

# **Texas Death Penalty Developments in 2024: The Year in Review**

## **A Report by the Texas Coalition to Abolish the Death Penalty**

### **Executive Summary**

In 2024, there were significant developments in numerous cases of individuals who faced execution despite evidence of their innocence. 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 His conviction was based on the outdated and now discredited “Shaken Baby Syndrome” hypothesis.

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 action of issuing a subpoena to obtain his testimony at a legislative hearing. The Court has since lifted the stay, but Roberson does not yet have a new execution date.

Two other individuals with execution dates in 2024 also sought to present evidence of their innocence. The State put Ivan Cantu to death in February even though newly discovered evidence, which was not heard by his jury in 2001 or considered by any court, exposed multiple falsehoods in the testimony of the main witness against him at trial. 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 his innocence of the crime for which he was sentenced to death.

In two other prominent death penalty cases—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’s recommendation to overturn her conviction and death sentence, while Cook was officially exonerated by the Texas CCA nearly fifty years after his first conviction.

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 were Black or Hispanic. Harris County accounted for two of the five executions in 2024.

Death sentences remained in the single digits for the tenth consecutive year, with juries sending six new people to death row. Five of the six men are people of color. Tarrant County alone accounted for half of these new sentences, with juries there sending three people of color to death row.

The cases and statistics cited in this report raise serious alarms about the reliability and fairness of Texas’s death penalty system. They also demonstrate the obstacles that often stand in the way of truth and due process. The persistent problems with the death penalty—particularly its arbitrary and biased imposition—should compel concerned citizens and elected officials to confront the realities of capital punishment and examine the efficacy and cost of executions as a means of achieving justice.

**Table of Contents**

Introduction ..... 1  
Death Sentences ..... 1  
Jury Rejections and Other Non-Death Outcomes ..... 4  
Executions ..... 5  
Stays of Execution ..... 7  
Significant Post-Conviction Rulings..... 10  
Reduced Sentences and Deaths in Custody ..... 11  
Lethal Injection Issues..... 12  
Conclusion..... 12  
Table 1: New Death Sentences in Texas in 2024 ..... 13  
Table 2: Texas Executions in 2024 ..... 13

Texas Coalition to Abolish the Death Penalty  
P.O. Box 82212  
Austin, TX 78708-2212  
(512) 552-5948  
[www.tcadp.org](http://www.tcadp.org)  
@TCADPdotORG

Report release date: December 19, 2024

*Texas Death Penalty Developments in 2024: The Year in Review* is available online at <https://tcadp.org/reports/>. Contact TCADP Executive Director Kristin Houlé Cuellar at [kristin@tcadp.org](mailto:kristin@tcadp.org) for more information.

# Texas Death Penalty Developments in 2024: The Year in Review

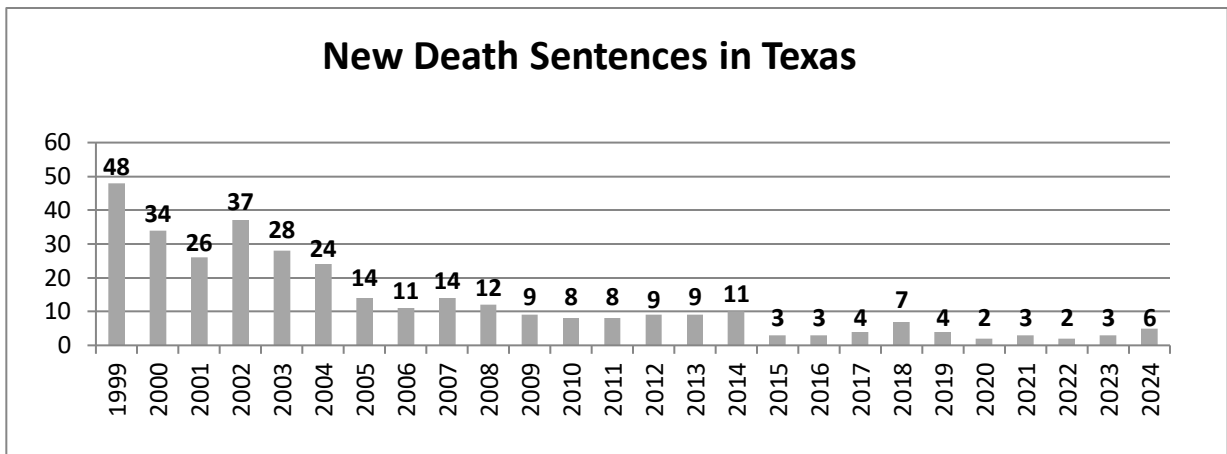
## Introduction

The Texas Coalition to Abolish the Death Penalty publishes this report to inform the public and elected officials about issues associated with the death penalty over the past year. The report presents information on death sentences and scheduled executions, reduced sentences, post-conviction rulings, and other issues impacting the administration of capital punishment in Texas.

## Death Sentences

### *New Death Sentences*

Death sentences have fallen from a peak of forty-eight death verdicts in 1999 to single digits each of the past ten years.



Juries in Texas sent six new individuals to death row in 2024. Tarrant County alone accounted for three of the new death sentences.

On average, more than four years elapsed between the time of the crime and when the capital trials of these six defendants commenced.

