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**State of Texas Carries Out Fewest Executions Since 1996,
According to New Report from TCADP**

New Death Sentences Remain at Record-Low Level, Imposed by Just Six Counties in the State

(Austin, Texas) — Executions dropped to the lowest number since 1996 and death sentences in Texas remained at a historic low level in 2011, according to the Texas Coalition to Abolish the Death Penalty's (TCADP) new report, *Texas Death Penalty Developments in 2011: The Year in Review*. TCADP is an Austin-based statewide, grassroots advocacy organization.

In 2011, the State of Texas carried out 13 executions, which is 50% less than in 2007. It accounted for 30% of the national total, once again a smaller percentage than years past but still twice as many as any other state. Texas has executed a total of 477 people since 1982; 238 executions have occurred during the administration of Texas Governor Rick Perry, more than any other governor in U.S. history.

For the second year in a row, juries condemned eight new individuals to death in Texas. This remains the lowest number of new death sentences since the U.S. Supreme Court upheld Texas' revised death penalty statute in 1976. Once again, just six counties in the state of Texas accounted for the new death row inmates: Fort Bend (1); Galveston (1); Harris (3); Harrison (1); Tarrant (1); and Travis (1). This represents 2% of all Texas counties.

"Texas – along with the rest of the nation – is steadily moving away from the death penalty," said Kristin Houlé, Executive Director of the Texas Coalition to Abolish the Death Penalty. "Use of the death penalty has been relegated to just a few jurisdictions in the state as prosecutors and jurors accept alternatives that protect society and punish those who are truly guilty. Still, longstanding concerns about the arbitrary and biased administration of the death penalty remain."

An analysis of data from 2007 to 2011 reveals that only 23 Texas counties have imposed death sentences over the last 5 years; of these, only 10 counties have done so in the last 2 years. Out of a total 51 death sentences imposed in this time period, Harris County leads with 9; it is followed by Dallas County, with 7 new sentences since 2007, and Tarrant and Travis Counties, with 4 new sentences each. The other 19 counties imposed 1-3 sentences each. Together, these 23 counties represent just 9% of the 254 counties in Texas.

Significantly, no new death sentences were imposed in Dallas County for the first time in five years. Prosecutors sought the death penalty for Charles Payne, but the jury rejected the charge of capital murder and instead found him guilty of murder in the shooting of police officer Senior Cpl. Norm Smith. This represented the first time since 1996 that prosecutors in Dallas County did not secure a capital murder conviction in a case in which they sought the death penalty. In another Dallas case, prosecutors dropped their pursuit of the death penalty and agreed to a life sentence for Johnathan Bruce Reed after he was found guilty for a third time in the 1978 murder of Wanda Jean Wadle. Overall, Dallas County accounts for 102 death sentences since 1976.

Bexar County, which has sentenced the third highest number of people to death in Texas, has not imposed any new death sentences since 2009.

Notably, six out of the eight new death sentences were imposed on people of color, including four African Americans and two Hispanics/Latinos. Over the last five years, nearly three-fourths of all death sentences in Texas have been imposed on people of color – 41% African American, 29% Hispanic/Latino, and 2% other. In Harris County, where these patterns are even more pronounced, 12 of the last 13 defendants sentenced to death are African American and the 13th is Hispanic/Latino.

Five inmates scheduled for execution in 2011 received stays, while the execution date for another inmate was withdrawn.

- On September 15, 2011, the U.S. Supreme Court temporarily stayed the execution of Duane Buck, pending a conference on his cert petition. During his trial, psychologist Walter Quijano, a witness for the defense, testified on cross-examination that the fact that Buck is African American increased the likelihood of his being dangerous in the future. Such improperly elicited, racially-based testimony by Dr. Quijano led to new sentencing hearings in six other cases where the State of Texas conceded error – but not for Duane Buck. On November 7, 2011, the Court declined to review Buck's case.
- On November 7, 2011, the Texas Court of Criminal Appeals issued a stay to Henry "Hank" Skinner, who was scheduled for execution on November 9. Key pieces of evidence collected at the crime scene have never been subjected to DNA testing, and for the last 10 years officials have refused to release it for analysis. The court stayed the execution to consider Skinner's case in light of recent legislative changes to the statute related to post-conviction DNA testing. This was the second stay of execution for Skinner in two years.

Other highlights of *Texas Death Penalty Developments in 2011: The Year in Review* include the following:

- In one capital murder trial, the jury rejected the death penalty and opted for a sentence of life in prison without the possibility of parole. In two other cases, death-qualified jurors convicted the defendant on a charge less than capital murder, which took the death penalty off the table. In the last four years, death-qualified juries have rejected the death penalty in at least 14 cases.
- Six inmates received reduced sentences in 2011 and were removed from the death row population, including Chelsea Richardson, one of ten women on death row.
- The State of Texas executed Humberto Leal on July 7, 2011 for the 1994 rape and murder of Adria Saucedo in San Antonio. As a Mexican national, Leal was legally entitled to seek assistance from the Mexican consulate, which could have provided him with competent legal counsel. Texas authorities failed to inform him of this right, which is afforded to Americans and foreigners who travel abroad by the Vienna Convention on Consular Relations.
- In July, the capital murder trial of John Edward Green, which was in its sixth week of jury selection, ended abruptly when Harris County prosecutors accepted an offer from the defense. In the deal, Green pled guilty to a lesser murder charge in exchange for a 40-year prison term; he had faced a possible death sentence if convicted. A pre-trial motion in his case prompted two days of unprecedented testimony on the risk of wrongful conviction last December.

"Recent developments have infused the public conversation about the death penalty with new energy and new urgency," said Houlié. "Now, more than ever, we urge concerned citizens and elected officials to engage in dialogue about the realities of the death penalty system and reconsider this irreversible punishment by focusing on its local impact as an expensive, arbitrary, and error-prone public policy."

Texas Death Penalty Developments in 2011: The Year in Review is available online at www.tcadp.org/TexasDeathPenaltyDevelopments2011.pdf. Contact Kristin Houlé at khoule@tcadp.org to receive a copy directly via email.

See <http://tcadp.org/2007-2011-new-death-sentences/> for a map of new death sentences by county from 2007 to 2011.

See <http://tcadp.org/1976-2011-county-map/> for a map of death sentences by county from 1976 to 2011.

Download this press release at www.tcadp.org/2011TCADPannualreportpressrelease.pdf.

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