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## Texas death row inmate Larry Swearingen gets 11th-hour reprieve

04:16 PM CST on Monday, January 26, 2009

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AUSTIN – A federal appeals court has granted a last-minute reprieve to a Texas man facing execution in the murder of a Houston-area college student, his attorney said.

Larry Swearingen was set to be executed Tuesday for a murder that several pathologists -- including the case's original medical examiner – now say he could not have committed.

He was convicted of the 1998 rape, abduction and murder of Melissa Trotter, a 19-year-old who was strangled and left in the woods.

Several criminal pathologists say the prosecutors' original theory -- that Trotter had been dead for 25 days before she was found – is impossible because of how preserved her body was.

If they're right, that means Swearingen couldn't have killed her. He was in jail for traffic violations for the three weeks before the discovery of her body.

"I'm extremely relieved," said Swearingen's attorney James Rytting. "It would be a travesty to execute someone under these circumstances – where someone was sitting in jail when someone else killed a woman and threw her body in the woods."

Prosecutors say regardless of how long Trotter's body was in the woods, the circumstantial and physical evidence against Swearingen is sufficient. They were able to match the panty hose tied around Trotter's neck to a piece found in a dumpster next to Swearingen's Montgomery County trailer. They found fibers traced to Trotter in Swearingen's truck and home.

Swearingen, who met Trotter two days before the 19-year-old disappeared, was the last person seen with her outside the Montgomery College library.

"It's disappointing to hear that they've stayed this case again. Every time [the defense] claims they've got evidence he's innocent, every time we're able to show they're wrong," said Marc Brumberger, who oversees appellate cases for the Montgomery County District Attorney's Office.

"We'll just have to hash it out in court once again."