Sister's, Sarah Alvarez, Selina Lucio and my parents. We were all in the living room. Mariah was in my parent's room asleep on their bed. While I was eating, Robert was calling his friends to see if he could go and pick up some furniture that he had bought from them.

At about 6:15 p.m. my sister, Daniella Lucio, got to our house with her two children, Clarissa Flores and Ricky Aguirre. When Daniella got to the house, Robert left with Selina, Rene and Richard to pick up the furniture from Robert's friends. My mom was telling Daniella that Mariah was sick, so Daniella went to my parent's room to check on her. I was in my brother's room with my mom and Clarissa and Ricky. Daniella came back to the room and said that Mariah looked real sick and Daniella was crying. My mom was sorting the clothes, since we had just moved to this house.

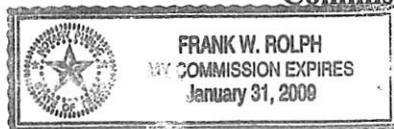
Alexandra Lucio

SWORN AND SUBSCRIBED TO BEFORE ME, on this 17<sup>th</sup> day of February 2007

Frank Rolph  
Notary Public in and for Cameron County Texas  
Detective Frank Rolph

Name

Commission Expires



About 15 minutes later Robert came back home and he went to his room to check on Mariah. As soon as Robert went into the room I heard him yelling my mom's name. When we heard him yell, we all got up and ran to his room. When we went into the room I saw Robert holding Mariah in his arms, then he put her on the bed and started to do CPR on Mariah. Mariah was really pale and her arms looked stiff. Mariah's eye's were open and they were rolled back into her head. While Robert was doing CPR, Daniella went to call 911. Robert was still trying to do CPR on Mariah. He did this for about 15 or 20 minutes, until the ambulance got there.

When the ambulance got to the house there were about four paramedics who came in and started to help Robert do CPR. The paramedics then took Mariah to the hospital and I stayed outside with my family, since we were told not to go back inside the house. When the ambulance left, we went straight to the police department.

A.M.L

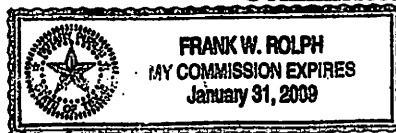
Alexandra Lucia

SWORN AND SUBSCRIBED TO BEFORE ME, on this 17<sup>th</sup> day of February 2007

Frank Rolph  
Notary Public in and for Cameron County Texas  
Detective Frank Rolph

Name

Commission Expires



# EXHIBIT 55

STATE OF TEXAS  
COUNTY OF CAMERON

BEFORE ME, the undersigned authority, a notary public in and for Cameron County, Texas on this day personally appeared Daniella Hope Lucio who, after by being duly sworn did depose and say:

My name is **Daniella Lucio**. My date of birth is 4/23/87. I live at 3010 N. 77 #11, Harlingen, Texas 78550 and can be reached at (956) 893-1925.

On 2/17/07 I arrived at my mother, Mellisa Lucio's house. My boyfriend, Victor Aguirre, dropped me off at about 6:15 p.m. I went to my mom's house because, my boyfriend was going to a party and I didn't want to stay at my house alone. I moved out of my mom's house about a year and a half ago. The last time I was at my mom's house was on Super Bowl Sunday, which was about two weeks ago. At that time my little sister Mariah Alvarez looked really healthy and active. I didn't notice anything to be wrong with her.

When I got to my mom's house, I went inside the house and into a bedroom that is going to be my brother's bedroom. My mom and step-dad, Robert Alvarez had just moved into the house. My mom, my sister, Alexandra Lucio and my brother, Gabriel Alvarez were all inside the bedroom. My mom was sorting out clothes. Mariah was in my parent's bedroom. My mom told me that she was worried about Mariah because she had been sleeping all day. My mom also said that Mariah had spent the day before sleeping and wouldn't eat. She said that every time she would try to feed her, Mariah would close her mouth very tight and wouldn't open it. After she told me this I went to check on Mariah. When I saw Mariah I noticed that she was breathing very heavily. I couldn't see her face, but I could see her body move up and down as she breathed. After that I went back with my mom.

About twenty minutes later, Robert got to the house. When Robert got there he went to the bedroom where Mariah was at. As soon as Robert went in there I heard him yelling my mom's name. As soon as we heard him, we all went running to the bedroom. When I went into the room I saw Mariah lying on the bed, she looked really pale and she wasn't breathing. That's when I got my sister's phone and called 911. The ambulance arrived about 15 minutes later. We were told to go outside. The paramedics were inside the house for about 30 minutes. When they came outside they took Mariah to the hospital in the ambulance. When the ambulance left I came to the police department with my family.

SWORN AND SUBSCRIBED TO BEFORE ME, on this 17<sup>th</sup> day of February 2007.

Daniella Lucio  
Notary Public in and for Cameron County Texas

Frank Rolph  
Name

Commission Expires



Yesterday I called my sister Alexandra. I wanted to talk to her and see how they were all doing. Alexandra told me that Mariah had fallen down some steps that are in front of the house. There are three steps. Alexandra said that Mariah had a black eye from the fall.

In September of 2004 CPS had removed me and my brother's and sister's from our home, because of my mom's and Robert's drug use. They were using cocaine. My brother's and sister's were given back to my mom in November of 2006. I don't know if my mom and Robert are still using drugs or not.

*Dall Lee*

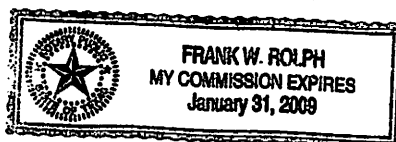
SWORN AND SUBSCRIBED TO BEFORE ME, on this 17<sup>th</sup> day of February 2007.

