

TCADP Execution Alert: Support Clemency for Wesley Ruiz

The State of Texas is scheduled to execute Wesley Ruiz on Wednesday, February 1, 2023. Ruiz was convicted and sentenced to death for shooting Dallas police officer Mark Nix in 2007 after a car chase that ensued when Officer Nix attempted to stop Ruiz in his vehicle. Ruiz is deeply remorseful for his crime and has worked to better himself during his fourteen years on death row. He has maintained a close relationship with his sons, Wes Ruiz, Jr. and Eric Ruiz, and often provides them with guidance about life and relationships.

The Dallas County jurors that sentenced Ruiz to death in 2008 did not hear any information about the horrific life circumstances he endured as a child, including sexual molestation, severe neglect and abandonment by both parents, physical, psychological, and emotional abuse, homelessness, and impairments from Fetal Alcohol Spectrum Disorder, PTSD, complex trauma, and brain damage. Nor did they hear about his experiences with bad actors in the police department, who constantly surveilled him, harassed him, beat him, did not believe him when he was the victim of a crime, and withheld aid to a child in need of medical attention in front of him.

His trial attorneys, who harbored racially biased views of their client, failed to present any of this vital mitigating information, which could have provided jurors with an explanation as to Ruiz's reasoning and impulse control during the offense for which he was convicted.

After hearing about Ruiz's life circumstances from his current legal team, several of those jurors now say they would have given more weight towards sentencing Ruiz to life in prison without parole instead of the death penalty. Even the foreman of the jury, who used stereotypical, racist language to describe Ruiz, would support commutation of Ruiz's death sentence.

Support clemency for Wesley Ruiz

Ruiz 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 to urge them to **recommend clemency** for Ruiz (you must include his TDCJ #999536 and DOB 11/20/1979 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, January 27, 2023.*

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

- Wesley Ruiz is scheduled to be executed on February 1, 2023, even though the jurors who sentenced him to death learned virtually nothing of his traumatic background or its effects.
- Jurors did not know about his brain damage or its effects on his decision making, the horrific abuse he suffered and the PTSD and complex trauma that resulted from it, his history of mistreatment by police officers who harassed him and other troubled youth from his community, or the effects of Ruiz's history and impairments on his state of mind at the time of the crime.
- Likewise, no appellate court has been presented with a legal challenge related to trial counsel's ineffectiveness for failing to investigate Ruiz's background, history, fetal alcohol syndrome, or post-traumatic stress disorder, and that claim is now procedurally barred.
- Ruiz's defense team, particularly a mitigation specialist, held racist beliefs about Hispanic people that were detrimental to their representation of him.
- Racial bias also featured in the jury's perception of Ruiz as dangerous.
- During the jury deliberations at the penalty phase of Ruiz's trial, there was a holdout juror who wanted to sentence him to life in prison without the possibility of parole.
- After hearing about Ruiz's life circumstances from his current legal team, several jurors now say they would have given more weight towards sentencing Ruiz to life in prison without parole instead of the death penalty. Even the foreman of the jury, who used stereotypical, racist language to describe Ruiz, would support commutation of Ruiz's death sentence.
- Ruiz is deeply remorseful for killing Officer Nix and has worked to better himself during his years on death row. He has maintained a close relationship with his sons, Wes Ruiz, Jr. and Eric Ruiz, and often provides them with guidance about life and relationships.

Sample email message

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

I am writing to urge you to recommend commuting the death sentence imposed on Wesley Ruiz (TDCJ #999536 and DOB 11/20/1979) to a lesser penalty. Ruiz is scheduled to be executed on February 1, 2023 for killing Dallas police officer Mark Nix, a terrible crime for which Ruiz is remorseful.

I am deeply troubled that the jury that sentenced Ruiz to death was not provided with information about the horrific life circumstances he endured as a child, including severe abuse and neglect, as well as impairments from Fetal Alcohol Spectrum Disorder, PTSD, complex trauma, and brain damage. While these circumstances do not excuse Ruiz's actions, they would have provided jurors with important context in understanding Ruiz's state of mind when Officer Nix was killed. Several jurors now say they would have considered a punishment other than the death penalty had Ruiz's trial attorneys presented them with his life history.

Because no appellate court has reviewed this information either, it is incumbent on you and the process of Executive Clemency to consider a full picture of Wesley Ruiz, including both his background and the man he has become since arriving on death row. There, he has worked to better himself by taking advantage of the limited programs for self-improvement that are offered. Most significantly, he has maintained a close relationship with his sons, Wes Ruiz, Jr. and Eric Ruiz, and often provides them with guidance about life and relationships.

In calling for mercy for Ruiz, I do not condone his actions, but I do believe he deserves a second chance, and that his sons deserve to have a father. You can give that to them by recommending the commutation of Ruiz's sentence to a lesser penalty.

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/>