- On January 31, 2024, a Hidalgo County jury sentenced **Victor Godinez** to death after deliberating for nearly twelve hours. Godinez was convicted of killing Moises Sanchez, a trooper for the Texas Department of Public Safety, after Sanchez responded to a vehicular accident involving Godinez on April 6, 2019. According to the prosecution’s case, Godinez opened fire at Sanchez while fleeing the scene. Sanchez died several months later, in August 2019, following a surgery. It was the first new death sentence in Hidalgo County since 2005.
- On April 24, 2024, a Tarrant County jury sentenced **Paige Terrell Lawyer** to death for killing his former girlfriend, O’Tishae Womack, and her ten-year-old daughter, Ka’Myria Womack, in 2018. It was the first new death sentence in Tarrant County since 2019.

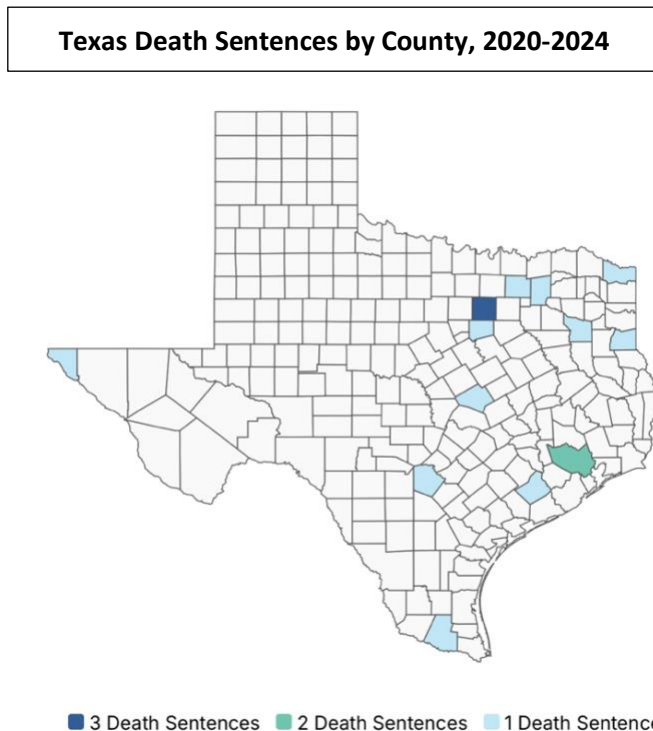
- On May 2, 2024, a Johnson County jury sentenced **Jerry Elders** to death for kidnapping and killing Robin Waddell after stealing her car while fleeing law enforcement in 2021. He is the only person currently on death row from Johnson County.
- On November 13, 2024, a Gregg County jury sentenced **Gregory Newson** to death for killing Panola County Deputy Chris Dickerson in 2019. The trial was moved from Panola to Gregg County due to pretrial publicity. After four days of testimony, the jury deliberated for less than an hour before delivering a guilty verdict on October 28, 2024. Following several hours of additional testimony in the punishment phase, jurors decided there were no mitigating factors to preclude a death sentence and rejected evidence presented by the defense that Newson has intellectual disability.
- On November 20, 2024, a Tarrant County jury sentenced **Christopher Turner** to death for the robbery and murder of Anwar Ali, the owner of a convenience store, in 2020. At one point leading up to the trial, Turner fired his appointed attorneys and went *pro se*. He later requested to be represented by the new standby counsel who had been appointed.
- On December 4, 2024, a Tarrant County jury sentenced **Jason Thornburg** to death for killing three people in Euless in 2021: David Lueras; Lauren Phillips; and Maricruz Reyes-Mathis. Jurors rejected Thornburg’s insanity defense. Thornburg grew up on a Navajo reservation. His defense attorneys argued he suffered from Fetal Alcohol Syndrome Disorder and mental health issues.

### *New Death Sentences by County*

The death penalty remains geographically isolated within Texas. This year, just one jurisdiction—Tarrant County—accounted for 50 percent of the new death sentences. It is the first time since 2014 that a county has sent more than one new person to death row in a single year. (In 2014, Harris County juries sentenced four people to death.)

Tarrant has now surpassed Bexar County for the third-highest number of people (78 total) sentenced to death in Texas since 1974, behind Harris (298) and Dallas (108) counties.

Juries in just thirteen of the 254 counties in Texas have imposed new death sentences in the last five years. Only juries in Harris and Tarrant counties have sentenced more than one person to death in this period. One-third of all death sentences in the last five years come from those two counties.



Texas Counties with More Than One Death Sentence in the Last Five Years							
County	2020	2021	2022	2023	2024	Total 2020-2024	Total People Sentenced to Death Since 1974
Harris	1	0	1	0	0	2	298
Tarrant	0	0	0 <sup>1</sup>	0	3	3	78
<b>Total Harris &amp; Tarrant</b>	1	0	1	0	3	5	376
<b>All Counties</b>	2	3	2	3	6	16	1,126

### *New Death Sentences by Race*

As death sentences decline in Texas, they continue to be applied disproportionately to people of color. In 2024, five of the six men sentenced to death are people of color: three are Black; one is Hispanic; and one is Native American.

Over the last five years, nearly 70 percent of death sentences have been imposed on people of color; more than 40 percent were imposed on Black defendants.