*Frank Rolph*  
Notary Public in and for Cameron County Texas

Detective Frank Rolph

Name

Commission Expires





# EXHIBIT 56

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REPORTER'S RECORD  
TRIAL COURT CAUSE NO. 08-CR-1622-A  
VOLUME 12 OF 12 VOLUMES

- - - - - x  
: THE STATE OF TEXAS : IN THE DISTRICT COURT  
: VS : 107TH JUDICIAL DISTRICT  
: ROBERTO ANTONIO ALVAREZ : CAMERON COUNTY, TEXAS  
: - - - - - x

PUNISHMENT PHASE AND SENTENCING

On the 29th day of September, 2009, the following proceedings came on to be heard in the above-entitled and numbered cause before the Honorable Benjamin Euresti, Jr., Judge Presiding, held in Brownsville, Cameron County, Texas.

Proceedings reported by computerized stenotype machine.

## 1 A P P E A R A N C E S

## 2 APPEARING FOR THE STATE OF TEXAS:

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6 HON. MICHAEL MARTINEZ  
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1 tonight if you want.

2 At this time you are released to go.

3 Thank you very much for your time.

4 (Jury left the courtroom)

5 THE COURT: All right. You may be  
6 seated.

7 Will you bring him forward so I can  
8 sentence him?

9 All right. Mr. Alvarez, the jury now  
10 having found you guilty for the felony offense of  
11 injury to a child by omission as assessed -- as  
12 alleged in the indictment, the Court will assess your  
13 punishment at four years in the Texas Department of  
14 Criminal Justice-Institutional Division.

15 Is there any legal reason why this  
16 sentence should not be imposed?

17 MR. STAPLETON: No, Your Honor.

18 THE COURT: Mr. Alvarez, you're hereby  
19 sentenced to four years in the Texas Department of  
20 Criminal Justice-Institutional Division. You'll be  
21 given credit for all jail time served. He needs to  
22 sign this.

23 COURT COORDINATOR: Judge, is that  
24 reckless injury to a child?

25 THE COURT: Yes.

1 (Defendant signed a document)

2 THE COURT: Thank you. All right.

3 We'll be in recess.

4 MR. STAPLETON: Thank you, Your Honor.

5 THE COURT: The defendant has signed  
6 the trial court certification, the right to appeal.

7 (Recess at 2:41 p.m.)

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1 THE STATE OF TEXAS:


2 COUNTY OF CAMERON:

3 CERTIFICATE OF COURT REPORTER

4 I, PAM L. MARCINIK, former Official Court  
5 Reporter in and for the 107th Judicial District Court  
6 of Cameron County, State of Texas, do hereby certify  
7 that the above and foregoing contains a true and  
8 correct transcription of all portions of evidence and  
9 other proceedings requested in writing by counsel for  
10 the parties to be included in this volume of the  
11 Reporter's Record, in the above-entitled and numbered  
12 cause, all of which occurred in open court or in  
13 chambers and were reported by me.

14 WITNESS MY OFFICIAL HAND on this the 20th day of  
15 November, 2018.

16

  
\_\_\_\_\_  
PAM L. MARCINIK  
Certified Shorthand Reporter  
P.O. Box 63837  
Pipe Creek, Texas 78063  
(956) 246-3103  
Certificate No. 2369  
Expiration Date: 12/31/18

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# EXHIBIT 57



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Affidavit of  
Dr. John Pinkerman, PhD.  
State of Texas  
County of Cameron

Before me, the undersigned notary in and for the Cameron County within the state of Texas, on September 22, 2010 personally appeared John Pinkerman, PhD who after being by me duly sworn, depose and says:

My name is Dr. John Pinkerman, Ph.D. I am a Texas licensed clinical psychologist with a general practice in the Rio Grande Valley. As part of my practice I have provided forensic psychological services in civil and criminal matters before federal as well as state courts. On December 10, 2007 I received an appointment as a defense psychologist with the law firm of Peter C. Gilman. Mr. Gilman was the lead defense attorney for Melissa E. Lucio. Melissa Lucio was going to trial for capital murder involving the death of her two and one half year-old daughter, Mariah. Mr. Adolfo Cordova was the second chair counsel assisting Mr. Gilman. Ms. Norma Villanueva, a licensed clinical social worker and I were appointed to assist defense counsel in preparation for the trial. I expected to participate in multiple meetings regarding Ms. Lucio's prior history, current psychological status and the development of mitigating evidence in the event she was convicted.

To the best of my recollection, the defense team met on two occasions. I also remember making several calls to Mr. Gilman and Mr. Cordova. In preparation for participation in the defense team I did independent review of research on issues related to false confessions and domestic violence.

Prior to her trial I reviewed all of the available records related to Mrs. Lucio's involvement with the state of Texas Department of Child protective services, videotapes of her confession to police, autopsy photographs of Mariah Alvarez and Mrs. Lucio's offense list. In the process of conducting my assessment and arriving at my professional opinions I met with Mrs. Lucio on four occasions while she was detained waiting trial. The purpose of these interviews was to obtain her social history and conduct psychological tests. Those tests included the Mini-Mental Status Exam, the sentence completion blank, the Wechsler Adult Intelligence Scale-III, the Minnesota Multiphasic Personality Inventory-2 and the Millon Clinical Multiaxial Inventory-III.

