

URGENT ACTION

EXECUTION SET DESPITE FAIR TRIAL CONCERNS

Ivan Cantu, a 50-year-old Hispanic man, is scheduled to be executed in Texas on February 28, 2024. He was convicted and sentenced to death in 2001 for a double murder in November 2000. A recent independent investigation conducted has compounded questions about the adequacy of his legal representation at trial and raised doubts about the testimony of the state's key witness and the physical evidence that appeared to corroborate her testimony. International safeguards prohibit the imposition of the death penalty on anyone whose conviction is not based on "clear and convincing evidence leaving no room for an alternative explanation of the facts".

TAKE ACTION:

- Write a letter in your own words or using the sample below as a guide to one or both government officials listed. You can also email, fax, call or Tweet them.
- [Click here](#) to let us know the actions you took on **Urgent Action 6.24**. It's important to report because we share the total number with the officials we are trying to persuade and the people we are trying to help.

Texas Board of Pardons and Paroles

P.O. Box 13401

Austin Texas 78711-3401, USA

Email: bpp_pio@tdcj.texas.gov

Dear Board Member,

I am writing to request that Governor Abbott commute the death sentence of **Ivan Cantu** (TDCJ #999399) who has an execution date of February 28, 2024. Ivan Cantu has been on death row for over two decades. He did not receive effective legal representation at trial and has consistently maintained his innocence of the two murders of which he was convicted.

An independent investigation over the past four years has uncovered evidence not heard by the jury which compounds concern about the effectiveness of Ivan Cantu's trial counsel and raises doubts about the reliability of his conviction. Two of the trial jurors signed affidavits expressing the wish to have a court consider the new evidence. One juror said the state's key witness testimony appears to have been "false or misleading in many significant respects, which leads me to question the truthfulness of her testimony as a whole". The second juror said he was "dismayed" to learn that the investigation had thrown into doubt "much of the testimony and evidence which I and the other jurors relied upon at the time of trial. I am now concerned that the State may be wrongfully putting a man to death based on my verdict". Without a court examining the merits of this new evidence, executive clemency remains the only route for remedy.

Please recommend to Governor Abbott that he commute Ivan Cantu's death sentence.

Yours sincerely,

ADDITIONAL INFORMATION

Ivan Cantu was sentenced to death in October 2001 for the murders of his cousin JM and JM's fiancée, AK, in their home in North Dallas, Texas in November 2000. His conviction was based principally on the testimony of AB, his fiancée at the time of the murders, coupled with physical evidence that appeared to corroborate her testimony. Indeed, the prosecution told the jury that "you can convict him based on her testimony alone" and in upholding the conviction in 2004, the TCCA said that her "testimony about the offense wholly incriminated [Cantu] in the murders and robbery". On cross-examination, a detective testified that during the investigation, police had received an anonymous tip that JM, who dealt drugs in large quantities, owed a rival drug dealer a substantial amount of money at the time of his death. The police investigation, however, had quickly become focused on Ivan Cantu.

In preparation for trial, Ivan Cantu's court-appointed lawyers did not request the appointment of an investigator, leaving them reliant on examining witnesses and evidence provided by the prosecution. Neither did they seek the assistance of a DNA expert, a ballistics expert, a fingerprint examiner, a blood-spatter expert, or a medical examiner, as the prosecution did. For state habeas corpus review, Ivan Cantu was appointed a lawyer who never met with him to discuss the case, and filed an appeal without discussing it with him, challenging the death sentence but not the conviction. The lawyer raised a single claim of ineffective assistance of counsel (IAC) at the sentencing. The federal courts have therefore not reviewed the question of IAC in the first phase because it has not been reviewed by the state courts.

AB testified that in the late evening of November 3, 2000, Ivan Cantu told her he was going to kill JM and AK and came back an hour later with blood on his jeans. She said that she put his jeans and socks into the kitchen waste bin, and that the couple later went to the crime scene to look for drugs and money but found none. They left home around midday on November 4 on a preplanned trip to visit AB's mother and stepfather in Arkansas, before driving back on November 7. The bodies of the two victims were discovered on the afternoon of November 4. Both had been shot. The jeans and socks were found in the kitchen bin during a search of Ivan Cantu's apartment on November 7, and DNA testing showed the blood was from the victims. On November 8, after Ivan Cantu was arrested, AB gave statements to the authorities implicating Ivan Cantu and agreed to testify against him. An investigation by a private investigator over the past four years has called into doubt AB's testimony.

International safeguards state that "Capital punishment may be imposed only when the guilt of the person charged is based upon clear and convincing evidence leaving no room for an alternative explanation of the facts." The UN Human Rights Committee, established under the International Covenant on Civil and Political Rights (which the USA ratified in 1992) to oversee compliance with that treaty, has said that "States parties must... take all feasible measures in order to avoid wrongful convictions in death penalty cases". There have been 1,583 executions in the USA since 1976, 586 of them in Texas. Amnesty International opposes the death penalty unconditionally.

PREFERRED LANGUAGE TO ADDRESS TARGET: English or your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: February 28, 2024

NAME: Ivan Abner Cantu