New Death Sentences in Texas by Race of Defendant						
Race/Ethnicity	2020	2021	2022	2023	2024	Total Sentences by Race
Black	1	2	0	1	3	7
Hispanic <sup>2</sup>	0	0	1	1	1	3
Other Race/Ethnicity	0	0	0	0	1	1
<b>Total People of Color</b>	1	2	1	2	5	11
White	1	1	1	1	1	5
<b>Total Sentences</b>	2	3	2	3	6	16

Among Texas’s highest-use counties, these patterns of racial bias are even more pronounced:

- Twenty-one of the last twenty-two defendants sentenced to death in Harris County are people of color: sixteen are Black; four are Hispanic; and one is another non-white race/ethnicity. In 2019, Ronald Haskell was the first white defendant in Harris County to receive a death sentence since November 2004.<sup>3</sup>
- The six men sentenced to death in Tarrant County since 2013 are all people of color.<sup>4</sup> In this same period, Tarrant County prosecutors sought the death penalty in three additional cases involving Black or Hispanic defendants, but juries rejected death sentences for those individuals. Additionally, two other Tarrant County cases involving Black defendants were declared mistrials in 2020 because of the pandemic; prosecutors had sought the death penalty in those cases, but both were resolved in 2022 with sentences of life in prison without parole.

<sup>1</sup> In 2022, Tarrant County prosecutors sought the death penalty for Timothy Huff for their role in the death of Fort Worth Police Officer Garrett Hull in 2018, but jurors instead opted for a sentence of life in prison without parole.

<sup>2</sup> TCADP follows the Texas Department of Criminal Justice (TDCJ) in using the term Hispanic in this report.

<sup>3</sup> See *Arbitrary and Capricious: Examining Racial Disparities in Harris County’s Pursuit of Death Sentences* (February 2024), a report by Texas Defender Service, for more details: <https://www.texasdefender.org/arbitrary-and-capricious-harris-county/>.

<sup>4</sup> TDCJ inexplicably identifies Hector Acosta and Victor Godinez as white, but both men self-identify as Hispanic/Latino. Acosta is a Mexican national.

## Texas's Current Death Row Population

While the Black population of Texas comprises 13.6 percent of residents, Black individuals constitute 46.6 percent of death row inmates, according to the Texas Department of Criminal Justice (TDCJ). Hispanics comprise 26.4 percent of individuals on death row (39.8 percent of the population of Texas), and whites comprise 25.3 percent (39.6 percent of the Texas population).<sup>5</sup>

As of December 19, 2024, TDCJ lists 174 people on death row, including seven women.<sup>6</sup> This is the smallest Texas death row population since 1985, when there were 188 people on death row. More than one-third of these individuals were convicted in Harris County.<sup>7</sup> Texas's death row population peaked in 2000, when more than 450 individuals were awaiting execution. Texas has the third-largest death row population in the nation, after California (605) and Florida (278).

## Jury Rejections and Other Non-Death Outcomes

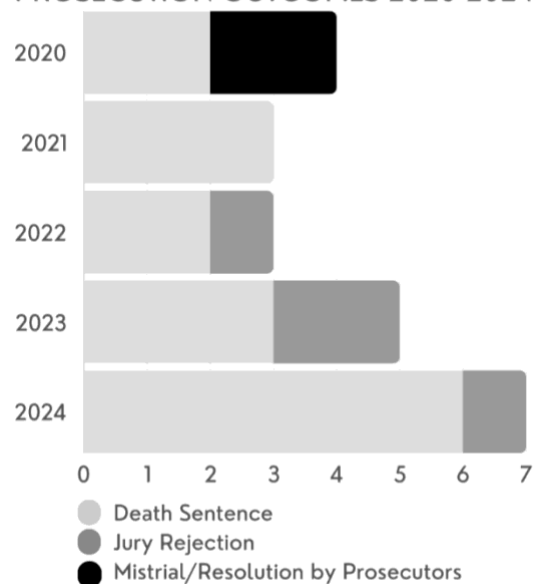
### Jury Rejections

Since 2020, juries have rejected the death penalty in 20 percent of the capital murder cases that have proceeded to trial with death as a potential verdict.<sup>8</sup> This year, jurors in Midland County rejected the death penalty for **Angel Luis Lebron-Rivera** on July 18, 2024, after voting “no” on the issue of future dangerousness. Lebron-Rivera was convicted of killing Ashley Cruz-Rodriguez and John Iglesia-Alvarez in 2015. He was not charged with the crime until 2018, when the bodies of the teenagers were discovered.

### Non-Death Outcomes in Capital Cases

There were numerous cases in which prosecutors waived the death penalty in 2024. Most notably, prosecutors in Midland County did not pursue another death sentence for **Clinton Young**, whose conviction and death sentence were overturned by the Texas Court of Criminal Appeals (CCA) in September 2021. The court had previously granted a stay of execution in 2017 to consider Young's claim that false or misleading testimony was introduced at his trial. Young was sentenced to death in 2003 for a crime that occurred when he was eighteen years old. He has maintained his innocence of causing the deaths of Doyle Douglas and Samuel Petrey during separate carjacking incidents in different parts of Texas.

PROSECUTION OUTCOMES 2020-2024



<sup>5</sup> See [https://www.tdcj.texas.gov/death\\_row/dr\\_gender\\_racial\\_stats.html](https://www.tdcj.texas.gov/death_row/dr_gender_racial_stats.html) and <https://www.census.gov/quickfacts/TX>.

