Texas Coalition to Abolish the Death Penalty

NUMBER OF INDIVIDUALS EXECUTED BY TEXAS

In 2011, the State of Texas executed 13 people out of 43 nationwide. Twelve other states collectively carried out 20 executions in 2011. Texas has executed 482 people since 1982, accounting for 37% of the national total since 1977. In 2012 Texas has executed 5 people and has 5 executions scheduled through November 14, 2012.

Between 1923 and 1964, Texas used the electric chair to execute 361 individuals. Prior to 1923, executions were carried out at the county level; approximately 394 people were executed by means of hanging. (Death Penalty Information Center) Texas has executed individuals by lethal injection since 1982, when it resumed executions.

Texas leads the nation in the number of individuals executed (out of 1,295 nationwide since 1977).

<table>
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<td>3</td>
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</table>

*Connecticut (2012), Illinois (2011), New Mexico (2009), New Jersey (2007), and New York (2007) have abandoned the death penalty. (17 states do not have the death penalty as a sentencing option.)

**Oregon Governor declared a moratorium on all executions (2011).
DEATH SENTENCES
Eight people were newly sentenced to death in Texas in 2011, which remains the lowest number of new death sentences in Texas since official reinstatement of the death penalty in 1976.
- Over the last seven years, new death sentences in Texas have declined by approximately 70%.
- Death sentences in Texas peaked in 1999, when 48 people were sent to death row.

INNOCENCE AND THE DEATH PENALTY
- Since 1973, 140 people have been released from U.S. death rows due to evidence of their wrongful conviction. There have been 12 individuals released from Texas’ death row, including Anthony Graves. Prosecutors dropped all charges against Graves and declared him innocent after conducting their own investigation of the case. Graves spent 18 years in prison, including 12 years on death row, for a crime he did not commit. He was released on October 27, 2010.
- There is strong evidence that Texas has wrongly executed several individuals, including: Carlos Deluna, 1989; Ruben Cantu, 1993; Gary Graham, 2000; Odell Barnes, 2000; Claude Jones, 2000; and Cameron Todd Willingham, 2004.
- According to a new National Registry of Exonerations, 87 people in Texas convicted of serious crimes have been exonerated (since 1989) due to mistaken witness identification (51), false or misleading forensic evidence (27), and official misconduct (29). DNA evidence played a role in 49 cases. http://www.law.umich.edu/special/exoneration/

THE DEATH PENALTY PROCESS
In 2009, the American Law Institute, the nation’s leading intellectual think tank for the death penalty and the institution responsible for creating the Model Penal Code which was used in the reinstatement of the death penalty in 1976, announced the death penalty be a failed institution and abandoned all ties with the field. (The New York Times, January 5, 2010)

In Executed on a Technicality, Attorney David Dow provides the following insights into the death penalty process in Texas:
- In Texas, nearly one in four death row inmates was represented by a lawyer who had been reprimanded, placed on probation, suspended or banned from practicing law by the state bar.
- Capital defendants who are represented by court-appointed lawyers are 28% more likely to be convicted and 44% more likely to be sentenced to death than capital murder defendants who have the resources to retain their own lawyers.
- One third of the inmates executed during George Bush’s tenure as Governor of Texas (1995-2000) were represented by lawyers who were later disciplined by the state bar.
- A detailed study of 251 state habeas corpus petitions filed on behalf of Texas death row inmates between 1995 and 2002 found that nearly one fourth of these petitions were only 15 pages long or less, indicating minimal work on the part of the defense lawyer.

DEATH ROW STATISTICS
- There are 297 individuals on death row in Texas (288 men and 9 women). This is the third largest death row population in the United States. (California has 724 inmates on death row, Florida has 399.)

- New death sentences
- Racial Makeup of Texas Death Row

![chart](chart.png)
Bowie 16, Brazos 16, Collin 15, Hidalgo 16, McLennan 15, Montgomery 18, Potter 17, Smith 22, all others 10 or less. Of Texas’ 254 counties, 136 have never sent a single offender to death row (1976-present).