I recall having serious questions about the nature of Mrs. Lucio's interrogation and confession. In my professional opinion her psychological characteristics increase the likelihood she would acquiesce while providing her confession. My review of her videotaped statements revealed that she was isolated for approximately 5 hours, repeatedly interrogated by male police officers in close quarters, was not provided a place or opportunity to rest nor provided food or water. As I recall this interrogation went on until late in the night. During meetings with defense counsel I raised questions about these issues. To my knowledge these issues were never raised at the pretrial or trial. I was prepared to testify regarding research related to false confessions and Ms. Lucio's

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psychological characteristics which increase the likelihood of false confession. Ms. Lucio's behavior during her interrogation by the police could have been accounted for by her dependent and acquiescent personality. Her history had ample instances of self-sacrifice combined with emotional and physically abusive relationships with males. She appeared to take the most gratification from her role as a mother despite being overwhelmed by those responsibilities. She appeared very capable of making self-sacrifice in providing a false confession in order to avoid investigation of her children.

In addition, early in the development of this case I had questions and reservations about her culpability in the death of her daughter Mariah. The family's history indicated that several children had behavioral disorders marked by severe aggression against the siblings. Prior medical records as well as CPS records suggest that there were bite marks on the children while the children were in foster care before Mariah's death. The historical record offered little support for the idea that Ms. Lucio physically abused her children. Mariah's bruises were extensive and the children were described as very physical with each other. I also raised questions about the physical evidence pertaining to bite marks on Mariah's body. I respectfully asked if dental experts were called in for consultation. I felt that these factors; sibling abuse, prior bite marks and a dental expert were not developed nor offered in the guilt/innocence phase of the trial. If I had been called by defense counsel as a witness I worry would've offered my general opinions about sibling abuse and the characteristics often associated with mothers who kill their children.

During our meetings, I discussed the use of psychological findings in combination with Ms. Villarreal's use of social history has mitigating factors in the event Ms. Lucio was convicted of capital murder. Despite having been appraised of the wealth of information available for this purpose, trial counsel did not develop this as evidence or fully present it during the punishment phase of Ms. Lucio's trial although I was called during the punishment phase to testify on the issue of future dangerousness, my testimony was brief and not elaborated. It was my impression that defense counsel failed to explore several avenues open as a result of my psychological evaluation. These matters had been discussed prior to my testimony but were not developed.

I would have testified that Ms. Lucio displays poor verbal comprehension skills and her personality organization was characterized by repression and denial and disassociation. I would have stated that disassociation is defined as the isolation of thoughts from feelings and would account for much of her presentation recorded in the videotape of her confession. These processes of disassociation served to keep important elements and feelings away from conscious life. Individuals using disassociation often numb their feelings and appear empty or passive. It was evident from early childhood Ms. Lucio is subject to emotional physical and sexual abuse. Despite opportunities for intervention either with her as a child or as the mother her children, effective interventions were not made to break the vicious spiral downward into more capacity and dependency. She learned that her outcries were ineffective and was better to cultivate a predictable and secure abusive relationship than risk losing her family and identity as a mother.

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Ms. Lucio's personality characteristics in combination with circumstances of Mariah's death were not congruent with fatal violence against her child. Ms. Lucio failed to meet the criteria for many of the prior identified subtypes of child murder mothers.

In her interrogation, Ms. Lucio denies having fatally injured Mariah. Only when she was approached with sympathy and understanding about how tragic her daughter's death was, did she begin to feel emotions and acquiesce to the confession. She consistently denied having used excessive physical discipline with their children. Several hours after Mariah's death, she said, "I'm responsible for it". She appears to be taking responsibility for the whole configuration of the abuse and medical neglect by the family, leading to her daughter's death but she does not admit striking Mariah in the head.

If called as a witness during a state or federal review hearing, I would also testify that during our meetings Ms. Villanueva and myself raised questions about a contract therapist from Child Protective Services being sent into the jail to conduct "therapy sessions" with Mrs. Lucio while she was under indictment for capital murder. We both felt this was an unusual procedure and appeared to put the mental health professional in conflict with the dual role. To my knowledge trial counsel failed to take any action on this issue and did not raise it during the trial.

In my professional opinion the limited number of meetings between me and other defense team members were insufficient to integrate our professional work and assist in a viable and available defense in either the guilt/innocence or in the punishment phase. My impression was that Mr. Cordova was asking follow-up questions but his hands were indirectly being tied by Mr. Gilman. In our meetings and while providing testimony it was clear that mental health issues were not being fully developed or addressed. It was unusual, based on my past experience in capital cases, to not be used more effectively.

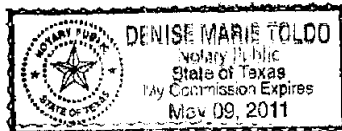
In addition, I felt there were a number of avenues that should have been developed by defense counsel regarding the mitigating factors for Ms. Lucio. On one occasion I attempted to provide an extended answer in order to provide sufficient explanation of Ms. Lucio's personality dynamics and future risk factors. My effort was unsuccessful.

*John Puckerman, Ph.D.*

12-3-10

State of Texas  
County of Cameron

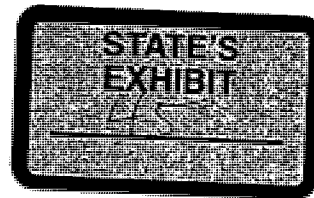
*Denise Marie Toldo*



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# EXHIBIT 58



**PINKERMAN AND GONZALEZ  
PSYCHOLOGICAL ASSOCIATES, PC**  
2529 W. Trenton Rd.  
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brendenke@cs.com

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**CONFIDENTIAL - FOR PROFESSIONAL USE  
ASSESSMENT REPORT  
7-5-2008**

Client's Name: Melissa Elizabeth Lucio  
Date of Birth: 06-18-1969  
Age: 38

Case Number 07-CR-885-B  
138<sup>th</sup> Judicial District  
Cameron County, Texas

**Date of Interviews:**

January 21, 2008  
February 11, 2008  
February 18, 2008  
April 29, 2008

**REFERRAL INFORMATION:**

Mrs. Lucio was referred for psychological evaluation by a Court order dated December 10, 2007. Mrs. Lucio is charged with capital murder in the death of her two and one half years old daughter, Mariah Alvarez. The purpose of the evaluation is to describe the psychological functioning of Mrs. Lucio and identify how her psychological functioning relates to the circumstances of the charge.