<sup>6</sup> TDCJ's list of "Inmates on Death Row" still includes Humberto Garza, whose death sentence was overturned in 2021, and Randy Halprin, whose conviction was overturned this year. (See *Significant Post-Conviction Rulings* on p. 10.) The list does not yet include the three men sentenced to death in November and December this year.

<sup>7</sup> TDCJ counts sixty-four inmates from Harris County as of December 19, 2024.

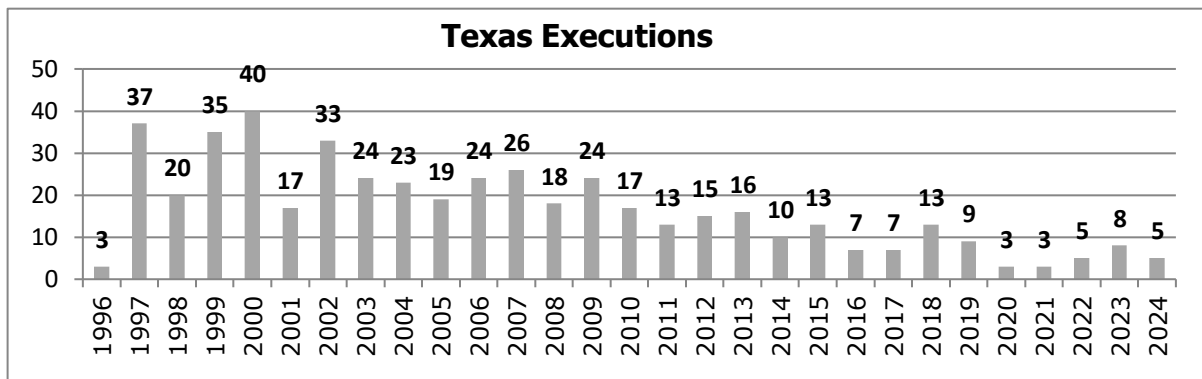
<sup>8</sup> Two Tarrant County death-noticed cases were declared mistrials in 2020 because of the pandemic; both cases later were resolved by prosecutors in 2022 with sentences of life in prison without parole.

In 2021, the Texas CCA found that Young was deprived of his right to a fair trial after evidence came to light that one of the prosecutors in his 2003 trial in Midland was working at the same time for the district judge who presided over the same case. In early 2022, Young was released on bond pending a new trial. Prosecutors pursued the same capital murder charge but did not seek another death sentence. On October 15, 2024, a Midland County jury convicted Young of capital murder, and he was sentenced to life in prison. His conviction is being appealed.

In Houston County, **David Denson** faced a death sentence for allegedly killing his aunt, Faye Lynn Paul, in February 2020. In the middle of the jury selection process in June 2024, Denson pled guilty and was sentenced to life in prison without parole. The plea deal was contingent on him addressing the family and telling them the location of Paul’s body.

### Executions

Texas executed five people in 2024 and was one of nine states to carry out executions this year. Three other individuals faced execution—including Robert Roberson—but received stays from state or federal courts.



Executions have fallen to single digits for eight of the last nine years. The State started the year with two executions scheduled, compared with nine on the schedule in January 2023.

Collectively, the five men put to death by Texas in 2024 spent an average of twenty-one years on death row. Their post-conviction appeals, which presented evidence of intellectual disability and false testimony, among other issues, raised troubling concerns about the fairness of the death penalty system. Most of the issues raised in those appeals were never addressed by any court.

- On February 28, 2024, the State of Texas put **Ivan Cantu** to death despite grave doubts about the integrity of his conviction and widespread calls to stop his execution, including from the jury foreman at his trial. In 2001, a Collin County jury convicted Cantu of killing his cousin James Mosqueda and Mosqueda’s fiancé, Amy Kitchen, in north Dallas. Cantu maintained his innocence throughout his two decades on death row. 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 trial.

Disturbed by the prospect they had heard false and misleading testimony during the trial, some of the jurors who sentenced Cantu to death wanted this evidence to be reviewed, but state and federal courts refused to intervene.

- On June 26, 2024, the State of Texas executed **Ramiro Gonzales** despite evidence of his rehabilitation and the repudiation of the jury’s finding he constituted a future danger to society. Gonzales was convicted and sentenced to death for the 2001 kidnapping, rape, and murder of Bridget Townsend in Medina County. These crimes occurred barely two months after his 18th birthday while he was in the throes of a serious cocaine addiction rooted in childhood trauma and neglect. Townsend’s murder went unsolved for a year and a half until Gonzales suddenly confessed while awaiting transfer to TDCJ after pleading guilty and being sentenced to life in prison for an unrelated offense. During his trial, Gonzales’s court-appointed attorneys failed to present mitigating evidence related to his abusive upbringing, which would have provided context for his impulsive behavior and acts of violence.

Gonzales previously faced execution in July 2022, but the Texas CCA granted a stay and remanded his claim about false testimony by the State’s trial expert regarding recidivism rates. That same expert re-evaluated him fifteen years after the trial and concluded that Gonzales did not present a danger to anyone. Several guards on death row attested to his compliant behavior and positive impact on those around him. On remand, the trial court did not conduct a hearing or take any additional evidence; the judge then adopted the State’s proposed findings of fact and conclusions of law in their entirety, recommending summary denial of relief. The Texas CCA then summarily adopted that recommendation.

