

Texas Death Penalty Developments in 2025: The Year in Review

A Report by the Texas Coalition to Abolish the Death Penalty

Executive Summary

After decades as the nation's death penalty pariah, Texas was not the lead executioner this year. That dubious distinction went to Florida, which outpaced Texas nearly four to one in executions. Yet the State continues to waste millions of taxpayer dollars in the pursuit of capital punishment while glaring problems with its application persist.

In 2025, Texas judges set the fewest execution dates in at least three decades. Of the seven scheduled executions, the State put five people to death. Two individuals received stays from the Texas Court of Criminal Appeals (CCA) after raising claims of innocence. The CCA stayed the execution of David Wood, who has spent more than 32 years on death row for crimes he maintains he did not commit, after he asserted the State had presented false testimony and suppressed exculpatory evidence.

On October 9, 2025, one week before he was set to be put to death for a crime that never occurred—the tragic death of his two-year-old daughter, Nikki—the CCA granted a stay of execution to Robert Roberson. The CCA sent the case back to the trial court to consider whether Roberson should receive relief based on the rationale set forth in the CCA's 2024 decision in another Texas case involving the same discredited "Shaken Baby Syndrome" hypothesis used to convict Roberson in 2003. It was the second time in two years that 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. Only prosecutors in two of Texas's 254 counties, Harris and Tarrant, pursued new death sentences in 2025, with juries sending three men to death row while rejecting the death penalty in a fourth case.

This year also was notable for the cases in which prosecutors waived the death penalty, often with the consent of victims' survivors, due to its exorbitant cost and the lengthy, uncertain legal process. Of particular significance was the decision by the El Paso County District Attorney to drop the death penalty in exchange for a guilty plea by Patrick Crusius, who was already serving 90 federal life sentences for the racially-motivated murders of 23 people at a Walmart in 2019. The judicial process had dragged on for nearly six years and cost \$6 million even without a trial on the state charges.

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). Several of these men faced multiple execution dates and lengthy legal battles—none more so than Scott Panetti, who died at the prison hospital in May after more than 30 years on death row. The State relentlessly sought his execution despite his long-documented history of schizophrenia. In 2023, after decades of litigation, a federal judge finally declared Panetti incompetent to be executed although he remained on death row.

The cases and trends cited in this report exemplify the landscape defined by Texas's use of the death penalty: while death sentences and executions remain historically low, glaring problems persist. TCADP urges policy makers to examine the collective costs of capital punishment and to follow the lead of Texans who are increasingly abandoning the death penalty as a path to justice.

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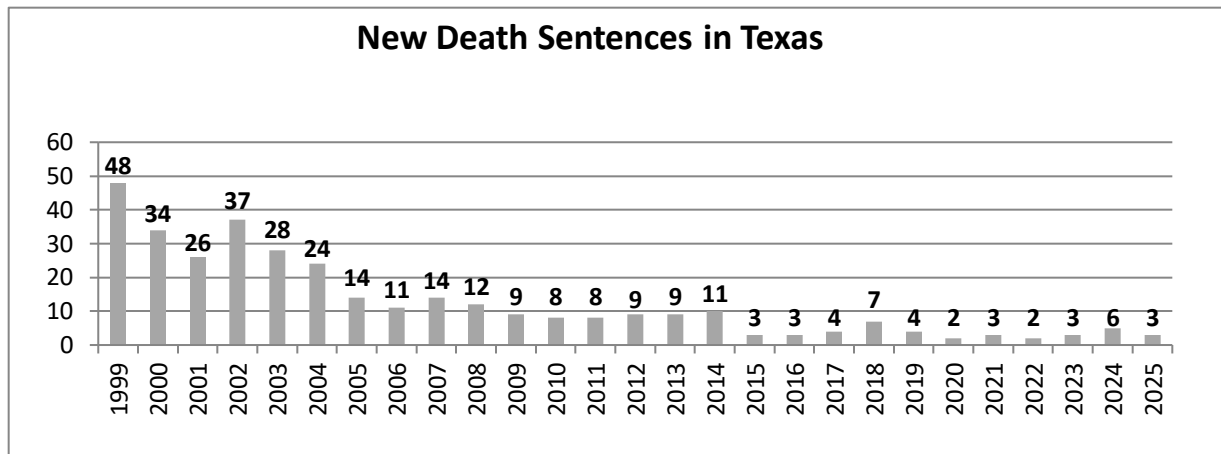
Texas Death Penalty Developments in 2025: The Year in Review

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 data on death sentences and scheduled executions, post-conviction rulings, and other issues impacting the administration of capital punishment in Texas.

Death Sentences

Death sentences have fallen from a peak of 48 death verdicts in 1999 to single digits every year since 2015. In 2025, juries sent three new people to death row. No one was resentenced to death.



