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TCADP REPORT: Texas wastes millions of taxpayer dollars pursuing the death penalty as use remains historically low and geographically isolated

In 2025, judges in Texas scheduled fewest executions in at least three decades—but persistent, glaring problems with the death penalty remain

(AUSTIN) – After decades as the nation’s death penalty pariah, Texas was not the lead executioner this year. Yet the State continues to waste millions of taxpayer dollars pursuing capital punishment while glaring problems with its application persist. A new report from the Texas Coalition to Abolish the Death Penalty (TCADP), ***Texas Death Penalty Developments in 2025: The Year in Review***, documents numerous examples of the high cost and human toll of the death penalty in Texas even as the number of death sentences and executions remain historically low.

The dubious distinction of the most active death penalty state went to Florida, which has outpaced Texas nearly four to one in executions in 2025.

In 2025, Texas judges set the fewest execution dates in at least three decades. Of the seven scheduled executions, the State put five men to death. Two individuals received stays from the Texas Court of Criminal Appeals after raising claims of innocence: **David Wood**, who has spent more than 30 years on death row, and **Robert Roberson**, who once again generated an outpouring of support from state lawmakers, exonerees, parental rights groups, advocates for Autistic individuals, scientists, faith leaders, and thousands of concerned citizens. It was the second time in two years Roberson faced execution despite significant new scientific and medical evidence proving his innocence.

In Texas, whether a person receives a death sentence continues to be driven not by the underlying crime, but by geography. Juries sent three people to death row this year, with only prosecutors in two of Texas’s 254 counties, Harris and Tarrant, pursuing new death sentences in 2025. Six of the last nine death sentences in Texas came from those two counties.

Juries in Harris County sentenced two men to death. In the case of **Xavier Davis**, Harris County reportedly spent \$1.8 million in taxpayer funds just on the defense costs of a punishment trial after Davis pled guilty; the true cost of the case is much higher.

In Tarrant County, one capital case resulted in a death sentence and the other in a sentence of life in prison without parole. Since 2021, Texas juries have rejected the death penalty in nearly one out of four capital murder cases that have proceeded to trial with death as a sentencing option.

This year also was notable for prosecutors' decisions to waive the death penalty due to its exorbitant cost and the lengthy, uncertain legal process. Among the nine cases for which prosecutors dropped plans to seek the death penalty are two significant examples that included agreement from victims' survivors:

- The El Paso County District Attorney (DA) dropped the death penalty in exchange for a guilty plea by **Patrick Crusius**, who was already serving 90 federal life sentences for the racially-motivated mass shooting at a Walmart in 2019 that killed 23 people and wounded dozens more. According to the DA, most of the surviving family members sought an end to the judicial process, which had dragged on for nearly six years and cost \$6 million even without a trial on the state charges.
- Prosecutors in San Jacinto County dropped the death penalty for **Francisco Oropeza** after estimating it would cost between \$1.2 million and \$2 million to try the case—four times their annual budget for indigent cases. Oropeza agreed to plead guilty to killing five people in 2023 near Cleveland, Texas.

“Some prosecutors have abandoned the death penalty once they confront evidence that it does not further the interest of justice or that the cost to their counties is just too high,” said Kristin Houlié Cuellar, TCADP Executive Director. “Others continue to dig in their heels—even in the face of evidence of innocence—and pursue years of costly litigation. As the use of the death penalty remains historically low in Texas, it exacerbates the persistent problems with its application.”

Texas's death row population continues to decline for reasons other than executions. In 2025, more men died in custody (5) or had their sentence reduced (1) than were executed (5).

Collectively, these six men spent 142 years on death row. Several faced multiple execution dates and lengthy legal battles—none more so than **Scott Panetti**, who died at the prison hospital in May 2025 after more than 30 years on death row. The State relentlessly sought his execution despite his long-documented history of schizophrenia, including more than a dozen psychiatric hospitalizations, and contrary to a 2007 U.S. Supreme Court decision in Panetti's case that established a new standard for competency to be executed. In 2023, after decades of litigation, a federal judge finally declared Panetti incompetent to be executed although he remained on death row.

Texas has long been viewed as the capital of capital punishment. Yet recent trends illustrate that Texans are increasingly rejecting the death penalty as a means to obtain justice. In the dwindling number of counties where the death penalty is still sought in Texas, evidence shows that it is disproportionately expensive, arbitrary, and racially biased, and it continues to ensnare vulnerable people and the innocent because of inadequate representation at the outset and/or inadequate appellate review thereafter.

“It is incumbent on policymakers at both the State and county level to examine the collective costs of capital punishment,” said Nan Tolson, director of Texas Conservatives Concerned About the Death Penalty. “Texas should embrace a vision of justice that leaves the death penalty behind and reallocates limited public resources to measures proven to improve public safety.”

Texas Death Penalty Developments in 2025: 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 2025: Year End Report*:

<https://deathpenaltyinfo.org/research/analysis/reports/year-end-reports/the-death-penalty-in-2025>.