- On August 7, 2024, Texas executed **Arthur Lee Burton**. Burton was convicted of assaulting and killing Nancy Adleman while she was jogging near her home in northwest Houston in 1997. He was granted a new punishment hearing on direct appeal, but in 2002 he was again sentenced to death by a Harris County jury. One week before his scheduled execution, the Texas CCA issued a summary denial of Burton’s claims, including a claim that he had intellectual disability, which his attorneys argued should have rendered him ineligible for the death penalty. The U.S. Supreme Court denied Burton’s motion for a stay of execution. Burton’s claim of intellectual disability, which was based on his low IQ score as well as extensive evidence of adaptive deficits, was never heard on the merits by any court.

U.S. Executions in 2024	
Alabama	6
<b>Texas</b>	<b>5</b>
Missouri	4
Oklahoma	4
South Carolina	2
Florida	1
Georgia	1
Indiana	1
Utah	1
<b>Total</b>	<b>25</b>

- On September 24, 2024, Texas executed **Travis Mullis**. In 2011, a jury in Galveston County sentenced Mullis to death for killing his three-month-old son, Alijah. Because Mullis waived his rights to both a direct appeal and state habeas petition, no court conducted a constitutional review of his conviction and sentence. In 2021, federal courts decided Mullis had given up his right to appeal. His attorneys argued that Mullis was not competent to do so, but in 2023, the U.S. Court of Appeals for the Fifth Circuit rejected their request to reconsider.
- On October 1, 2024, Texas put **Garcia White** to death after the U.S. Supreme Court denied his motions for a stay of execution based on evidence of his intellectual disability. White was convicted and sentenced to death in Harris County in 1996 for the murders of sixteen-year-old twins Bernette and Annette Edwards in 1989 in their home in Houston. Their mother, Bonita, was killed in the same incident, but White was not tried for that crime. The murders went unsolved for six years.



White previously faced execution in January 2015 but received a last-minute stay from the Texas CCA. He claimed that if certain newly discovered scientific evidence had been available at his 1996 trial, it likely would have changed the jury’s answers during its deliberations in the punishment phase. Ruling in White’s case in November 2016, the Texas CCA found that Article 11.073, which requires an applicant to show that “had the scientific evidence been presented at trial, on the preponderance of the evidence the person would not have been convicted,” does not apply to the punishment phase of a capital murder trial. Three justices dissented from the opinion.

The State of Texas has executed 591 people since 1982, out of 1,605 executions nationwide. The number of executions peaked in Texas in 2000, when forty people were put to death during the last year of former Governor George W. Bush’s term. During the administration of former Governor Rick Perry (2001-2014), the State executed 279 people, more than any other gubernatorial term in U.S. history. See Table 2 on page 13 for additional details about the individuals put to death in 2024.

### *Executions By Race*

Of the eight individuals scheduled for execution in Texas in 2024, more than half were people of color. In total, one white man, two Black men, and two Hispanic men were put to death in 2024. Since 1982, Texas has executed 262 individuals who were white, 211 who were Black, 113 who were Hispanic, and five who were another race/ethnicity. Of the 591 executions Texas has carried out since 1982, 115 involved Black people convicted of killing white victims. Only six have involved white people convicted of killing Black victims.

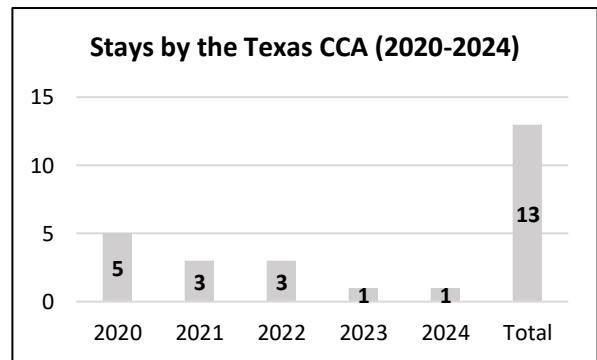
### *Executions By County*

Harris County accounted for two of the five executions this year. Arthur Burton and Garcia White are among the seventy-two Black men convicted in Harris County who have been executed. Harris County accounts for a total of 135 executions, more than any state except Texas itself. Dallas County, with the second highest number, accounts for 65 executions since 1982. The other counties accounting for executions in 2024 were Collin, Galveston, and Medina.

### **Stays of Execution**

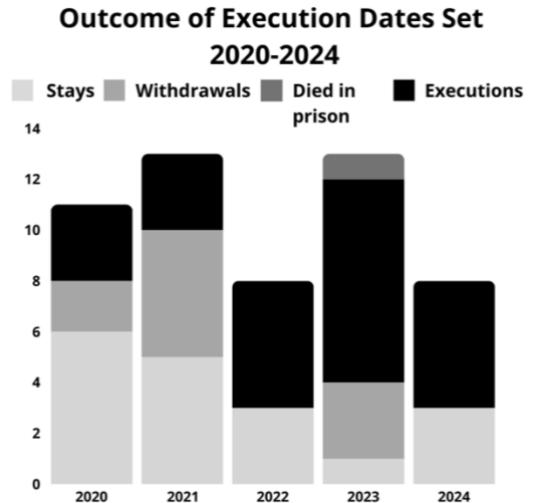
Of the eight people scheduled for execution in 2024, three received stays from state or federal courts.