In Texas, whether a person receives a death sentence continues to be driven not by the underlying crime, but by geography. Harris and Tarrant counties are currently the state's most aggressive death penalty jurisdictions and the only two counties (out of 254 in Texas) where prosecutors pursued new death sentences this year.

In 2025, jurors in Harris County sentenced two people to death:

- On April 18, 2025, a Harris County jury sentenced Xavier Davis to death. Davis was convicted of the murder for hire of Gregory Carhee, Donyavia Lagway, and their six-year-old daughter, Harmony Carhee, at their Houston apartment. He pled guilty to the charges on the opening day of his trial, which then proceeded directly to the punishment phase. Another individual suspected of having a relationship with Lagway faces capital charges of hiring Davis to murder the family.¹
- Oscar Rosales was sentenced to death by a Harris County jury on June 13, 2025. He was convicted of the 2022 murder of Harris County Precinct 5 Cpl. Charles Galloway during a traffic stop. Jurors reportedly deliberated on the punishment for nine hours.

According to the *Houston Chronicle*, Harris County spent about **\$1.8 million in taxpayer funds** just for Xavier Davis to defend himself from the death penalty. The true cost of the case is much higher as this figure does not include the costs incurred by the District Attorney's Office.

¹ "County spent \$1.8M in man's death penalty trial defense," *Houston Chronicle*, May 30, 2025

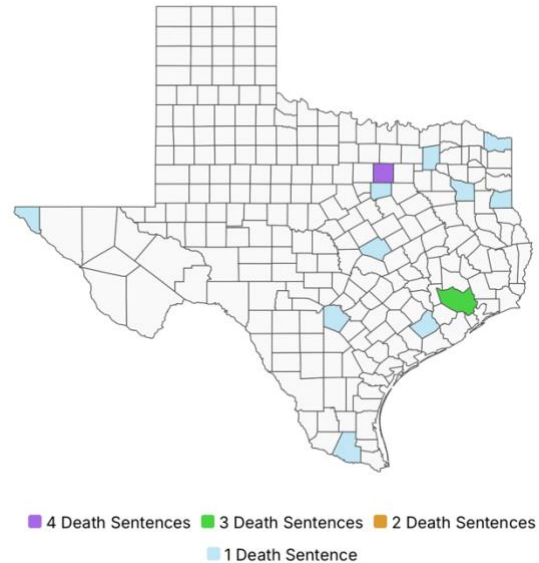
Rosales, who is from El Salvador, is the 300th person to be sentenced to death in Harris County since the 1970s.

Despite the high number of total death sentences in Harris County’s history, this year represented the first time since 2014 that more than one person was sentenced to death there. In comparison, Harris County jurors sent more than a dozen people to death row annually in the 1990s.

Tarrant County prosecutors also sought the death penalty twice in 2025, with one case resulting in a new death sentence.²

Texas Death Sentences by County, 2021-2025

- On September 22, 2025, a jury sentenced Valerian O’Steen to death for killing Marissa Grimes in 2022. O’Steen had been ordered to stay away from Grimes after threatening her and being arrested on domestic violence charges. He is the first white defendant in Tarrant County to go to trial with death on the table since 2011.



Death Sentences by County

As use of the death penalty declines, its geographic isolation becomes even more pronounced. Juries in just twelve 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. ***Six of the last nine death sentences came from those two counties.***

Texas Counties with More Than One New Death Sentence in the Last Five Years							
County	2021	2022	2023	2024	2025	Total 2021-2025	Total People Sentenced to Death Since 1974
Harris	0	1	0	0	2	3	300
Tarrant ³	0	0	0	3	1	4	78
Total Harris & Tarrant	0	1	0	3	3	7	378
All Counties	3	2	3	6	3	17	1,129

Death Sentences by Race

Death sentences also continue to be applied disproportionately to people of color. In 2025, two of the three men sentenced to death are people of color. Over the last five years, more than 70 percent of death sentences have been imposed on people of color; more than 40 percent were imposed on Black defendants.

² See p. 4 for information about the other case.

³ Juries in Tarrant County rejected the death penalty in two other cases during this period, in 2022 and in 2025.

New Death Sentences in Texas by Race of Defendant						
Race/Ethnicity	2021	2022	2023	2024	2025	Total Sentences by Race
Black	2	0	1	3	1	7
Hispanic/Latino ⁴	0	1	1	1	1	4 ⁵
Other Race/Ethnicity	0	0	0	1	0	1
Total People of Color	2	1	2	5	2	12
White	1	1	1	1	1	5
Total Sentences	3	2	3	6	3	17

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

- Twenty-three of the last 24 defendants sentenced to death in Harris County are people of color, including the two men sentenced to death this year. Seventeen are Black, five are Hispanic/Latino, 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 2004.⁶
- Eight of the nine men sentenced to death in Tarrant County since 2012 are people of color. Prosecutors there sought the death penalty in four additional cases involving Black or Hispanic/Latino 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. This year, Valerian O'Steen became the first white defendant in Tarrant County to receive a death sentence since 2011.

