

TCADP Execution Alert: Support Clemency for Ivan Cantu

The State of Texas is scheduled to execute Ivan Cantu on April 26, 2023. In 2001, a Collin County jury convicted Cantu of killing two people in Far North Dallas: his cousin James Mosqueda and Mosqueda's fiancé, Amy Kitchen. Cantu has maintained his innocence.

Newly discovered evidence, which was not heard by the jury and has never been considered by any court, casts significant doubt on Cantu's conviction. Two of the jurors who sentenced him to death want this evidence to be reviewed, declaring they are disturbed by the prospect they heard false and misleading testimony during the trial.

Cantu has filed an application with the Texas Board of Pardons and Paroles in which he asks for the commutation of his death sentence to a lesser penalty or, in the alternative, a 120-day reprieve.

We're asking you to email the members of the Texas Board of Pardons and Paroles at bpp_clemency@tdcj.texas.gov to urge them to **recommend clemency** for Cantu (include his TDCJ #999399 and DOB 06/14/1973 in your appeals). Share your concerns with Governor Greg Abbott.

Adapt our sample message or use the talking points below to craft your own email. Contact information for the Board and Governor is also below. *Contact the Board by Friday April 21, 2023.*

Talking points for your appeals to the Texas Board of Pardons and Paroles and Governor Abbott

- Ivan Cantu is scheduled to be executed on April 26, 2023, even though no court has considered the substantial evidence that undermines the integrity of his conviction.
- An independent investigation into the case has exposed multiple falsehoods in the testimony of Amy Boettcher, who was Cantu's girlfriend at the time of the crime and the main witness against him at trial.

- Telephone records, toll tag records, and physical evidence, including reportedly lost or stolen items that were later discovered, undermine Boettcher's testimony.
- Forensic pathologists have called into question the time of the murders as alleged by Boettcher. Their assessment of when the victims died would not place Cantu at the scene, based on Boettcher's timeline.
- Amy Boettcher's brother, Jeff, has disavowed his testimony against Cantu at trial, insisting he was not credible because of his history of drug abuse.
- None of this evidence has been, and might never be, reviewed by any court as it came to light after Cantu's state and federal habeas corpus proceedings had concluded.
- Two of the jurors who sentenced him to death want this evidence to be reviewed, stating in declarations they are disturbed by the prospect they heard false and misleading testimony during the trial.
- The Texas Board of Pardons and Paroles should consider the evidence the jury never heard and recommend the commutation of Cantu's sentence to a lesser penalty to prevent the irreversible prospect of executing an innocent man.

Sample email message

Dear Chairman Gutiérrez and Members of the Texas Board of Pardons and Paroles,

I am writing in support of the clemency application filed by Ivan Cantu (TDCJ #999399 and DOB 06/14/1973). I urge you to recommend commuting his death sentence to a lesser penalty to prevent the irreversible risk of executing an innocent man.

Individuals who serve on capital juries in Texas deserve to have the most comprehensive information available about the case. That is not what occurred during the trial of Mr. Cantu, whose attorneys failed to request the appointment of an investigator. They also failed to request experts who could have challenged the evidence presented by the State. Instead, his trial attorneys essentially conceded Mr. Cantu's guilt to the jury, despite his repeated assertion of his innocence.

An independent investigation into the case has exposed multiple falsehoods in the testimony of Amy Boettcher, who was Cantu's girlfriend at the time of the crime and the main witness against him at trial. Telephone records, toll tag records, and physical evidence all undermine Boettcher's testimony.

This information could have made a difference to the outcome of this case. Two of the jurors who sentenced Mr. Cantu to death now want this evidence to be reviewed, stating in

declarations they are disturbed by the prospect they heard false and misleading testimony during the trial.

In urging you to recommend clemency for Ivan Cantu, I ask you to correct for the rigidities of the judicial system, which to date has not reviewed any of the evidence that undermines the integrity of his conviction. Without your recommendation, the State of Texas faces the unthinkable prospect of executing an innocent man.

Respectfully,

Contact information for the Texas Board of Pardons and Paroles and Governor Abbott

Texas Board of Pardons and Paroles

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bpp_clemency@tdcj.texas.gov

Chairman: David Gutiérrez

Texas Governor Greg Abbott

Office of the Governor
P.O. Box 12428
Austin, Texas 78711-2428

Information and Referral Hotline: (800) 843-5789 [for Texas callers]

Information and Referral and Opinion Hotline: (512) 463-1782 [for Austin, Texas and out-of-state callers]

Office of the Governor Main Switchboard: 512-463-2000

Online Contact: <https://gov.texas.gov/contact/>