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**Use of Death Penalty Geographically Isolated, Arbitrarily Imposed in Texas,
According to New Report by TCADP**

Dallas-Fort Worth Metroplex led state in pursuit of the death penalty in 2012

(Austin, Texas) — More than half of all new death sentences were imposed in the Dallas-Fort Worth Metroplex this year, while no new death sentences were imposed in Harris County for the third time in five years, according to the Texas Coalition to Abolish the Death Penalty's (TCADP) new report, *Texas Death Penalty Developments in 2012: The Year in Review*.

New death sentences in Texas have declined more than 75% since 2002 and remain near historic low levels in 2012. To date this year, juries have condemned nine new individuals to death in Texas, a slight increase over 2011 and 2010, when new death sentences fell to their lowest number since the U.S. Supreme Court upheld Texas' revised death penalty statute in 1976. The verdict in a capital murder trial in Brazos County, in which prosecutors are seeking the death penalty, has been delayed indefinitely pending a legal dispute over jury instructions.

Tarrant and Dallas Counties each accounted for two new death sentences and Johnson County accounted for one. Dallas County now leads the state in new death sentences since 2008, accounting for nearly 20% of sentences imposed in the last five years. Dallas County also led the state in executions, accounting for 5 of the 15 executions carried out this year.

"While most of Texas is moving away from the death penalty, the Dallas-Fort Worth Metroplex was a major outlier both in new death sentences and executions this year," said Kristin Houlé, Executive Director of the Texas Coalition to Abolish the Death Penalty. "2012 exemplified the arbitrariness that pervades the death penalty system in Texas. Not only does it remain geographically isolated to just a few jurisdictions statewide, but it continues to be applied in a haphazard and unfair way, particularly when it comes to individuals with intellectual disabilities or severe mental illness and people of color."

Seven of the new death row inmates in 2012 are African-American, one is Hispanic, and one is a white female. Over the last five years, nearly 75% of death sentences in Texas have been imposed on people of color – 46% African-American and 28% Hispanic. In Dallas County, this pattern is even more pronounced – of the eight men sentenced to death there since 2008, five are African-American and two are Hispanic.

"Although Texas is using the death penalty less, the state still uses it disproportionately on people of color," said Kathryn Kase, Executive Director of the Texas Defender Service. "This is a recurring problem and Texas' failure to fix it demonstrates how broken its capital punishment system is."

Troubling questions also persist regarding the arbitrary determination of who receives the ultimate punishment. Cases involving individuals with comparable backgrounds or who presented similar legal arguments received vastly different treatment by the criminal justice system this year.

As one example of this arbitrariness, several death row inmates with diagnosed severe mental illnesses were scheduled for execution this year. The executions of Steven Staley and Marcus Druery were halted pending unresolved issues related to their mental competency, while the execution of Jonathan Green, who reportedly suffered from schizophrenia, proceeded on October 10, 2012 after significant legal wrangling.

This disparate treatment was also evident in terms of issues related to intellectual disabilities. Two inmates with recognized intellectual disabilities received reduced sentences and were removed from death row this year: Roosevelt Smith, convicted in 2007, and Anthony Pierce, who spent more than three decades on death row. On the other hand, Marvin Wilson was executed on August 7, 2012 despite being diagnosed with an IQ of 61, well below the threshold of 70 for mental impairment. His case created an international uproar and starkly illustrated the woefully inadequate and unscientific standards used by the State of Texas to determine which defendants with intellectual disabilities are protected from execution.

Other highlights of Texas Death Penalty Developments in 2012: The Year in Review:

- The State of Texas accounted for more than a third of U.S. executions this year, a smaller percentage than in the past but nearly three times as many as any other state. Texas has executed a total of 492 people since 1982 – 253 executions have occurred during the administration of Texas Governor Rick Perry (2001 - present), more than any other governor in U.S. history.
- Six inmates scheduled for execution in 2012 received reprieves. In addition, three execution dates were withdrawn.
- Death-qualified juries rejected the death penalty in the sentencing phase in four trials this year and instead opted for life in prison without the possibility of parole. In all four cases, the jury determined that the defendant did not pose a future danger. Over the last five years, death-qualified juries have rejected the death penalty in at least 20 capital murder trials.
- According to research by TCADP, the Texas death row population stands at its lowest level since 1989. As of November 16, 2012, the Texas Department of Criminal Justice counted 289 death row inmates, which includes 10 women.

“Attitudes toward the death penalty are shifting as public confidence in the ultimate punishment continues to erode,” said Houlié. “As we approach the start of the 83rd Texas Legislature, TCADP urges concerned citizens and elected officials to confront the realities of this irreversible punishment and reconsider the efficacy and cost of the death penalty as a means of achieving justice.”

TCADP is a statewide, grassroots advocacy organization based in Austin.

Texas Death Penalty Developments in 2012: The Year in Review is available online at www.tcadp.org/TexasDeathPenaltyDevelopments2012.pdf. Contact report author Kristin Houlé at khoule@tcadp.org to receive a copy directly via email. See the report for tables illustrating Texas' highest-use counties from 2008-2012, the race of defendants sentenced to death in the last five years, and additional graphs depicting recent trends.

See <http://tcadp.org/2008-2012-new-death-sentences/> for a map of new death sentences by county from 2008 to 2012.

See <http://tcadp.org/1976-2012-county-map/> for a map of death sentences by county from 1976 to 2012.

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The following individuals are available for further comment on the topics raised by these year-end statistics:

General Trends and Developments

- Kristin Houlé, Executive Director, TCADP: 512-441-1808 (office) or 512-552-5948 (cell)
- Kathryn M. Kase, Executive Director, Texas Defender Service: 713-222-7788 (office)

Disparate Racial Impact of Death Sentences and Executions

- State Senator Rodney Ellis (D-Houston): 512-463-0113
- Anthony Graves, who spent 18 years in prison, including 12.5 years on death row, before his exoneration in October 2010: 800-710-2373

Jurors' Failure to Find Future Dangerousness

- Dallas psychologist Mark D. Cunningham, Ph.D.: 972-459-0658

Arbitrary Determination of Who Receives the Death Penalty

- UT Law Professor Jordan Steiker: 512-680-4709

Use of Death Penalty Against Most Vulnerable Texans

- Dallas psychologist Mark D. Cunningham, Ph.D.: 972-459-0658
- State Senator Rodney Ellis (D-Houston): 512-463-0113