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**TCADP REPORT: Despite declining death penalty usage, Texas led the nation in executions in 2023, was one of just five states to carry out executions**

*Six of the eight men put to death in Texas had significant mental impairments*

(AUSTIN) – A new report from the Texas Coalition to Abolish the Death Penalty (TCADP) highlights the state’s decades-long trend away from the death penalty while calling attention to Texas’s continued outlier status. *Texas Death Penalty Developments in 2023: The Year in Review* also sheds light on the persistent failures of the capital punishment system in the Lone Star State.

Texas remained an unfortunate outlier as just one of five states to carry out executions in 2023, leading the nation with eight people put to death this year. Thirteen execution dates were originally set for 2023, but three dates were withdrawn by the trial courts. Additionally, one man received a last-minute stay of execution, and one man died of a medical condition.

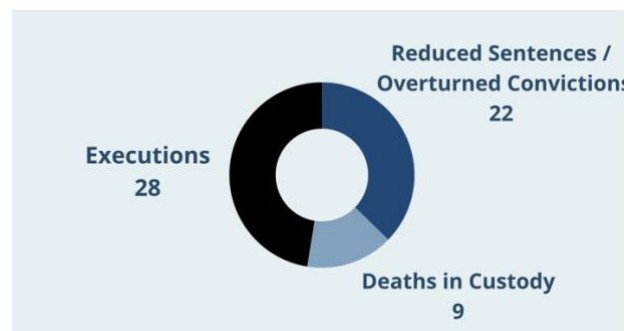
Six of the eight men put to death in 2023 had significant intellectual or mental health impairments, including intellectual disability, Fetal Alcohol Spectrum Disorder, brain damage, suicidal ideation, clinical depression, and other diagnoses of mental illness. In many cases, these impairments were exacerbated by years of neglect and abuse. Collectively, the eight men averaged more than twenty-two years on death row.

“The vast majority of individuals executed by Texas in 2023 had significant mental impairments. What is even more appalling is that most of their jurors never heard about these impairments, or the traumatic life stories of the men they sentenced to death,” said Kristin Houlé Cuellar, TCADP Executive Director. “Now, after hearing compelling mitigating evidence about these impairments from appellate attorneys, jurors in several cases said they would have changed their verdict or at least supported a stay of execution for further review. It is obvious that many

of these executed individuals never would have received a death sentence if they were tried today.”

Jurors from the trials of Wesley Ruiz and John Balentine harbored doubts about the punishment they imposed. In the case of Brent Brewer, one juror mistakenly voted for the death penalty at trial due to Texas’s misleading jury instructions and her false belief her single vote for life would not have made a difference to the verdict.

The TCADP report also points to the glaring arbitrariness of the state’s capital punishment system. **In the last five years, individuals on death row in Texas were more likely to have their sentences reduced or die in prison than they were to be executed by the State.** The sentences of fourteen individuals have been reduced since 2019 due to evidence of intellectual disability alone.



Texas’s death row population decreased by six people for reasons other than execution in 2023. This includes Syed Rabbani, who was resentenced to life in prison after spending thirty-five years under an unconstitutional death sentence. There are currently 180 people on Texas death row, including seven women. This is the smallest Texas death row population since 1985, when there were 188 people on death row.

The death penalty remains geographically isolated within Texas, with more than half of the thirteen scheduled execution dates coming from just three counties: Dallas (three); Harris (two); and Bowie (two). Juries in just eleven Texas counties have imposed death sentences since 2019.

Death sentences remained in the single digits for the ninth consecutive year, with juries sending three new people to death row; two of those individuals represented themselves at trial. In two other trials, jurors rejected the death penalty after determining there was sufficient mitigating evidence to warrant a sentence of life in prison without parole instead. **Since 2019, juries in Texas have rejected the death penalty in one-third of the capital murder cases that have proceeded to trial with death as a potential verdict.**

“Receiving a death sentence or being executed amounts to a ‘lethal lottery,’ one that does nothing to deter crime or promote public safety,” said Cuellar. “The randomness of capital

punishment—coupled with the egregiously flawed cases of those who remain on death row—should compel Texans to abandon the death penalty altogether.”

The report notes that capital punishment continues to be imposed disproportionately on people of color in Texas. Juries imposed two of the three new death sentences on people of color, and five of the eight people put to death were Black, Hispanic, or Native American.

“Texas’s use of the death penalty continues to tarnish our state’s reputation as a stronghold for life, liberty, and limited government,” said Nan Tolson, Director of Texas Conservatives Concerned About the Death Penalty. “Texans deserve better than the broken, ineffective system of capital punishment. It’s time for the Lone Star State to invest in real solutions that will keep our communities safe and truly uphold our values.”

*Texas Death Penalty Developments in 2023: The Year in Review* is available online at <https://tcadp.org/reports/>.

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TCADP is a statewide grassroots advocacy organization based in Austin.