- The Texas CCA granted a stay to **James Harris, Jr.**, whose execution had been scheduled for March 13, 2024, without him ever having a mandatory federal habeas appeal. In 2013, Harris pled guilty to killing Alton Wilcox in Brazoria County. The Texas CCA sent his case back to the trial court to review Harris’s allegation that the jury selection process dramatically reduced the likelihood of



Black potential jurors being called to serve and thus violated the Equal Protection Clause.

- **Ruben Gutierrez**, who was scheduled for execution on July 16, 2024, received a rare stay from the U.S. Supreme Court just twenty minutes before the lethal injection process was set to begin. It was the second time in four years Gutierrez received an 11th hour reprieve from the Court. He came within an hour of being put to death on June 16, 2020, before the U.S. Supreme Court granted a stay based on his request for a spiritual advisor to be present in the chamber with him; that issue has since been resolved.



Gutierrez has faced multiple execution dates since 2018. He was convicted and sentenced to death for the 1998 robbery and murder of Escolastica Harrison, a mobile home park manager and retired teacher, in Brownsville (Cameron County). For over a decade, Gutierrez has sought access to the extensive forensic evidence collected at the crime scene—including clothing, fingernail scrapings, and blood—that has never been tested. DNA testing could confirm that Gutierrez did not kill Ms. Harrison, as he has long maintained. Such testing of biological evidence is now required by law in new capital cases in which prosecutors plan to seek the death penalty, but post-conviction pursuits of DNA testing are treated differently. State and federal courts have repeatedly denied Gutierrez’s requests.

On October 4, 2024, the U.S. Supreme Court granted certiorari and agreed to consider Gutierrez’s claim that he should be allowed to pursue his legal rights to conduct DNA testing. Oral argument is scheduled for February 24, 2025.

- **Robert 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, a man with Autism, 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.

On October 16, 2024, the Texas House Committee on Criminal Jurisprudence held a lengthy hearing on Roberson’s case and Article 11.073, Texas’s “junk science law.” At the conclusion of the hearing, the committee issued a subpoena for Roberson to appear before them to learn more as to why Article 11.073 has not led to relief in his case. In 2016, the Texas CCA granted a stay of execution to Roberson based in part on Article 11.073, but after a nine-day evidentiary hearing that took place later in Anderson County, the state district judge declined to recommend relief. In January 2023, the Texas CCA issued a perfunctory decision denying relief without addressing Roberson’s claims that the science used to convict him had changed, that the State had relied on extensive false testimony to obtain his conviction, and that he is actually innocent. The decision ignored hundreds of pages of evidence describing the evolution of scientific understanding since his 2003 trial.

On October 17, 2024, a Travis County judge issued a temporary restraining order blocking the looming execution of Roberson based on the lawmakers' subpoena. The Texas Attorney General's Office appealed to the Texas CCA, which vacated the order. Around 9:45 PM, hours after the lethal injection process had been set to begin, the Supreme Court of Texas granted a Texas House of Representatives' emergency motion in part and issued a stay, effectively halting the scheduled execution. Recognizing that the lawmakers' case raised important separation of powers questions that should not be rendered moot by Roberson's execution, the Supreme Court of Texas reinstated the temporary restraining order.

These dramatic developments occurred after Roberson had failed to receive relief from all other possible avenues, despite widespread support from diverse constituencies. The U.S. Supreme Court had denied Roberson's motion for a stay of execution,<sup>9</sup> the Texas CCA had repeatedly dismissed Roberson's appeals and denied his motions for a stay of execution without reviewing the merits of the claims he raised that were supported by yet more new scientific and medical evidence, and the Texas Board of Pardons and Paroles had declined to recommend clemency.

Among those who supported clemency for Roberson were: thirty-four eminent scientists and doctors from around the world; eight organizations that advocate for people with Autism and their families; eight groups that advocate for parental rights; Witness to Innocence, an organization of death row exonerees; seventy attorneys who have represented people wrongfully accused of child abuse; nearly 100 families affected by false allegations of child abuse; and the lead detective on the case, Brian Wharton, who now believes that Roberson is innocent.

Nearly 100 Texas lawmakers, including a bipartisan group of eighty-six members of the Texas House, submitted letters to the Board and Governor Greg Abbott expressing support for clemency for Roberson "out of grave concern that Texas may put him to death for a crime that did not occur."

Roberson's innocence case also has received support from best-selling novelist John Grisham and TV host Dr. Phil, both of whom testified before the Texas House Committee on Criminal Jurisprudence on October 21, 2024, during another hearing on Roberson and Article 11.073. Legislators also heard that day from former Texas CCA Judge Elsa Alcalá, Dr. Natalie Montfort, an Autism expert, and Terre Compton, who served on the jury that convicted Roberson in 2003 and now believes in his innocence. Ms. Compton testified that the "Shaken Baby" hypothesis was *the* explanation the prosecutors presented to the jury to prove that a crime had occurred.

