



Seizing the Momentum

Fall 2016

Texas Coalition to Abolish the Death Penalty

Too Broken to Fix: An In-depth Look at America's Outlier Death Penalty Counties

An extraordinary two-part report from Harvard Law School's Fair Punishment Project, *Too Broken to Fix: An In-depth Look at America's Outlier Death Penalty Counties*, examines how the death penalty is operating in the handful of counties across the country that are still using it. The report highlights the extreme geographic isolation of the death penalty: of the 3,143 county or county equivalents in the United States, only 16 — or one half of one percent — imposed five or more death sentences between 2010 and 2015.

This same isolation is evident in Texas: just eight counties — 3% of the 254 counties in Texas — account for 70% of new death sentences imposed by juries from 2011-2015.

Examining 10 years of court opinions and records from 16 "outlier counties" in 7 states (Alabama, Arizona, California, Florida, Louisiana, Nevada, and Texas), *Too Broken to Fix* analyzes all of the new death sentences handed down in these jurisdictions since 2010. It finds that these counties are plagued by persistent problems of overzealous prosecutors, ineffective defense lawyers, and racial bias. Such systemic problems have led to the conviction of innocent people and the imposition of excessively harsh punishments on people with significant impairments, such as intellectual disabilities or severe mental illnesses.



THE DEATH PENALTY IN HARRIS COUNTY, TX

PERCENTAGE OF CASES WITH MISCONDUCT FOUND	5%
AVERAGE AMOUNT OF DEFENSE MITIGATION PRESENTED BY DEFENSE LAWYERS	1.1 DAYS
PERCENTAGE OF DEFENDANTS OF COLOR SENTENCED TO DEATH BETWEEN 2010-2015	78% (100% NOT INCLUDING RESENTENCES)
PERCENTAGE OF CASES WITH SIGNIFICANT MITIGATION (AGE AND IMPAIRMENTS COMBINED)	53%
PERCENTAGE OF DEFENDANTS UNDER AGE 21	26%
PERCENTAGE OF DEFENDANTS WITH INTELLECTUAL DISABILITY, SEVERE MENTAL ILLNESS, OR BRAIN DAMAGE	26%
NUMBER OF DEATH ROW EXONERATIONS SINCE 1976	3

*All calculations are based on direct appeal opinions since 2006 unless otherwise noted.

The two Texas counties cited in the report — Harris and Dallas — together have sent more than 400 people to death row and account for 181 executions.

Despite their place among the outliers, both Dallas and Harris Counties have experienced a major shift over the last decade. Between 1998 and 2003, Harris County jurors imposed 53 new death sentences. Since 2010, there have been 10 new death sentences imposed in Harris County and 4 resentences. No Harris County jury has imposed the death penalty in a case involving a new defendant since July 2014.

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- TCADP Welcomes New Organizational Affiliates
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- Thank You, Donors!

Scheduled Executions 2016

December
7– John Battaglia



Dallas County juries imposed seven new death sentences and one resentence between 2010 and 2015. *The last year in which Dallas County juries imposed a death sentence in a trial involving a new defendant was 2013.*

While use of the death penalty is declining, both counties continue to be plagued by racially biased practices.

In Dallas, seven out of the last eight defendants sentenced to death are African-American. Less than one-quarter of Dallas County’s population is African-American.

In Harris County, 100 percent of the defendants who were newly sentenced to death since November 2004 are people of color.

Both counties also have a terrible track record when it comes to convicting innocent people. Dallas County leads the nation in exonerations. Since 1989, at least 51 individuals there have been exonerated of serious crimes. This includes Randall Dale Adams, who spent 13 years in prison, including several years on death row, for a crime he did not commit. His notorious case is the subject of the 1988 film, “The Thin Blue Line.”

Harris County has had three death row exonerations: Ricardo Aldape Guerra, Vernon McManus, and Alfred Dewayne Brown. In 2015, the District Attorney’s Office dropped capital murder charges against Brown because the state did not have enough evidence to secure a conviction.

