



Lawyer for executed Matthew Reeves: ‘He was my responsibility and I loved him’

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By Jodi Lopez | Sidley Austin LLP

Alabama recently executed Matthew Reeves, a man with an IQ of 68. That score was determined by the state of Alabama’s own expert, and it is well below the threshold of 75 for intellectual disability. The jury that handed down that death sentence never heard that critical fact. Although we operate in a judicial system in which it is unconstitutional to execute someone with intellectual disability, and ten federal judges, at every level of the judiciary, agreed that Matthew’s execution should be stopped, the state of Alabama simply pretended these facts did not exist and carried out his execution on January 27, 2022.

I will never understand how the U.S. Supreme Court could have cleared the way for Matthew’s execution (twice, by the way, because two separate 11th Circuit panels ruled unanimously in Matthew’s favor and twice the U.S. Supreme Court ruled against Matthew in summary fashion). I also will never understand how the governor of Alabama failed to act when she had one last chance to do the right thing and spare Matthew’s life. Matthew never asked to be released from prison; he only asked not to die.

Many may not wish to think about the life of a convicted killer—Matthew was found guilty of a murder in the course of a robbery—or believe he should garner empathy, but Matthew deserved our mercy. In writing this, I do not intend to ignore the pain suffered by the victim’s family, and I feel deeply for them.

I served as Matthew’s legal counsel (pro bono) for close to 17 years and he was special to me. He made a terrible choice as an intellectually disabled 18-year old who had been raised in extreme poverty by a single mom, just a teenager herself when Matthew was born. But he also was much more than the worst choice he made as a teenager. Matthew’s intellectual disability meant he was childlike in many ways, and I cared about him much like my own child. He was my responsibility and I loved him.

No matter what was going on with him, Matthew routinely started our calls with “How’s the family?” He always made it a point to ask how my children were doing. He sent birthday cards and Christmas cards. In recent years, as my daughter (now 8) learned to read and write, they became pen pals and drew pictures for each other. Matthew had artistic talent and liked to

brighten people's days with his artwork. He once sent me a beautiful and colorful drawing with praying hands draped over a cross.



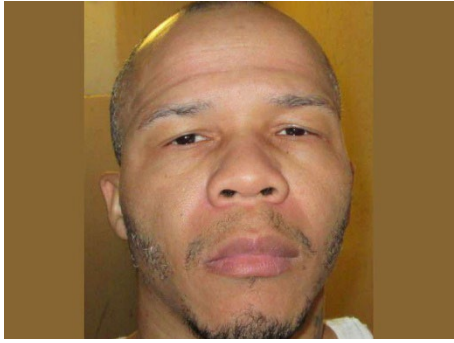
Jodi Lopez represented Matthew Reeves for 17 years. JON DIDIER

I'll never forget the way he routinely said, "Hey, I've got a question," much like my children do at the dinner table. I remember fondly the way we joked over the years about how the Alabama football team's season was going and how my alma mater—the Michigan Wolverines—struggled. He teased me when Alabama blew my Wolverines away in a 2012 game I had attended.

It was not always easy with Matthew. His intellectual disability meant that it was hard to explain to him legal concepts and procedural matters that many non-lawyers without an intellectual disability might find challenging. Our legal team often explained to him four or five times the relevant developments in his case and even then they confused him. He sometimes grew angry and frustrated with us. He'd make a swooshing sound on the phone and we could hear him mumbling under his breath. But he usually apologized quickly and we always found our way back to one another.

Matthew was committed to bettering himself in prison. Although he only read at an elementary level, he appreciated scripture and the letters and Bible passages my mom would send him. He liked to keep tidy and cleaned his cell regularly, especially during the pandemic. He could be silly and liked to laugh. A few days before the State killed him, he found it hilariously shocking when I told him I had baked a Michigan-themed cake for my son's birthday. He laughed and said, "In all of our years working together, I've never heard you mention baking."

In the weeks and days leading up to his execution, Matthew expressed concern about the impact his execution would have on his family and our legal team. Even facing the ultimate punishment, he regularly said he was praying *for us*. A close colleague who also worked on Matthew's legal team traveled with me to Alabama to see him the week before his execution. I looked in his eyes then, and felt like I was talking to a 10-year old. In childlike terms, he told me about one of his favorite movies, a children's film called *A Dog's Way Home*. He was proud that he could now run in place in his cell for 90 seconds, on top of doing 500 pushups and sit-ups. He knew that exercise made him feel good, but he looked at me with wonderment—and I'm not convinced he understood—when I explained the release of endorphins in the brain. He worried about another inmate with a serious medical condition who had been moved to another prison. Matthew had tried to help him, and worried that the inmate would not have anyone to watch out for him. Matthew wanted to find a way to help the inmate. He'd also been telling his younger family members to make good choices and not follow in his path.



Matthew Reeves

The last time I talked to Matthew—four hours before his execution—he told me he had drawn a snowy owl for my daughter (her favorite animal) and he needed to give it to an officer to mail. He told me to tell my kids to be good, and he hoped he'd hear from them soon. He also took the time to express appreciation for everything our team had done for him. At the end of that final call, not knowing what could happen, I told him that we—our team of lawyers who had grown so close to him—loved him and he said he loved us, too. He told me that he hoped he'd be able to call me tomorrow and that we'd talk soon.

At about 7:25 p.m. on January 27, 2022, the U.S. Supreme Court—without a word of explanation—overruled a federal district judge who had written a 37-page order granting an injunction preventing Matthew's execution because of issues relating to his intellectual disability, and a unanimous 11th Circuit panel which had written a 27-page order affirming the injunction. I reached out immediately to the Governor's Office regarding the clemency petition we had submitted on Matthew's behalf several days earlier. I asked then and earlier for an opportunity to speak directly to the governor. I will never know how much time, if any, the governor spent reading Matthew's clemency petition but I believe anyone who read it with an open heart would understand Matthew's disability, and his humanity.



Drawn by Matthew Reeves, an intellectually disabled man executed by the state of Alabama in January 2022.

Within two hours of the U.S. Supreme Court's ruling, Matthew was gone and my heart and the hearts of his family and the many people who loved and cared about him were broken. Despite his intellectual disability, he was not even provided with an opportunity to talk to his lawyers to understand what had happened.

I am sad and angry. I am devastated that I will never again hear his voice. We must learn from the sad ending to Matthew's life and not repeat the egregious mistakes and failings that led to his execution. I pray—and hope that you will pray with me—that we never execute another intellectually disabled person in Alabama or anywhere else in our nation.

Jodi Lopez is a partner with Sidley Austin LLP and for 17 years represented Matthew Reeves.



By Matthew Reeves, who was executed by the state of Alabama in January.