On November 15, 2024, the Supreme Court of Texas lifted the stay that had been in place since October 17<sup>th</sup> and found that "the [House] committee's authority to compel testimony does not include the power to override the scheduled legal process leading to an execution." The ruling affirmed the Committee's right to elicit testimony from Roberson but expressly declined to consider any substantive issues in his case. A new execution date has not been sought, a matter completely at the discretion of the elected District Attorney in Anderson County. Meanwhile, the Texas House Committee has scheduled a hearing for December 20, 2024, and has issued another subpoena for Roberson to appear in person at the State Capitol to provide testimony.

---

<sup>9</sup> In a statement regarding the U.S. Supreme Court's decision not to intervene, Justice Sonia Sotomayor emphasized that "Few cases more urgently call for" a stay of execution "than one where the accused has made a serious showing of actual innocence, as Roberson has here." She concluded there was no cert-worthy claim under federal law for the Supreme Court to act on, however.

## Significant Post-Conviction Rulings

### *Cases Involving Innocence Claims*

There were significant post-conviction rulings in two innocence cases in 2024, including one that began nearly fifty years ago.

- On June 19, 2024, the Texas CCA declared **Kerry Max Cook** “actually innocent.” In their detailed opinion in the 47-year-old death penalty case, the judges cited uncontroverted *Brady* violations, proof of false testimony, admissions of perjury, and new scientific evidence as reasons for their finding. Cook spent nearly twenty years on death row for the 1977 murder of Linda Jo Edwards in Tyler, Texas (Smith County). His legal odyssey included three trials. Cook first was convicted and sentenced to death in 1978, but the verdict was overturned in 1991. This led to a second trial in 1992 that concluded in a mistrial when jurors were unable to reach a unanimous verdict. A third trial in 1994 sent Cook back to death row, but his conviction was overturned for a second time in 1996. On the eve of a fourth trial in 1999, with Smith County prosecutors yet again threatening him with the death penalty, Cook agreed to a no-contest plea deal, which resulted in his release from prison. He remained guilty in the eyes of the law, however, even though he never admitted to the crime.

Smith County prosecutors set aside Cook’s conviction in 2016 after an alternate suspect admitted to perjuring himself in front of multiple juries and at pretrial hearings, including lying about the timing of his last sexual encounter with Ms. Edwards. The Texas CCA’s ruling this year officially exonerates Cook, who has filed a lawsuit against the City of Tyler, Smith County, and more than a dozen people involved in his wrongful conviction, seeking damages for his years of unjust incarceration.

- In October 2024, Judge Arturo Nelson, who presided over the trial of **Melissa Lucio** in 2008, found that Lucio “is actually innocent; she did not kill her daughter,” Mariah Alvarez. Earlier in the year, Judge Nelson found that the former district attorney of Cameron County illegally withheld favorable evidence from Lucio’s defense team at trial; this evidence supported Lucio’s defense that her daughter died after an accidental fall. The case has now returned to the Texas CCA, which will decide whether to accept Judge Nelson’s recommendation that Lucio’s conviction and death sentence be set aside. Lucio came within two days of being executed on April 27, 2022, before the Texas CCA ordered the trial court to consider multiple claims supported by new evidence that she is innocent, and that Mariah’s death was accidental.

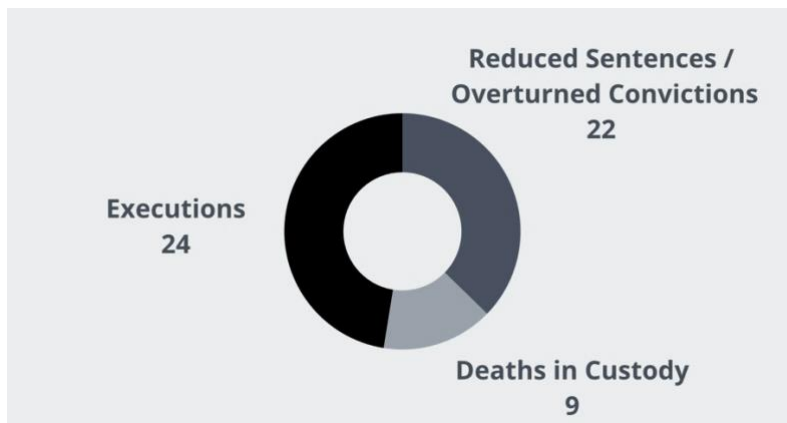
### *Cases Involving Judicial Misconduct*

- **Randy Halprin**, a Jewish man on death row, faced execution in 2019 but was granted a stay by the Texas CCA based on evidence that the anti-Semitic bias of Judge Vickers Cunningham tainted his 2003 trial in Dallas for the death of Irving police officer Aubrey Hawkins. In 2021, Judge Lela L. Mays recommended that the Texas CCA overturn the conviction and death sentence imposed by Judge Cunningham on Halprin in 2003, calling the facts of the case “extreme by any measure.” The Texas CCA did not act on the recommendation but rather ordered Judge Mays to conduct a live hearing. After an evidentiary hearing in August 2022, prosecutors agreed that Halprin deserves a new trial. Later that same year, Judge Mays concluded that Halprin did not receive a fair trial based on Judge Cunningham’s anti-Semitic views and again recommended relief. On November 6, 2024, the Texas CCA, in a 6-3 decision, granted Halprin a new trial. The case now returns to North Texas.

