

## TCADP Execution Alert: Support Clemency for John Balentine

John Balentine is scheduled to be executed by the State of Texas on February 8, 2023. His case raises many troubling issues about the racism and ineffective legal representation that pervades the Texas death penalty system, particularly at the trial level.

Balentine, a Black man, has spent more than two decades on death row. He was convicted of killing three white teenagers—Mark Caylor, Kai Brooke Geyer, and Steven Brady Watson—in Amarillo in 1998 after a dispute with one of the victims, who had threatened to kill him on prior occasions, escalated.

Balentine received abysmal representation from his trial attorneys—one of whom had not represented a capital defendant in twenty-two years while the other was a former District Attorney—who did virtually nothing to gather information about their client’s childhood and background. Consequently, the jury did not hear about Balentine’s history as the victim of sexual and physical abuse, his childhood experiences of abject poverty, neglect, and domestic violence, or his history of learning impairments and life-long brain damage.

It is clear from their trial notes that his attorneys also harbored racial animus towards Balentine, who was sentenced to death by an all-white jury. Outrageously, the attorneys wrote a note to each other that included the words “justifiable lynching” while actively representing him during the penalty phase.

### Support clemency for John Balentine

John Balentine has filed an application with the Texas Board of Pardons and Paroles in which he asks for the commutation of his death sentence to a lesser penalty.

We’re asking you to email the members of the Texas Board of Pardons and Paroles at [bpp\\_clemency@tdcj.texas.gov](mailto:bpp_clemency@tdcj.texas.gov) to urge them to **recommend clemency** for Balentine (you must include his TDCJ #999315 and DOB 01/30/1969 in your appeals). Share your concerns with Governor Greg Abbott. Adapt our sample message or use the talking points below to craft your own email. Contact information for the Board and Governor is also below. *Contact the Board by Friday, February 3, 2023.*

### Talking points for your appeals to the Texas Board of Pardons and Paroles and Governor Abbott

- John Balentine is scheduled to be executed on February 8, 2023, even though he received abysmal representation by his trial attorneys, who failed to present the jury with any mitigating evidence about Balentine’s background, childhood, or family history and who did not call a single witness

during the punishment phase of his trial.

- Balentine's childhood was marked by poverty, neglect, severe physical and sexual abuse, exposure to rampant domestic violence, and pervasive racism.
- In signed statements gathered since the trial in 1999, several jurors indicated they had wanted to hear this evidence of mitigation. At least two jurors felt it would have changed their vote from a death sentence to life in prison.
- The trial attorneys not only failed to investigate Balentine's background and adequately prepare for the trial, but as represented by their trial notes, they also harbored racial animus towards Balentine, a Black man who was sentenced to death by an all-white jury.
- The Texas Board of Pardons and Paroles should consider the evidence the jury never heard and recommend the commutation of Balentine's sentence to a lesser penalty, a punishment that several jurors now feel would be more appropriate.

#### **Sample email message**

Dear Chairman Gutiérrez and Members of the Texas Board of Pardons and Paroles,

I am writing regarding John Balentine (TDCJ #999315 and DOB 01/30/1969) in support of his application for clemency. I urge you to recommend commuting his death sentence to a lesser penalty to correct for the blatant racism and ineffective legal representation that marked his trial in 1999.

Individuals who serve on capital juries in Texas deserve to have the most comprehensive information available about the defendant before making their life-or-death decision. That is not what occurred during the trial of Mr. Balentine, whose attorneys did virtually nothing to investigate their client's childhood and background. Consequently, the jury did not hear about Balentine's history as the victim of sexual and physical abuse, his childhood experiences of abject poverty, neglect, and domestic violence, or his history of learning impairments and life-long brain damage.

This information would have made a difference to the outcome of this case. In signed statements gathered since the trial in 1999, several jurors indicated they had wanted to hear this evidence of mitigation. At least two jurors felt it would have changed their vote from a death sentence to life in prison.

In urging you to recommend clemency for John Balentine, I am not asking you to second-guess the verdict of the jury. Rather, I am asking you to recognize the terrible burden it places on jurors when they are asked to sentence a man to death without hearing critical mitigating evidence about his life. This information could have spared Mr. Balentine from the death chamber more than two decades ago. It is now incumbent on you to do so by recommending the commutation of his sentence.

Respectfully,

**Contact information for the Texas Board of Pardons and Paroles and Governor Abbott**

**Texas Board of Pardons and Paroles**

Clemency Section  
8610 Shoal Creek Boulevard  
Austin, Texas 78757  
Fax (512) 467-0945  
bpp\_clemency@tdcj.texas.gov

Chairman: David Gutiérrez

**Texas Governor Greg Abbott**

Office of the Governor  
P.O. Box 12428  
Austin, Texas 78711-2428

Information and Referral Hotline: (800) 843-5789 [for Texas callers]

Information and Referral and Opinion Hotline: (512) 463-1782 [for Austin, Texas and out-of-state callers]

Office of the Governor Main Switchboard: 512-463-2000

Online Contact: <https://gov.texas.gov/contact/>