Mrs. Lucio was informed that the purpose of the evaluation was to assist her defense of the charge of capital murder. She was charged with murder of her two and one half year old daughter, Mariah. She was told that interviews, record reviews, consultation with collaborating individuals and the administration of psychological tests were methods to be used in conducting the evaluation.

**NOTIFICATION AND CONFIDENTIALITY:**

Mrs. Lucio was also told that any information that she provided might be included in either the written report to be submitted to the Court or in subsequent testimony. She was informed that she could chose not to participate, chose not to answer specific questions

and had the right to consult with her attorney. She was informed that she could end the sessions at any time. Mrs. Lucio did not ask questions regarding the notification. She provided verbal and written consent to proceed. Mr. Gilman, her attorney, witnessed this notification. Mrs. Lucio was also provided reminders about the notification of the limits of confidentiality at the beginning of the second and third interviews.

List of collateral information relied upon:

Extraneous Offense List  
Consultation with Mrs. Norma Villanueva, M.S.W.  
Review of CPS summaries  
Review of DVD interrogation of Mrs. Lucio

**TECHNIQUES ADMINISTERED:**

DOCUMENT REVIEW (ABOVE)  
CLINICAL INTERVIEW  
MINI-MENTAL STATUS EXAM  
SENTENCE COMPLETION BLANK  
WECHSLER ADULT INTELLIGENCE SCALE-III (WAIS-III)  
MINNESOTA MULTIPHASIC PERSONALITY INVENTORY-2 (MMPI-2)  
MILLON CLINICAL MULTIAXIAL INVENTORY-III (MCMI-III)

**RELEVANT HISTORY:**

Family History, Environment and Interactions

Mrs. Lucio grew up with her natural mother, stepfather, two sisters and three brothers in Houston, Texas. She knows little about her father. Her mother worked at many different jobs and she was the primary economic support for the family. Mrs. Lucio described her early childhood as occurring without major problems despite their fragile income. Initially she described herself being an active, outgoing and happy child but her family life was characterized as having many physical fights. Later, she acknowledged being sexual abused for at least two years. At least one brother has had problems with drugs and alcohol. Collateral information substantiates that her childhood was marked by serious problems.

Mrs. Lucio has been married once. She first married around the age of sixteen and had five children. She has been in a common law relationship with Robert Alavarez for more than eleven years. She has fourteen children. Her parenting style was described as permissive and non-authoritarian. She was chided by others that she allowed her children to get away with misbehavior, physical abuse (of their cousins) and destruction of property without appropriate interventions.

Regarding her educational and vocational history, Mrs. Lucio completed eleventh grade before dropping out of Harlingen High School. She remembers being a B and C student. She recalled having many friends in school and being suspended sometime before Eighth Grade. She rarely got in trouble. Upon entry into high school, she became increasingly alienated from school. During this time, she said her family was marked by physical fights. She recalled disliking school, but getting along well with her teachers. She quit school to get married.

#### **BEHAVIORAL OBSERVATIONS/MENTAL STATUS:**

Mrs. Lucio was cooperative with the assessment and interview although somewhat subdued and constrained. She was dressed in a jail uniform and adequately groomed. There were no overt signs of problems with memory, orientation, judgment or cognition. Her affect and mood appeared within normal limits but somewhat flat and depressed. Her general intellectual abilities seemed average. No overt problems with memory, concentration, attention or orientation were observed. She demonstrated adequate understanding of the purpose of the interview and the process of gathering information. She denied feelings of sadness, anger or anxiety. She denies having specific phobias or bad dreams. Her manner, voice and affect were congruent with the content of her responses.

#### **DIAGNOSTIC ASSESSMENT-INTELLIGENCE AND PERSONALITY FACTORS:**

The WAIS-III is used to assess the general thinking and reasoning skills of individuals aged 16-89 years. The test provides several types of scores in interpreting Mrs. Lucio's intellectual functioning depending on the number of subtests administered. Generally speaking, both IQ and Index scores can be reported if all subtests are given. One or the other of these scores can be provided if less than the full battery of subtests is given.

The Full Scale IQ score provides a general overview of Mrs. Lucio's overall thinking and reasoning skills and encompasses two broad domains: Verbal and Performance. The Verbal IQ score indicates how well she did on tasks that required her to listen to questions and give oral responses to them. These tasks measure her skills in understanding verbal information, thinking with words, and expressing thoughts in words. Alternatively, the Performance IQ score indicates how well she did on tasks that required her to examine and think about things such as designs, pictures, and puzzles and to solve problems without using words. These tasks measure her skills in solving nonverbal problems, sometimes requiring eye-hand coordination and working quickly and efficiently with visual information. If the Verbal and Performance IQ scores are markedly different from each other, the Full Scale IQ score is not the best summary of an individual's performance; the Verbal and Performance scores are better measures of ability in this case.