FINANCIAL COSTS OF THE DEATH PENALTY

- In 2009, Gray County spent nearly $1 million in its pursuit of the death penalty for Levi King. His case, which had been moved to Lubbock County, consisted only of a punishment hearing. The cost to Gray County for seeking a death sentence for Levi King was a contributing factor in the county commission’s decision to withhold employee raises and increase tax rates. King was already serving two consecutive life sentences in Missouri and had pled guilty to the murders of three Texans. (Lubbock Avalanche-Journal, December 13, 2009)

- In a 1992 study, the Dallas Morning News determined that the average cost to the state of Texas for a death penalty case was $2.3 million, or about three times the cost of imprisoning an individual for 40 years. (March 8, 1992)

- In a 2010 national poll conducted by Lake Research Partners, 65% of U.S. voters supported replacing the death penalty and using the money saved for crime prevention. (See <http://www.deathpenaltyinfo.org/pollresults>.

DETERRENCE AND THE DEATH PENALTY

- A 2009 national poll commissioned by the Death Penalty Information Center found police chiefs ranked the death penalty last among ways to reduce violent crime. The police chiefs also considered the death penalty the least efficient use of taxpayers’ money.

- A new report from the National Research Council (April 2012) finds that while the subject of deterrence has been exhaustively studied and debated over the last 35 years, essentially none of this research can be considered useful or informative in determining whether the death penalty has any impact on homicide rates. The committee of distinguished scholars recommended that “these [deterrence] studies should not be used to inform judgments about the effect of the death penalty on homicide, and should not serve as a basis for policy decisions about capital punishment.” (http://www8.nationalacademies.org/onpinews/newsitem.aspx?RecordID=13363)

- Consistent with previous years, the 2008 FBI Uniform Crime Report showed that the South had the highest murder rate. The South accounts for over 80% of executions. The Northeast, which has carried out less than 1% of all executions, again had the lowest murder rate.

TEXAS NEWSPAPER EDITORIAL BOARDS CALLING FOR A STOP TO EXECUTIONS

- Abolition: Austin American-Statesman, Dallas Morning News, Houston Chronicle
THE TEXAS LAW OF PARTIES
Section 7.02 of the Texas Penal Code outlines the following:

- A person is criminally responsible for an offense committed by the conduct of another if "acting with intent to promote or assist the commission of the offense he solicits, encourages, directs, aids or attempts to aid the other persons to commit the offense" or "If, in the attempt to carry out a conspiracy to commit one felony, another felony is committed by one of the conspirators, all conspirators are guilty of the felony actually committed, though having no intent to commit it, if the offense was committed in furtherance of the unlawful purpose and was one that should have been anticipated as a result of the carrying out of the conspiracy."

- Persons convicted under this statute are eligible for the death penalty. Approximately 80 Texas death row inmates have been prosecuted under the law of parties; more than 20 have been executed since 1982.

MENTAL ILLNESS AND INTELLECTUAL DISABILITIES

- Although the U.S. Supreme Court prohibited the application of the death penalty to persons with intellectual disabilities in Atkins v. Virginia (2002), the Texas Legislature still has not enacted statutory provisions governing the standards and procedures to be followed in these cases. Texas is still sentencing to death and executing people who may in fact have intellectual disabilities.

- Since 2002, Texas has removed 13 men from death row due to evidence of intellectual disabilities. In contrast to a 40 percent success rate for Atkins appeals nationally, just 28 percent have been successful in Texas. (Texas Observer, "Cracked", January 8, 2010)

- In 1986, the U.S. Supreme Court ruled in Ford v. Wainwright that the execution of the "insane" – someone who does not understand the reason for, or the reality of, his or her punishment – violates the U.S. Constitution. The Ford decision left the determination of sanity up to each state, however. The Court has not addressed the constitutionality of sentencing offenders with severe mental illness to death.

- At least 25 individuals with documented histories of paranoid schizophrenia, bipolar disorder, and other persistent and severe mental illnesses have been executed by the State of Texas. Many had sought treatment before the commission of their crimes, but were denied long-term care. Learn more at http://preventionnotpunishment.blogspot.com.

- Approximately 15-20% of Texas death row inmates receive ongoing mental health services.

RESOURCES ON THE DEATH PENALTY
Books and Reports:

- Cheever, Joan. Back From the Dead: One Woman’s Search for the Men Who Walked Off America’s Death Row, 2006.

Websites:

- Texas Coalition to Abolish the Death Penalty: www.tcadp.org
- National Coalition to Abolish the Death Penalty: www.ncadp.org
- Death Penalty Information Center: www.deathpenaltyinfo.org
- Murder Victims’ Families for Reconciliation: www.mvfr.org
- Murder Victims’ Families for Human Rights: www.murdervictimsfamilies.org