

“The State obtained Blaine Milam’s conviction and death sentence for capital murder based on now discredited bite mark junk science. The State does not possess any meaningful evidence that Mr. Milam played any role in causing the death. For that reason, the State was forced to rely on Texas’s law of parties when it prosecuted him, which allows a jury to convict a person based on the conduct of another. Even under the law of parties, the State’s evidence that Mr. Milam “aided” in the offense rested on junk science. Additionally, Mr. Milam’s defense was not allowed to present evidence to show the full circumstances surrounding the offense. These included that the mother had been experiencing a psychotic illness involving delusions that her child was possessed by a demon. Despite the fact that the State possessed no meaningful evidence about who caused the child’s death, the State sought death only against Mr. Milam. Mr. Milam’s conviction is unreliable, and his death sentence is arbitrary.”

- Jennae Swiergula, Post-Conviction Director, Texas Defender Service