The Index scores encompass four domains: Verbal Comprehension, Perceptual Organization, Working Memory, and Processing Speed. The Verbal Comprehension

Index provides a measure of how well Mrs. Lucio did on tasks that required her to listen to questions and give oral responses to them. The Perceptual Organization Index indicates how well she did on tasks that required her to examine and think about things such as designs, pictures, and puzzles and to solve problems without using words. The last domain index score is unavailable because the two subtests are optional and were not administered.

On the Indexes, she performed in the Borderline range on the Verbal Comprehension Index (VCI). Her performance, which was better than that of approximately 5.0 out of 100 individuals, is an indication of how well she performs on tasks measuring verbally acquired knowledge. On the Perceptual Organization Index (POI), she performed in the Low Average range, or above that of approximately 21.0 out of 100 individuals. Her performance on the POI is a measure of her nonverbal reasoning skills, attentiveness to detail, and eye-hand coordination. Her Processing Speed Index (PSI) score, which was within the Average range, provides a measure of her ability to process visual information quickly. She scored above approximately 66.0 out of 100 individuals on the PSI.

The scores show how well Mrs. Lucio performed compared to a group of individuals the same age from across the United States. An individual may have WAIS-III scores that fall within a wide range from Extremely Low to Very Superior. Most individuals, however, perform within the Average range.

A percentile rank is also reported. This shows where her scores rank relative in the national comparison group. For example, if the percentile rank is 45, it would mean that she scored higher than approximately 45 out of 100 individuals her age.

The WAIS-III scores should be interpreted with some caution because any individual may score slightly higher or lower if tested again on a different day.

#### WAIS-III Test Scores

Scales	Score	Percentile Rank	Category
Verbal	82	12.0	Low Average
Performance	91	27.0	Average
Full Scale	85	16.0	Low Average

Mrs. Lucio's Full Scale score is in the Low Average range. She scored higher than approximately 16 out of 100 individuals her age on the combined Verbal and Performance tasks.

IQ



**Index Scores Summary**

Scale	Sum of SS	Index Score	95% Conf. Interval	PR
Verbal Comprehension	17	76	71-83	5.0
Perceptual Organization	24	88	82-96	21.0
Processing Speed	22	106	96-114	66.0

Her overall cognitive ability, as estimated by the Full Scale IQ, is in the Low Average range (FSIQ=85). On the Verbal scale, her score is in the Low Average range (VIQ = 82). Melissa's Performance score is in the Average range (PIQ = 91). On the Indexes, Melissa performed in the Borderline range on the Verbal Comprehension Index (VCI = 76). On the Perceptual Organization Index, she performed in the Low Average range (POI = 88). Her Processing Speed Index score was within the Average range (PSI = 106).

**Subtest Scores Summary**

Verbal Subtests	Standard Score-Age	Percentile
Vocabulary	6	9
Similarities	7	16
Arithmetic	9	37
Digit Span	8	25
Information	4	2
Comprehension	8	25
Performance Subtests	Standard Score-Age	Percentile
Picture Completion	6	9
Digit Symbol-Coding	13	84
Block Design	7	16
Matrix Reasoning	11	63
Picture Arrangement	5	16
Symbol Search	9	37

Mrs. Lucio's abilities are markedly discrepant from each other. Her abilities to process visual information quickly are much better developed than her nonverbal reasoning abilities, and her verbal comprehension skills. Mrs. Lucio's verbal comprehension skills are less well developed than her other abilities. A relative strength in abilities to process visual information quickly may help Melissa to process more complex information. A relative weakness in verbal comprehension skills however, may make it more difficult for her to apply these skills in problem-solving tasks which are primarily language-based. Overall, her performance across these domains is scattered and suggests considerable variability in her abilities.

**MALINGERING AND RESPONSE BIAS ASSESSMENT**

Malingering is defined as exaggerated, minimized and/or distorted signs and symptoms of mental disorder motivated by external factors perceived in the self-interest of the

individual. The issue of malingering is so frequently encountered in forensic evaluations that it should be acknowledged and addressed in each assessment.

Interpretation of her obtained profiles on the personality questionnaires is possible. She responded in a manner that permits valid interpretation of her responses. She did not appear to exaggerate or minimize signs or symptoms of mental disorder that compromised interpretation of her responses. On the MCMI-III, she tended to magnify illness and personal distress. She may have exaggerated some of her symptoms or she is responding to considerable stress often encountered with incarcerated individuals. On the MMPI-2, she appeared to respond in a frank and open manner. She reported many unusual symptoms infrequently encountered with most women. She tends to be very self critical and has low self esteem.

On the Sentence Completion Blank, Mrs. Lucio's responses suggest she maintains a relatively naïve and simplistic approach to her life. She has an unrealistic viewpoint about the problems she faces. She focuses much of her emotional energy on her family. For example, she answered the following questions: Her greatest worry is "*my children needing me around for physical attention*". She wrote; I can't "*wait to be reunited with my family again*". "*I failed at being a good mother.*" Men "*are supposed to respect women*". It is evident that her self esteem and identity are closely tied to her role as a mother and wife. She seems minimally aware of the serious implication of the charges against her. The process of denial and minimization is evident in Mrs. Lucio's viewpoint about being re-united with her children.

Her responses indicate she tends to repress or deny problems. Rather than experience significant anxiety, she becomes physically distressed with vague complaints, upsets and pain. She prefers to rely on medical, rather than psychological, explanations for her problems. She is aware of being depressed and often experiences unusual thoughts and ideas. She tends to see herself as missing opportunities in life and having a series of setbacks and disappointments.

She is likely to be dependent and demanding in interpersonal relationships. She can be seen as immature, superficial and unskilled in relating to the opposite sex. She tends to assume the role of the passive and weak child if approached by a spouse stronger and protective of her. Similar profiles obtained by other individuals suggest she tries to sustain an inflated view of herself that quickly erodes in interpersonal situations. She strives to portray herself in an unrealistically self reliant stance while feeling very inadequate and ineffective.

