

# [***Texas governor pardons ex-Army sergeant convicted of killing Black Lives Matter protester***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6C1W-S4G1-DYMD-619T-00000-00&context=1516831)

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**Body**

AUSTIN, Texas — Texas Gov. Greg Abbott issued a full pardon Thursday for a former U.S. Army sergeant convicted of murder for fatally shooting an armed demonstrator in 2020 during [*nationwide protests*](https://apnews.com/article/shootings-tx-state-wire-us-news-violence-texas-a00748a564346acd7a483ab0b3855efa) against police violence and racial injustice.

Abbott announced the pardon shortly after the Texas Board of Pardons and Paroles announced a unanimous recommendation that Daniel Perry be pardoned and have his firearms rights restored.

Perry had been in state prison on a 25-year sentence since his 2023 conviction in the killing of Garrett Foster, and was released shortly after the pardon, a prison spokeswoman said.

Perry, who is white, was working as a ride-share driver when his car approached a demonstration in Austin. Prosecutors said he could have driven away from the confrontation with Foster, a white Air Force veteran who witnesses said never raised his gun.

A jury convicted Perry of murder, but Abbott called it a case of self-defense.

“Texas has one of the strongest ‘Stand Your Ground’ laws of self-defense that cannot be nullified by a jury or a progressive district attorney,” Abbott said.

A Republican in his third term, Abbott has typically issued pardons only for minor offenses, and he [*notably avoided*](https://apnews.com/article/death-of-george-floyd-elections-texas-houston-greg-abbott-030078d375157f65b23965f5ecc5f7e3) a posthumous pardon recommendation for George Floyd for a 2004 drug arrest in Houston. It was Floyd's killing by a white police officer in Minneapolis in 2020 that set off national demonstrations.

Abbott ordered the board to review Perry’s case shortly after the trial, and said he would sign a pardon if recommended. Under Texas law, the governor cannot issue a pardon without a recommendation from the board, which the governor appoints.

Travis County District Attorney Jose Garza blasted the pardon as a “mockery of our legal system.”

“The board and the governor have put their ***politics*** over justice,” Garza said. “They should be ashamed of themselves. Their actions are contrary to the law and demonstrate that there are two classes of people in this state where some lives matter and some lives do not."

Abbott’s demand for a review of Perry’s case followed pressure from former Fox News star Tucker Carlson, who on national television had urged the governor to intervene after the sergeant was [*convicted*](https://apnews.com/article/texas-army-sergeant-shooting-protest-george-floyd-304fe24ca6fd5f0399e5157a9294744d) at trial in April 2023. Perry [*was sentenced*](https://apnews.com/article/black-lives-matter-protest-shooting-texas-sentence-3fff311aa2ebcca5c2dd31a4c9b02c29) after prosecutors used his social media history and text messages to portray him as a racist who may commit violence again.

The sergeant’s defense attorneys argued that Foster did raise the rifle and that Perry had no choice but to shoot. Perry did not take the witness stand and jurors deliberated for two days before finding him guilty.

Perry acted in self-defense when confronted by an angry crowd and a person with an assault rifle, Perry attorney Clint Broden said after the pardon.

“The events of this case have always been tragic and, unfortunately, Garrett Foster lost his life,” Broden said. “Mr. Perry and his family thank the Board of Pardons and Parole for its careful review of the case and are grateful that the State of Texas has strong laws to allow its citizens to protect themselves.”

Foster's girlfriend, Whitney Mitchell, was with Foster when he was killed. She called the pardon an act of “lawlessness.”

“With this pardon the governor has desecrated the life of a murdered Texan and U.S. Air Force veteran and impugned that jury’s just verdict. He has declared that Texans who hold political views that are different from his and different from those in power can be killed in this state with impunity,” Mitchell said.

The shooting set off fierce debate in 2020 amid the demonstrations sparked by Floyd's death, and Perry’s conviction three years later prompted outrage from prominent conservatives.

Before sentencing in the case, Carlson aired a broadcast calling the shooting an act of self-defense and criticizing Abbott for not coming on his show. The next day, Abbott said he believed Perry should not be punished and told Texas’ parole board to [*expedite a review*](https://apnews.com/article/texas-abbott-shooting-protest-army-murder-719c3ecf0d3247324dc077903eaf4a5d) of the conviction.

After the verdict but before Perry was sentenced, the court [*unsealed dozens of pages*](https://apnews.com/article/black-lives-matter-protest-shooting-texas-sentence-04abb51c52d41fa259b2f2ed8ee72f37) of text messages and social media posts that showed he had hostile views toward Black Lives Matter protests. In a comment on Facebook a month before the shooting, Perry wrote, “It is official I am a racist because I do not agree with people acting like animals at the zoo.”

Perry served in the Army for more than a decade. At trial, a forensic psychologist testified that he believed Perry has post-traumatic stress disorder from his deployment to Afghanistan and from being bullied as a child. At the time of the shooting, Perry was stationed at Fort Cavazos, then Fort Hood, about 70 miles (110 kilometers) north of Austin.

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This story has been updated to correct that Perry's conviction was in 2023, not 2022.

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