“Advocates see the shrinking geography of capital punishment as the most promising path to ending executions in the country for good. It’s a self-reinforcing strategy: Once a county loses the habit of meting out death sentences, it’s probably less likely to do so in the future.... And the more unusual the death penalty becomes, the more emboldened the Supreme Court could be to decide that it is also cruel, as justices including Kennedy and Breyer have come to understand that word.”

– from “Where the Death Penalty Still Lives,” *New York Times*, August 23, 2016

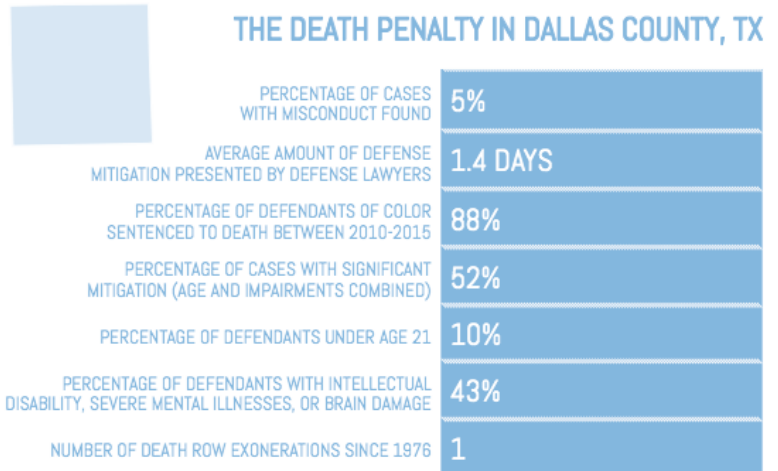
Here in Texas, we will continue our work to reduce use of the death penalty in the jurisdictions that impose it most often until we dismantle this broken system altogether.

Read the full report online:

Part I: <http://fairpunishment.org/wp-content/uploads/2016/08/FPP-TooBroken.pdf> (released in August)

Part II: http://fairpunishment.org/wp-content/uploads/2016/10/FPP-TooBroken_II.pdf (released in October)

Continued: Too Broken to Fix



*All calculations are based on direct appeal opinions since 2006 unless otherwise noted.



Save the date: Lighting of the Star in El Paso

The Third Annual Lighting of the Star on the Mountain will take place on **Sunday, November 27, 2016** from 4:00 PM to 5:30 PM in the parking lot of the Center for Careers & Technology (1170 N. Walnut Street), in solidarity with Cities for Life, Cities Against the Death Penalty.

For more information, please contact Pat Delgado at phdelgado@hotmail.com.



Texas Death Penalty Developments in 2016 (as of October 20, 2016)

Executions: 7 out of 17 nationwide

Scheduled executions (through December): 1

States that have carried out executions this year: 5 (Texas, Georgia, Alabama, Missouri and Florida)

States that have abandoned the death penalty in law or practice: 28

Individuals currently on death row in Texas: 243

New death sentences: 2
(Kaufman and Webb County)

Jury rejections of the death penalty: 1 (Bell County)

Cases being considered by the U.S. Supreme Court: 2

More information is available at
www.tcadp.org.

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Seizing the Momentum

Seizing the Momentum is published quarterly by the Texas Coalition to Abolish the Death Penalty (TCADP) and distributed to TCADP members and allies. It is available online and twice a year in print.

Issue #54, Fall 2016: <http://tcadp.org/get-informed/newsletter-archives/>

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Fall 2016 Contributors: Vanessa Akins; Rev. Lee Ann Bryce; Lauralee Harris; Kristin Houlé; Jason Redick

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TCADP would like to give a special thanks to Alan Knox and Jose Garibay for volunteering in the TCADP office!

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INSTAGRAM

Follow us at
[instagram.com/tcadp](https://www.instagram.com/tcadp)

Connect with
TCADP on
Facebook!