She is likely to justify her cycle of self defeating patterns of behavior and attitudes by attributing these characteristics to others. She anticipates criticism and carefully avoids exposing herself to situations where others may evaluate her. She likely has a history of disregarding social conventions and rules. She maintains a cynical attitude and doesn't expect others to meet her needs.

**DIAGNOSTIC IMPRESSIONS:****Personality Organization:**

Mrs. Lucio presents with poor verbal comprehension skills and limited general intellectual functions that compromised much of her life history, including educational and work opportunities. She displays consistent difficulty in sustaining meaningful positive interpersonal relationships, especially after her father left and she was sexually abused. Poor verbal comprehension skills also impair her ability to benefit from traditional interventions such as substance abuse treatment and likely contributed to ineffective interventions from Child Protective Services. Her personality organization is characterized by repression, denial and dissociation. Dissociation is defined as the isolation of thoughts from feelings. These processes serve to keep many important elements of daily life from her conscious awareness. She quickly numbs her emotions and assumes a passive, empty presentation where her emotions are not congruent with her external experiences.

Her limited cognitive abilities and weak ego functions makes her vulnerable to interpersonal conflicts and misunderstandings. In times of significant stress, she withdraws into simpler, concrete, unrealistic and constricted functioning marked by passivity, denial, acquiescence and resignation. This pattern of behavior is likely associated with her early childhood experiences of abuse and is often identified in individuals experiencing prior trauma such as sexual abuse. An abuse syndrome with resultant post traumatic stress can be induced by covert and passive means, as well victimization with aggression and violence. From early childhood through her first marriage and into her present relationship with Mr. Alvarez, Mrs. Lucio was subject to sexual, physical and emotional abuse. The abuse was known by others but no significant actions were ever taken to protect her. She learned that outcries were ineffective and it was better to cultivate a predictable and secure abusive relationship than risk losing family and identity as a mother.

Depression and somatic focus for her distress further isolates her from important sources of support. Her moodiness and withdrawal make it hard for others to offer support when she most needs it. For example, she turned away from professional assistance several times her life when offered birth control interventions, substance welfare and assistance for housing.

Does her personality assessment and psychological dynamics resemble general factors identified in mothers who kill their children? These mothers are characterized in the following categories:

1. Mentally ill Mother- Psychotic episode
2. Retaliating Mother-revenge against the father
3. Depressed Mother-post partum, within first months of life

4. Merciful Mother-terminally ill child
5. The Battering Mother- Impulsive murder with rage
6. The Unwanted or Unexpected Mother-

According to U.S. Department of Justice figures (1996) in child murder cases ninety seven percent of the offenders were male. One out of four of these offenders had prior histories of violence and sixty percent had previously served sentences in the corrections system. Mrs. Lucio has not been previously charged with assault or physical abuse. There are no reports of her being inappropriate, violent or aggressive. There seems to be a low probability that Mrs. Lucio committed fatal violence against Mariah when factoring in her personality organization, past history and gender. She does not meet the criteria for a psychotic, retaliating, merciful, battering or having an unwanted infant perpetrator. She has likely had episodes of depression during her lifetime but there is no evidence that a severe depressive episode accompanied this incident.

What factors might account for her demeanor at the time of her daughters' death and her subsequent interrogation?

Traumatic death evokes a variety of reactions. It is accepted that there is no "normal" reactions to traumatic death, just as people express grief differently. It is not uncommon for people to have reactions such as the following:

shock  
anger  
guilt  
sudden depression  
despair and hopelessness

Mrs. Lucio exhibits a consistent pattern of "psychological numbing" often identified with victims of violence and abuse. During the interrogation, she tunes out to the male investigator, who raises his voice. She eventually responds with resignation to sympathy and softness rather than confrontation. She still thinks she can reunite with her children and fails to understand the implications of her situation and statement.

#### Interrogation Observations:

Mrs. Lucio's demeanor in the interrogation was constrained and her affect was flat. Only after repeatedly seeing Mariah's pictures and, being approached in an understanding manner, did she allow herself to have significant feelings. She then began to mourn her loss.

In the interrogation, Mrs. Lucio denies she fatally injured Mariah. She states the older four boys would fight and "horse around" with Mariah. She maintains she did not use drugs, did not abuse her children and that her husband did not abuse the children. She affirms she has been testing negative for cocaine. She admits spanking but not to the point like the injuries suffered by Mariah.

Several hours after Mariah's death, she said: "I'm responsible for it". She takes responsibility for the whole configuration of abuse and medical neglect culminating in Mariah's death but does not admit to striking Mariah in the head. She admits spanking Mariah, hitting her with her open hand.

In response to a question, she said; "I was just frustrated, my other children were very hyper and it was hard for me to take care of them . . . . I don't know how she died. I was just frustrated with the kids running around all day. I never hit her head, I'd just spank her". When she was asked what caused Mariah to die? And she said "I don't know".

She went on to say that her oldest daughter was there. Mrs. Lucio saw that Mariah was asleep, breathing, and she went back to the room, approximately ten minutes before Mariah was discovered by her husband, she heard her husband calling, and she knew it sounded serious. She walked out to the hall and looked into the room. Her husband was leaning over the bed, trying to wake her up. She said she yelled "don't tell me!" She said she couldn't go into the bedroom and then her husband brought Mariah into the other room and place her on the floor. Her daughter called 911.

She again stated: "No. I didn't beat her, I spanked her. When I saw the bruises, I hated myself for what I did. . . . I did not kill her. I did not suffocate her. She was alive when I last saw her."

