



## TEXAS COALITION TO ABOLISH THE DEATH PENALTY

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### **Texas Coalition to Abolish the Death Penalty Releases Report on Death Penalty Developments in 2008**

*“Average” Number of Executions Carried Out in Record Time as New Death Sentences Reach  
Lowest Level in Texas in 30 Years*

**(Austin, Texas)** — Today the Texas Coalition to Abolish the Death Penalty (TCADP) released its annual report on death penalty developments statewide, in advance of the December 7 anniversary of the resumption of executions in Texas in 1982. According to the report, Texas juries newly condemned nine individuals (eight men and one woman) to death in 2008, the lowest number of new death sentences since official reinstatement of the death penalty in 1976. Juries also resentenced two people to death.

A *de facto* moratorium on executions nationwide existed from September 26, 2007 until April 16, 2008 while the U.S. Supreme Court considered the constitutionality of the lethal injection protocol used by the majority of death penalty states. On April 16, the Court ruled in *Baze v. Rees* that the current protocol used by Kentucky (and other states, including Texas) does not constitute cruel and unusual punishment. The decision lifted all stays in effect at the time and paved the way for the resumption of executions. Texas’ first execution of the year took place on June 11, 2008, when Karl Chamberlain was put to death. The State went on to execute 17 more people in the latter half of 2008, accounting for 50% of all executions in the United States this year. Seven of those executed had been convicted in Dallas County.

“2008 can only be characterized as yet another rollercoaster year for the death penalty in Texas,” said TCADP Executive Director Kristin Houlé. “The state carried out a ‘typical’ number of executions in a record amount of time – averaging nearly one per week over a five-month period. Yet officials’ zeal for executions was not matched by public desire for new death sentences, as evidenced by the continued steep decline in the number of new inmates arriving on death row.”

This past year also was notable for the executions that did not occur. Six inmates with execution dates in 2008 received last-minute stays, due to concerns about possible innocence, the fairness of their trial, or issues related to mental retardation or mental illness. The case of Charles Hood, in particular, challenged the integrity of the Texas judicial system, after solid evidence confirmed that the judge who presided over his original trial was romantically linked to the prosecutor who sought his death sentence. Hood received a stay from the Texas Court of Criminal Appeals on September 9 on an issue unrelated to the improper relationship; his attorneys continue to seek a new trial.

Other highlights of TCADP’s report, *Texas Death Penalty Developments in 2008*, include the following:

- In 2008, the State of Texas carried out 18 executions in 5 months. Only eight other states carried out executions this year; none executed more than four people. Texas has executed 423 people since 1982. Currently there are 354 inmates on death row in Texas – 344 men and 10 women.
- Michael Blair became the 9<sup>th</sup> inmate exonerated from death row in Texas after DNA testing failed to connect him to the crime for which he was convicted and sentenced to death.

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- Seven other inmates were removed permanently from death row in 2008; their sentences were commuted to life in prison. This includes Thomas Miller-El, Johnny Paul Penry, and LaRoyce Smith, whose convictions and/or death sentences had been overturned at various junctures by the U.S. Supreme Court.
- Jurors rejected the death penalty in at least four capital murder trials in 2008, opting instead for the punishment of life in prison without the possibility of parole.
- Harris County, which accounts for more executions than any state in the country (besides Texas), did not send a single person to death row in 2008.
- Texas defied federal officials and the International Court of Justice when it executed Mexican national Jose Medellin on August 5, 2008, despite the fact that he had been denied the right to contact his consular office upon his arrest in 1993 as afforded by the Vienna Convention on Consular Relations.
- The U.S. Supreme Court decision in *Kennedy v. Louisiana* on June 25, 2008 invalidated the death penalty provision of “Jessica’s Law,” which the Texas Legislature passed in 2007. The Justices ruled 5-4 that the death penalty is unconstitutional as a punishment for the crime of raping a child and they effectively barred its imposition for any crime that does not take the life of the victim.

Texas already has scheduled 11 executions for the first 3 months of 2009. “Despite continued concerns about the flaws and failures of the Texas death penalty system – and growing public awareness of its fallibility – the ‘conveyor belt to death’ continues to operate on high gear,” said Houlé. “TCADP urges all elected officials to take a hard look at this costly, broken government system – a system that produces wrongful convictions and most likely wrongful executions – and to support alternatives that protect society and punish the truly guilty.”

TCADP is a statewide, grassroots organization based in Austin, Texas. *Texas Death Penalty Developments in 2008: The Year in Review* is available online at <http://www.tcadp.org/uploads/documents/2008annualreport.pdf>. Contact Kristin Houlé at [khoule@tcadp.org](mailto:khoule@tcadp.org) to receive a copy directly via email.

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