View photos from our events, connect with more than 4,700 other supporters, and learn about important death penalty developments. "Like" us today!



North Texas Roundup

By Jason Redick

As the hot summer months passed, I, like many of you, was thankful to see all of the stays of execution that were granted in July and August. Each of the stays provided me an opportunity to reveal the brokenness of the death penalty to civic and religious leaders. In fact, we were even lucky enough to have an incredibly diverse group of religious, civic and community voices here in North Texas who spoke out against the pending execution of Jeff Wood, who was sentenced under Texas' law of parties guidelines. As I continue my work building the Coalition here in North Texas, it is situations like this that give me hope we can create the necessary power and will to question every single execution that is scheduled in order to stop this machinery of death.



Jason Redick with Christopher Scott, Shane Claiborne, Monique Ruiz, Deanna Golson, and other participants from TCADP events in North Texas.

September may have been the busiest month of the year for me to date in my work with TCADP. I tabled at a number of events that created new and exciting connections during the first few weeks of the month. Then, on September 27th and 28th, author and faith leader, Shane Claiborne, spoke at events at White Rock United Methodist Church in Dallas and Broadway Baptist Church in Fort Worth. Each event had more than 100 people in attendance, and dozens of new contacts signed up to get involved with TCADP. In addition to Shane speaking about his latest book, *Executing Grace*, we had panel conversations with people directly affected by our broken criminal justice system. Their stories were sobering and yet at the same time inspiring, because all have made a commitment to do their part in sharing their stories so that we can know the harsh reality in our state.

Now the work of building on initial conversations and connections begins, as I set out to foster these new relationships into further dialogue, planned events and actions, and, ultimately, expansion of our Coalition. As I continue this work here in North Texas, I invite you to consider any religious, civic, or community leaders who you think may have an interest in joining our work to end the death penalty.

WHO WOULD MAKE A GREAT TCADP BOARD MEMBER? MAYBE YOU!

WHY?

1. You are committed to ending the death penalty.
2. You believe that TCADP is critical to making that happen.

How do we know that? Because you have shown your support as a member of TCADP.

Take the next step: Apply to serve on the TCADP Board of Directors.

Our experience tells us that the two most important predictors of being a great board member are experience with TCADP initiatives and TCADP membership. That's you, right? There is a place here for you. We currently have several open positions to fill between now and February, when we will gather for the TCADP 2017 Annual Conference in Austin. **Contact TCADP Executive Director Kristin Houlé at khoule@tcadp.org for details about board membership and how to apply.**

Even in Texas – the death penalty's days are numbered. Be on the front line of this campaign.

Film Review: *Last Day of Freedom* By Reverend Lee Ann Bryce

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Reverend Lee Ann Bryce
Photo courtesy of: Fort Worth
First Congregational UCC

I'm a big fan of short films but since they're not really commercially viable, most shorts get very little exposure. Sometimes the Oscar-nominated shorts are shown in blocks at art theaters around Academy Award time, but many ground-breaking short films get little exposure to audiences.

Last Day of Freedom is a gripping and memorable short film about Manuel "Manny" Pina Babbitt, a Vietnam veteran suffering with PTSD who was sentenced to death and executed in California in 1999. Manny's story is told through the eyes of his brother, Bill, in hypnotic animation. Though *Last Day of Freedom* was nominated for an Oscar in the Documentary Short Subject category, it might also have been included as an Animated Short.

Suffering with mental illness and a brain injury, Manny's story unfolds in a tragic narrative. Bill's perception of the murder Manny commits, as well as the events leading up to it and following it, as Bill wrestles with turning his brother in, is agonizing to see.

Last Day of Freedom, directed by Dee Hibbert-Jones and Nomi Talisman, is a convincing indictment on capital punishment. You won't find a short film more worth your time and attention.

Last Day of Freedom is currently available on Netflix.