*"Numbing of Responsiveness* Numbing of responsiveness, which may be registered as depression, as anhedonia and amotivational states, as psychosomatic reactions, or in dissociative states, is tonic and part of the patients' baseline functioning. It interferes with the ability to explore, remember and symbolize which are essential to finding good meaning. Throughout the literature numbing is all too unquestioningly described as a psychological defense against remembering painful affects. Below, we will argue that numbing is a core, biologically based, symptom of PTSD." Van Der Kolk and Saporta-*Harvard Medical School*

"Many people, when they first hear the news of a loved one's death, they are stunned, unable to cry or feel the pain. They are too "dumbfounded" to fully fathom the impact of the loss. Most people are stunned as if they are unable to grasp the reality and the meaning of the news. They have heard the words but not the message. Survivors have been heard to say, "I just couldn't take it all in," "I couldn't believe it," "It was like I was in a dream. It didn't seem real." Many times, you hear, "I can't believe he (or she) is dead." The bereaved may find themselves performing the daily routines "like an automaton." In intense pain, we are likely to "dissociate," that means, in a manner, stepping away from ourselves, so we don't feel the pain from too close a point. As a result of such a disassociation, we may not be fully thinking, seeing, hearing, or feeling everything." *Vijai P. Sharma, Ph.D. Clinical Psychologist*

Mrs. Lucio never obtained appropriate and adequate treatment for multiple trauma and mental health problems from childhood until the present time. She came to distrust professionals and lacked confidence that their help would be effective. She valued keeping her family together even when she was overwhelmed, ineffective as a parent and unable to use appropriate discipline. Her children entered a downward spiral of behavioral and mental disorders characterized by sexual acting out, violence and aggression, poor school achievement, truancy and non-compliance to adult directives.

This constellation of child behavior problems has been well documented by reports from multiple foster parents. Due to her limitations with verbal comprehension, traditional group interventions were poorly received and rarely provided. She responds much better to a one to one relationship developed with trust and compassion. It appears she had little opportunity to establish this kind consistent therapeutic alliance when directed to family preservation services or other community resources. Appropriate parenting with effective discipline was never established (foster parent observations and casework reports).

AXIS I: 296.33 Major Depression, Recurrent, Severe, without psychotic features.  
305.90 Substance Abuse - by history. Full Remission/Controlled Environment  
309.81 Post Traumatic Stress Disorder-Chronic  
995.53 Sexual Abuse focus on the victim  
V61.21 Neglect of Child by history (her children, by history).

AXIS II: 799.9 Deferred

AXIS III: See Medical history.

AXIS IV: Psychosocial Stressors: Multiple and Chronic  
Victim of Physical and Sexual Abuse  
School Failure-Educational Problems  
Lack of Family Support  
Institutional Commitment  
Problems with Social Interaction  
Problems with access to health care-mental health, substance treatment.

AXIS V: Current GAF 32

#### **Mitigation Factors-**

Mitigation is to be considered by jurors when considering the death sentence. Federal and State of Texas Court opinions generally define mitigation as any and all factors which may weigh against strict implementation of the death penalty. Mitigation is not an excuse for criminal responsibility.

Mitigation factors are any and all circumstances of a person's life that might have compromised, diminished or diverted biopsychosocial development in such a way that

changes their moral responsibility, not their criminal responsibility. In the abstract sense, moral responsibility implies the free exercise of choice, given the average expectable life circumstances for most persons. An average expectable life circumstance includes a safe, healthy, and secure childhood, educational and career opportunities evolving from adolescence into adulthood and the safe, secure and healthy social supports necessary for basic adult functioning including bring a new generation forward. Anything that diverts re-directs or impairs the expectable life trajectory onward into meaningful citizenship and contribution to society is a mitigating factor.

Persons with good life circumstances (health, safety, security), with family, social and religious support extending into adulthood, theoretically should have more moral responsibility since their life circumstances did not compromise their average expected development.

What personal dynamics including relevant social history would help account for her involvement in the incidents?

Her major personality adjustment was previously presented. Mrs. Lucio apparently reached a point in which she couldn't intervene with her children and failed to protect Mariah. Her personality, prior victimization, in combination with the stress of having the some many children placed in her care without sufficient support, apparently tipped the balance of factors and impaired her control and judgment.

#### **Violence Risk Assessment-**

Future dangerousness is defined for this purpose as an estimation of the likelihood a person, in prescribed circumstances, within a foreseeable timeframe, would commit violent aggression against others. Mrs. Lucio presents with a very low risk for future dangerousness within the general community. Upon conviction, she will not re-enter the community. She has no history of interpersonal violence. That event is not under consideration.

Within a prison population, Mrs. Lucio would present a low risk for future dangerousness. While in jail, she has been involved in three minor incidents requiring discipline (violated policy regarding mail, verbal altercation with another inmate and possession of tattoo apparatus). She has responded well to the level of strict supervision and control within the jail setting, reducing to near zero the likelihood of future aggressive acts. Ms. Lucio's personality appears associated with very low risk within structured setting. She appears to respond well to concrete expectations and rules. The increased activities and programs within a prison setting differ from a jail setting. Participation in these activities would likely lessen the chances of aggression. Within prison populations, the risk for assault against inmates and correctional staff declines with age. In addition, inmates convicted of murder have half the rate of

Ms. Lucio's presentation and history were reviewed to screen for aggressive and hostile behavior and factors other associated with psychopathological adjustment. Questionable

attachment to her primary caregivers occurred, especially to male figures (denial of sexual abuse). She experienced extreme poverty in adulthood at one time living outdoors in a local park in order to keep her family together.