## Reduced Sentences and Deaths in Custody

In 2024, Texas's death row population decreased by three people for reasons other than execution. Collectively, the three men spent sixty-one years on death row. Over the past five years, thirty-one people have been removed from death row in Texas due to sentence reductions or overturned convictions<sup>10</sup> (twenty-two) or deaths in custody (nine); 29 percent of these cases were tried in Harris County. During this same timeframe, the State executed twenty-four people.

### Executions vs. Removals from Death Row, 2020-2024



#### *Reduced Sentences*

Two men received reduced sentences in 2024 due to evidence of intellectual disability. Eighteen people have been removed from death row in Texas since 2017 due to evidence of intellectual disability. One-third of these cases came from Harris County.

- On March 27, 2024, the Texas CCA sentenced **Randall Mays** to life in prison without parole after determining he meets the standard for intellectual disability. Mays, who has a long history of serious mental illness, faced three execution dates between 2015 and 2020. He spent nearly sixteen years on death row for the murder of two sheriff's deputies who came on his property in Henderson County in 2007.
- On April 17, 2024, the Texas CCA determined that **Tomas Gallo**—who was sentenced to death in Harris County in 2004 for the murder of his girlfriend's three-year-old daughter—is intellectually disabled and therefore ineligible for execution. The ruling came after Harris County prosecutors and Gallo's attorney reached an agreement and the trial court judge recommended relief. He has been resentenced to life in prison.

---

<sup>10</sup> This tally includes Joseph Colone and Clinton Young, whose convictions were overturned in state habeas proceedings due to the misconduct of state actors. Prosecutors subsequently took the death penalty off the table in both cases. In December 2023, to avoid another trial, Colone pled guilty to a lesser offense and was sentenced to thirty years in prison. Young was again convicted of capital murder and sentenced to life in prison in October 2024 (see pp 4-5 of this report for details).

## *Death in Custody*

- In May 2024, **Louis Castro Perez** passed away due to heart failure while on death row. Perez was sentenced to death in 1999 for the murders of two women and a young girl in Travis County. He maintained his innocence throughout his twenty-five years on death row.

## **Lethal Injection Issues**

According to reporting by National Public Radio in July 2024, the State of Texas—which has had trouble obtaining lethal injection drugs from reputable sources now that major pharmaceutical companies refuse to participate in executions—has purchased these drugs from an in-state compounding pharmacy with a history of more than a dozen safety and cleanliness violations. Rite Away, a pharmacy chain with locations in San Antonio and Austin, has been hit with multiple serious DEA violations revealing it was selling opioids to drug dealers and users at the same time as it was selling pentobarbital to TDCJ for use in the execution chamber. Texas executed more than twenty people during the time documents show Rite Away was providing compounded pentobarbital to the State.

In January 2022, the DEA filed a lawsuit against Rite Away alleging it had dispensed controlled substances—including fentanyl—without valid prescriptions, ignored obvious red flags of diversion and abuse, and failed to keep accurate records. A 2018 audit revealed that Rite Away’s physical inventory of their stock of controlled substances was 45,000 units short of the records they had filed with the DEA. One patient died of a fentanyl overdose nine days after the pharmacy filled the prescription for that drug.

This is the latest troubling episode in Texas’s history of employing secrecy provisions to prevent the public from knowing where and how TDCJ obtains its execution drugs. This secrecy has protected disreputable pharmacies that flout safety protocols, extend the expiration date of drugs, and commit other serious violations of state and federal laws, creating risks to public health.

## **Conclusion**

The cases cited in this report raise serious alarms about the reliability and fairness of Texas’s death penalty system. 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.

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. The arbitrariness of capital punishment and the persistent problem of wrongful convictions should compel Texans to abandon the death penalty altogether.

**Table 1: New Death Sentences in Texas in 2024<sup>11</sup>**

TDCJ Number	Last Name	First Name	Date of Birth	Gender	Race	Date Received	County	Date of Offense
999630	Godinez	Victor	01/26/1995	M	White	02/15/2024	Hidalgo	04/06/2019
999631	Lawyer	Paige	07/09/1979	M	Black	04/30/2024	Tarrant	04/06/2018
999632	Elders	Jerry	05/26/1981	M	White	05/06/2024	Johnson	04/14/2021
999634	Newson	Gregory	1972	M	Black	2024	Panola/ Gregg	12/31/2019
999633	Turner	Christopher	1976	M	Black	2024	Tarrant	03/27/2020
999635	Thornburg	Jason	1980	M	Native American	12/2024	Tarrant	09/21/2021

**Table 2: Texas Executions in 2024**

Execution	Last Name	First Name	TDCJ Number	Age	Date	Race	County
591	White	Garcia	999205	61	10/1/2024	Black	Harris
590	Mullis	Travis	999563	38	9/24/2024	White	Galveston
589	Burton	Arthur	999283	44	8/7/2024	Black	Harris
588	Gonzales	Ramiro	999513	41	6/26/2024	Hispanic	Medina
587	Cantu	Ivan	999399	50	2/28/2024	Hispanic	Collin

**Source:** Texas Department of Criminal Justice

<sup>11</sup> Newson, Turner, and Thornburg do not yet appear on TDCJ's online list of inmates on death row, but they can be found by conducting an inmate search. Their full date of birth and the date they were received are not yet posted.