TCADP Board Members [Susan Buchanan](#) and [Ana Otero](#) organized a special screening of *Last Day of Freedom* in September in Houston, with special guest former Congressman Craig Washington. Photos from the event are available on the TCADP Facebook page. Thanks to all who attended!

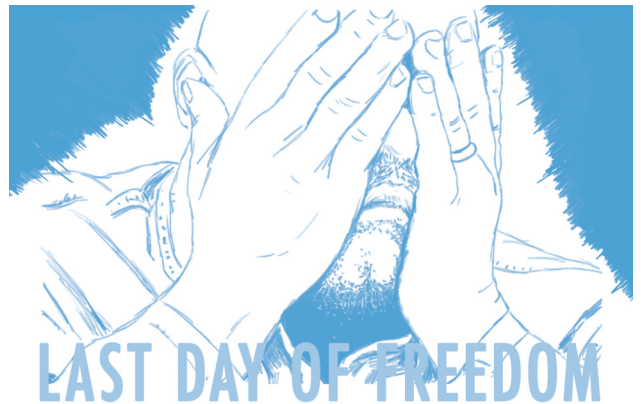


Photo courtesy of: lastdayoffreedom.net

TCADP Welcomes New Organizational Affiliates!

TCADP recently welcomed three new Organizational Affiliates:

- Death Penalty Awareness Society at Thurgood Marshall School of Law in Houston
- First Congregational Church United Church of Christ in Fort Worth
- Travis Park United Methodist Church in San Antonio

We are immensely grateful to these groups – and 23 more across the state – who have pledged to publicly support our efforts and engage their members in our activities.

Are you part of a group – a religious community, student group, or civic organization, for example – that supports our mission to end the death penalty? If so, please encourage them to become a TCADP Organizational Affiliate. Just direct them to our website - <http://tcadp.org/about/organizational-affiliates/> - where they'll find a complete list of current affiliates and form to complete and mail to the TCADP office. Thank you!

TCADP San Antonio Chapter

Are you interested in becoming involved with TCADP's activities in San Antonio? Please contact TCADP member Chris Hockman at sanantonio@tcadp.org to learn more about the monthly meeting schedule and other events in the works.



Thank You for Your Generous Support

TCADP thanks the following members who contributed between July 21 and October 20, 2016. Your financial support is critical to all of the activities and events described in this newsletter. Please let us know if we inadvertently left you or anyone in your household off of this list. We apologize in advance if we missed anyone.

Angelle Adams*
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 David Atwood*
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 Sheryl Ballard*
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 Ann Smith
 Annette Spanhel*
 Hugh Stearns
 Jorunn Tangen
 Joan Terrell
 Mary and Robert Trimble
 Jared Tyler*
 Elly Van Laar*
 Bob and Jean Van Steenburg*
 Belinda Veliz
 Julie Walters and Eric Van Steenburg*
 Lynn Walters*
 Richard Woodward*
 Gay Z. Wright*
 Rev. John Yeaman*

 Methodist Federation for Social Action-
 Rio Texas Chapter
 St. Ignatius Martyr Catholic Parish,
 Austin, Texas

* Signifies Partners for Justice or Sustaining Members, TCADP's recurring giving program tcadp.org/donate/partners-for-justice

Thanks
 YOU'VE BEEN A GREAT HELP!