There were multiple disruptions in her family cohesion. She was unable to exercise effective discipline even when her children destroyed property or abused other children in her sister's family.

Initial assessments within the social services network failed to identify and treat these factors. Subsequent reports provide some detail that her family was severely disrupted by her parents' problems, that she had several male figures in her childhood but none established a healthy relationship with her.

**Early childhood history of assaultive/aggressive behavior-**

None. She was never described as an aggressive child or adolescent. As an adult, her multiple contacts with Child Protective Service and local police never included interpersonal offenses or assault. Her CPS caseworker confirmed Mrs. Lucio never was investigated for child abuse despite her own history of childhood physical, sexual and emotional abuse and subsequent abusive relationships with males in her life.

**Psychological factors-**

Her personality features, history and offense do not suggest she would not meet criteria for psychopathic personality or severe mental illness such as bi-polar disorder or paranoid schizophrenia (disorders more strongly associated with interpersonal violence). These disorders are more often associated with interpersonal aggression. She exhibits symptoms of depression but those symptoms can be managed with appropriate psychiatric treatment within a corrections setting.

**Adult history of violent behavior-** Not applicable.

None of her other children ever stated she was abusive. She has been permitted visitation with her children while incarcerated.

**Current thoughts, feelings, attitudes towards others-**

She presents with some unrealistic thoughts. She tends to minimize and inaccurately process emotionally laden experience due to the consequence of her past traumatic history. Although she resents others' criticism, she is not prone to aggression.

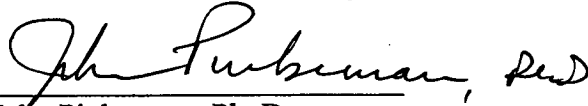


**Current, projected levels of support, structure and supervision including medication-**

She has not been evaluated for psychotropic medication and has lacked appropriate treatment in the past. Ms. Lucio reports one occasion when she was prescribed medication. However, effective and consistent multidisciplinary interventions, including mental health interventions, have not been implemented. She will likely require continuing psychotropic medication to address these diagnostic issues.

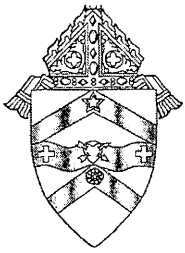
**Compliance-** She has generally complied to correctional rules and limits. She seems able to consistently avoid misjudgment and poor behavior.

**Level of incarceration-** Severe. Mrs. Lucio will be in strict correctional supervision.

  
\_\_\_\_\_  
John Pinkerman, Ph. D.  
Licensed Clinical Psychologist  
TX 25451

\_\_\_\_\_  
7-9-08  
Date

# EXHIBIT 59



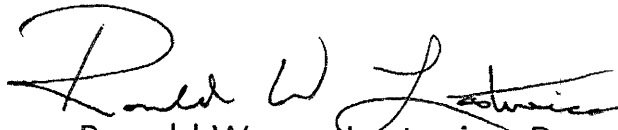
### Declaration of Ronald Wayne Lastovica, Deacon

1. My name is Ronald Wayne Lastovica. I am 65 years old and am competent to make this declaration. I am an ordained Roman Catholic minister and have exercised ministry as a deacon in service to the Bishop of Austin for the past twenty-two years. I reside at 1019 N. Main Street, Belton, Texas 76513-2570.
2. I met Melissa Elizabeth Lucio in the fall of 2014, through my ministry assignment as the Pastoral Care Coordinator for the Diocese of Austin's Restorative Justice Ministry.
3. I have met weekly with Melissa on matters of Spiritual life for the past seven and a half years.
4. At Melissa's request, she began classes on the Catholic Faith Formation and received the Sacraments of Baptism, Communion, and Confirmation on the twelfth of November 2015.
5. Melissa's first love is Jesus Christ. From that love, she now loves others as our Lord has loved her.
6. I have never had a conversation with Melissa that she has not trusted in His providence and care. Melissa has never failed to direct others to Christ in dealing with everyday life matters, especially her family.

7. Melissa ministers to me more than I minister to her. Even on her darkest days, she always points to the light of Christ for her comfort and direction.
8. The heart names the deepest center of one's life. Melissa's heart belongs to the Lord. Because so, the rest of her life falls into the correct order around that center. She does not have a divided heart; she is single-hearted.
9. Melissa is not perfect, but because of her deep relationship with Jesus Christ, she continually redirects her thoughts and actions to be aligned with His. The Christ in her reaches out and touches the Christ living in all of us. Because of this intentional way of living, Melissa's life now magnifies the Lord. That is why she is so captivating to me.
10. As a Catholic Christian, Melissa has a deep love for the Rites of the Roman Catholic Church. Each week she serves as a Lector, reading aloud God's most Holy Word.
11. As incarnational people, Melissa draws much strength in hearing the audible prayers of the Sacred Liturgy. The practice of praying aloud the Intercessory prayers in the community gives her great joy. The sign of peace during the Communion Rite weekly completes Melissa's need to be touched and reconciled to God and each other.
12. I believe anyone afforded the sacred time to spend with Melissa would yield the same conclusion; this person has something different. That something different is her new life in Christ.
13. To me, this is exhibited in not what Melissa says but more to it, in how she lives her other-centered life.

14. Melissa is always willing the good of others as others.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief that this declaration was executed on the fourth of March, 2022, in Belton, Texas.

A handwritten signature in black ink that reads "Ronald W. Lastovica". The signature is written in a cursive style with a large initial 'R' and a long, sweeping underline.

Ronald Wayne Lastovica, Deacon  
Restorative Justice Ministry  
Diocese of Austin