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### **Use of the death penalty continues to decline in Texas**

*U.S. Supreme Court rulings, stays from the Texas Court of Criminal Appeals, and jury rejections keep state's death sentences and executions near record-low levels*

**(Austin, Texas)** — Executions and death sentences remained near-historic lows in 2017, according to a new report from the Texas Coalition to Abolish the Death Penalty (TCADP). Texas executed only seven people in 2017, matching 2016 for the lowest number of executions in two decades, and jurors voted for death in only four cases. For the first time since 1985, Harris County was not responsible for any of this year's executions.

"Texas continues to move away from the death penalty, even in the counties that have used it the most," said Kristin Houlé, TCADP Executive Director and author of *Texas Death Penalty Developments in 2017: The Year in Review*. "Prosecutors, juries, judges, and the public are subjecting our state's death penalty practices to unprecedented scrutiny. In an increasing number of cases, they are accepting alternatives to this flawed and irreversible punishment."

Texas was one of just eight states nationwide to carry out executions in 2017 and accounted for 30% of all U.S. executions this year.

Over the last three years, Texas juries have rejected the death penalty in nearly as many cases as they have imposed it. For the third year in a row, there were no new death sentences in Harris or Dallas Counties; together, those two counties have sent more than 400 people to death row since 1974 and account for 183 executions. Three other cases in which prosecutors sought the death penalty resulted in sentences of life without the possibility of parole. For the second consecutive year, no one was resentenced to death in Texas.

As use of the death penalty declines, its application remains geographically isolated and racially biased. Just six counties account for more than half of new death sentences in Texas since 2013. Over the last five years, 70% of death sentences have been imposed on people of color.

Decisions at the U.S. Supreme Court significantly impacted several Texas death penalty cases this year. In March, the Court ruled in *Moore v. Texas* that the state of Texas must use current medical standards for determining whether a person is intellectually disabled and therefore exempt from execution. Moore's claim received support from a broad coalition, including

prominent Texans from across the political spectrum, faith leaders, intellectual disability organizations, medical organizations, and leaders of the legal profession.

The Supreme Court also ruled this year in the case of Duane Buck, who was condemned to death in 1997 in Harris County after an expert witness for the defense testified that Buck was more likely to be dangerous in the future because he is black. The Justices sided with Buck on February 22, 2017; his case was returned to Harris County after the federal courts granted relief. In October, he was sentenced to life after prosecutors and defense attorneys reached an agreement.

The Texas Court of Criminal Appeals (CCA) stayed six executions and remanded several other cases for consideration of claims related to intellectual disabilities and ineffective assistance of counsel, among other issues. Over the last three years, the CCA has granted 21 stays of execution. In contrast, from 2012 through 2014, the Court granted a total of three stays.

Four individuals received reduced sentences and were removed from death row in 2017; collectively, they spent more than 100 years on death row. Two other individuals died in custody, including Raymond Martinez, who was one of the state's longest-serving death row prisoners.

Since 2013, a total of 27 individuals have been removed from death row in Texas for reasons other than execution: reduced sentences (19); deaths in custody (7); or exonerations (1). More than half of these cases came from Harris County. During this same time, the State executed 53 people.

“The chorus of voices raising concerns about the death penalty is growing louder every day,” said Kristin Houlié. “At this critical moment in our state’s experience with the death penalty, concerned citizens and elected officials should take a closer look at the realities of this irreversible, arbitrary, and costly punishment and pursue alternative means of achieving justice.”

TCADP is a statewide grassroots advocacy organization based in Austin.

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*Texas Death Penalty Developments in 2017: The Year in Review* is available online at <http://tcadp.org/wp-content/uploads/2017/12/Texas-Death-Penalty-Developments-in-2017-Year-in-Review.pdf>.