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Governor Bill Lee
1st Floor, State Capitol
600 Dr Martin L. King, Jr. Blvd
Nashville, TN 37243
USA

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Dear Governor

**I urge you to stop the execution of Oscar Smith, scheduled for 22 May 2025. In appealing for clemency, I do not seek to downplay the murders in 1989 of Oscar Smith’s estranged wife and her two teenaged sons in their home.**

An expert has called into question a key piece of forensic evidence used to convict Oscar Smith, who maintains his innocence. The prosecution told the jury that a palm print from the murder scene was so conclusive that it was as if the perpetrator had «signed his name» at the scene, that there was no doubt it was left by Oscar Smith, and that the jury could convict him on this alone. In 2021, a print examiner with over 40 years of experience concluded that the evidence was «inconclusive» on whether Oscar Smith was the source of the print, and that the analysis presented at trial was «flawed» and met neither 1990 nor today’s standards. This expert also identified a fingerprint on an awl (a leather-working tool) used in the murder. That print, which was not Oscar Smith’s or any of the victims, contained DNA revealed under modern DNA analysis, not belonging to Smith or the victims. In 2022, the trial-level court denied his lawyers’ motion to reopen proceedings based on this new evidence, ruling that even if presented at trial it would not have made a difference. In 2022, a juror from the trial signed a statement that if it had been known at trial that there was «an unknown person’s DNA» on the awl, she would not have voted for the death penalty.

The 1990 sentencing was marked by juror bias and misconduct and the introduction of extraneous and inaccurate information regarding Oscar Smith’s eligibility for parole if he received a life sentence. In 2020 the Tennessee Court of Criminal Appeals ruled that there was no «procedural vehicle» available to address the claim that juror misconduct had deprived Oscar Smith of a fair and impartial trial. «If taken as true», it acknowledged, the facts in the various juror statements were «disturbing», and if presented in a motion for a new trial and believed by the trial judge, «it is possible that a new trial would have been granted, at least to sentencing». Under international law, capital proceedings must scrupulously observe fair trial guarantees and conform to the highest standards of independence, competence, objectivity and impartiality of judges and juries. The carrying out of a death sentence after a trial in which such guarantees have not been respected constitutes a violation of the right to life.

**The power of executive clemency exists precisely to remedy injustices that courts have been unable or unwilling to reach. I appeal to you to prevent Oscar Smith’s execution and to commute his death sentence.**

Yours sincerely,

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**Copie**

Botschaft der Vereinigten Staaten von Amerika, Sulgeneckstrasse 19, Postfach 3259, 3001 Bern

Fax: 031 357 73 20, E-Mail: bernPA@state.gov ; bern-protocol@state.gov / Twitter/X: /USEmbassyBern / FB: /USBotschaftBern