You're Invited: TCADP 2017 Annual Conference Austin, Texas

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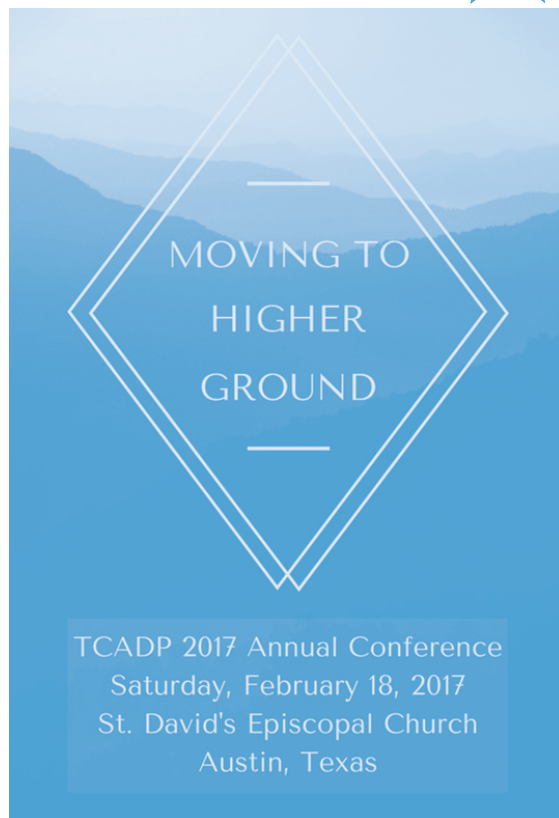


The TCADP 2017 Annual Conference will take place on **Saturday, February 18, 2017** at St. David's Episcopal Church in downtown Austin. The theme of *Moving to Higher Ground* promises **reflection** on how far we've come and **direction** as to where we still need to go to fulfill our mission to end the death penalty in Texas.

We are delighted to announce that **Brian Stolarz** will be the keynote speaker at the 2017 Annual Conference! Stolarz served as habeas corpus counsel to **Alfred Dewayne Brown**, who was exonerated in June 2015 after spending 10 years on Texas' death row. Stolarz received the 2015 Light of Justice Award from the Texas Defender Service for his efforts to secure justice for Mr. Brown, and his work on the case has been profiled in *The Washington Post* and the *Houston Chronicle*, and on the Today Show.

This year's official conference hotel is Hyatt Place Austin-North Central. Reserve your room by **January 27, 2017** to secure TCADP's special block rate. For more information, please visit <http://tcadp.org/what-we-do/annual-conference/>.

More program details and the announcement of our 2017 Award winners coming soon!



Register Today!

TCADP 2017 Annual Conference
February 18, 2017 8:00 AM to 4:00 PM
St. David's Episcopal Church
Austin, Texas

_____ \$60 TCADP Member

_____ \$80 Non-Member

_____ \$30 Student

_____ \$35 Luncheon ticket only

_____ Enclosed is an additional contribution toward the conference.

Lunch preference:
Vegan
Vegetarian
No restrictions

Name(s): _____

Address: _____

Email: _____

Phone: _____

Credit Card Type: _____ Exp Date: _____

Card Number: _____

Registration includes breakfast tacos and lunch.

Questions? Contact the TCADP office at 512-441-1808.

Rates will increase after February 8, 2017.

Please make checks payable to TCADP or go online to www.tcadp.org to register.

Mail payment and registration form to:
TCADP; 2709 S. Lamar; Austin, TX 78704.

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Austin, TX 78704



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Is your membership current? Call the TCADP office at (512) 441-1808 to see if it's time to renew. Thank you!

TCADP 2017 Annual Conference Moving to Higher Ground

Saturday, February 18, 2017, 8:00 AM to 4:00 PM

St. David's Episcopal Church
301 E. 8th Street, Austin, Texas

Registration Options:

- By mail (see form on page 7)
- Online at www.tcadp.org
- By phone (call the TCADP office at 512.441.1808)

- **General Membership Meeting**
- **Panel Discussion**
- **Keynote Speaker**
- **Annual Awards Luncheon**
- **Workshops**
- **Exhibitors**

Pre-Registration by February 8, 2017:

TCADP Member \$60 / Non-Member \$80
Student \$30

After February 8, 2017:

TCADP Member \$75 / Non-Member \$95
Student \$35

Registration fee includes breakfast tacos and lunch.

Luncheon Ticket Only — Keynote and Awards

12:30 to 2:30 PM (Must purchase by February 8th) \$35

More information:

<http://tcadp.org/what-we-do/annual-conference/>