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TCADP REPORT: Evidence of innocence and racial bias on stark display as Texas maintains historically low use of the death penalty

Five of the six men sentenced to death this year are people of color; half of the new death sentences come from Tarrant County

(AUSTIN) – A new report from the Texas Coalition to Abolish the Death Penalty (TCADP), *Texas Death Penalty Developments in 2024: The Year in Review*, exposes the racial bias, wrongful convictions, and other systemic flaws that permeate the administration of capital punishment in Texas even as the state’s use of the death penalty remains historically low.

Here are some of the key findings in the report:

- Texas was one of nine states to carry out executions in 2024, with Alabama accounting for the most executions this year (six total).
- Four of the five men (80 percent) put to death by Texas this year were Black or Hispanic.
- Harris County accounted for two of the five executions in 2024. More people convicted in Harris County have been executed (135 since 1982) than any state except Texas.
- Death sentences remained in the single digits for the tenth consecutive year.
- Juries sent six new people to death row, with five being people of color (83 percent).
- Tarrant County accounted for half of the new death sentences this year; all three men sentenced to death by Tarrant County juries are people of color (Black or Native American). Tarrant has now surpassed Bexar County for the third-highest number of people (78 total) sentenced to death in Texas since 1974, behind Harris and Dallas counties.

“Even as use of the death penalty remains historically low in Texas, it continues to be imposed disproportionately on people of color and dependent largely on geography,” said Kristin Houlé Cuellar, TCADP Executive Director. “The arbitrariness of capital punishment and the persistent problem of wrongful convictions should compel Texans to abandon the death penalty altogether.”

In 2024, the cases of numerous individuals who faced execution despite evidence of their innocence elevated concerns about the injustice of the death penalty.

Most notable was the case of Robert Roberson, which generated widespread support and unprecedented bipartisan concern from Texas lawmakers. Roberson faced execution on October 17, 2024, despite overwhelming new scientific and medical evidence that his chronically ill two-year-old daughter Nikki died because of serious health issues—including undiagnosed pneumonia—not homicide. Convicted in Anderson County in 2003, Roberson has spent more than twenty years on death row for a crime that did not occur. His conviction was based on the outdated and now discredited “Shaken Baby Syndrome” hypothesis that the State has tried to downplay despite more than 200 references to the hypothesis and speculations about “shaking” in the trial transcript.

The Supreme Court of Texas granted a stay to Roberson at 9:45 PM on the night of his scheduled execution after the Texas House Committee on Criminal Jurisprudence took the unusual actions of issuing a subpoena for his testimony and then obtaining a temporary stay so that the subpoena could be enforced, which the Texas Attorney General opposed. The Court has since lifted the stay, but Roberson does not have a new execution date, a matter solely at the discretion of the Anderson County District Attorney. Meanwhile, lawmakers have scheduled another committee hearing and issued a subpoena as they again endeavor to take Roberson’s testimony.

Two other individuals with execution dates in 2024 also raised significant innocence claims, with drastically different outcomes:

- The State put Ivan Cantu to death in February even though newly discovered evidence, which was not heard by his jury or considered by any court, exposed multiple falsehoods in the testimony of the main witness against him at his 2001 trial in Collin County. Doubts about the integrity of Cantu’s conviction led the jury foreman from his trial to call for a halt to the execution, but that request went unheeded.
- In July, Ruben Gutierrez received a last-minute stay from the Supreme Court of the United States, which later agreed to consider his claim that he should be allowed to pursue his legal rights to conduct DNA testing. Gutierrez maintains such testing will confirm that he did not kill Ecolastica Harrison in Cameron County in 1998.

Also this year, in the high-profile death penalty cases of Melissa Lucio and Kerry Max Cook, courts made determinations of “actual innocence.” Lucio’s case remains pending at the Texas

Court of Criminal Appeals (CCA), which is considering whether to accept the trial court judge's recommendation to overturn her conviction and death sentence, while Cook was officially exonerated by the Texas CCA nearly 50 years after his first conviction.

"Collectively, these cases raise serious alarms about the reliability and fairness of Texas's death penalty system," continued Cuellar. "They also demonstrate just how many obstacles stand in the way of truth and justice. It took the actions of a bipartisan committee of Texas lawmakers to stop the execution of Robert Roberson after courts failed to meaningfully review the new scientific evidence establishing what really caused his daughter's tragic death. Innocent people should not have to rely on this kind of unprecedented, eleventh-hour intervention to prevent their unjust execution."

"The egregious flaws of the death penalty should deeply trouble every single Texan, no matter their position on capital punishment," said Nan Tolson, director of Texas Conservatives Concerned About the Death Penalty. "We are heartened by the diverse array of voices who have come together in support of individuals on death row like Robert Roberson—including the bipartisan coalition of Texas lawmakers who continue to fight tirelessly to stop his execution. Thanks to their leadership, Mr. Roberson is still alive today, and more Texans are aware of the troubling realities of the death penalty in the Lone Star State."

Texas Death Penalty Developments in 2024: The Year in Review is available online at <https://tcadp.org/reports/>.

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TCADP is a statewide advocacy organization based in Austin.

For information on national developments, read a new report from the Death Penalty Information Center, "The Death Penalty in 2024: Year End Report": <https://deathpenaltyinfo.org/research/analysis/reports/year-end-reports/the-death-penalty-in-2024>.