Texas's Current Death Row Population

While the general Black population of Texas is 13.6 percent, Black individuals constitute 47.6 percent of death row inmates, according to TDCJ. Hispanics/Latinos comprise 26.8 percent of individuals on death row (39.8 percent of the population of Texas), and whites comprise 23.2 percent (39.6 percent of the Texas population).⁷

As of December 15, 2025, TDCJ lists 168 people on death row, including seven women.⁸ 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.⁹ Texas's death row population

⁴ The Texas Department of Criminal Justice (TDCJ) uses the term Hispanic.

⁵ TDCJ inexplicably identifies Hector Acosta and Victor Godinez as white, but both men self-identify as Hispanic/Latino. Acosta is a Mexican national.

⁶ See *Arbitrary and Capricious: Examining Racial Disparities in Harris County's Pursuit of Death Sentences* (2024), a report by Texas Defender Service: <https://www.texasdefender.org/arbitrary-and-capricious-harris-county/>.

⁷ See https://www.tdcj.texas.gov/death_row/dr_gender_racial_stats.html and <https://www.census.gov/quickfacts/TX>.

⁸ TDCJ's list of "Inmates on Death Row" includes several individuals whose death sentences and/or convictions have been overturned: Humberto Garza (death sentence overturned in 2021); Randy Halprin (conviction overturned in 2024); and Demond Bluntson (death sentence overturned in 2025 – see pages 11-12).

⁹ TDCJ counts sixty-four inmates from Harris County as of December 15, 2025.

peaked in 2000, when more than 450 individuals were awaiting execution. Texas currently has the third-largest death row population in the nation, after California (580) and Florida (253).

Jury Rejections and Death Waivers

Jury Rejections

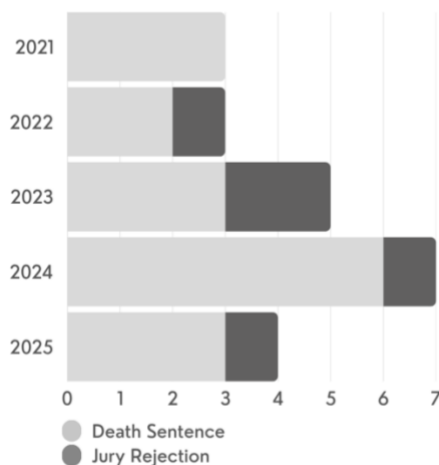
Valerian O'Steen was not the only defendant to face the death penalty in Tarrant County in 2025. Earlier in the year, Lamont Cousins was found guilty of the murders of Veronica Del Jones, Virginia Lewis, and Clayton Turrentine. The jury rejected prosecutors' request for the death penalty after determining Cousins did not present a continuing threat to society. He was sentenced to life in prison without parole. It was the second time in five years that a Tarrant County jury returned a life in prison sentence when the DA sought the death penalty.

Since 2021, Texas juries have rejected the death penalty in nearly one out of four of the capital murder cases that have proceeded to trial with death as a sentencing option.

Death Waivers in Capital Cases

This year was notable for the cases in which prosecutors across Texas waived the death penalty due to its exorbitant cost and the lengthy, uncertain legal process. They often did so with the consent of victims' survivors. Of particular significance was the decision by the El Paso County District Attorney (DA) to drop the death penalty for the man charged with the racially-motivated murders of 23 people at a Walmart in 2019 in exchange for a guilty plea. Patrick Crusius, who has severe mental illness, was already serving 90 federal life sentences for the mass shooting and hate crime acts. According to the DA, the surviving family members overwhelmingly 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. At the sentencing hearing, several surviving family members said they forgave Crusius—two even hugged him with permission from the judge.¹⁰

PROSECUTION OUTCOMES 2021-2025



¹⁰ "How the El Paso Walmart shooting prosecution cost \$6 million, even without a trial," *El Paso Matters*, May 14, 2025, and "An El Paso mass shooter killed their loved ones. They hugged him." *El Paso Matters*, April 22, 2025

At the beginning of 2025, prosecutors in San Jacinto County dropped the death penalty for Francisco Oropeza after he agreed to plead guilty to killing five people, including an eight-year-old child, in April 2023 in the Trails End community near Cleveland, Texas. Oropeza, a Mexican national, was sentenced to life in prison without parole for ambushing his neighbors after they reportedly asked him to stop firing his AR-223 rifle in his yard. The District Attorney consulted with the victims’ families and reached consensus that this punishment would spare the trauma and risk of a trial while ensuring accountability for Oropeza.¹¹

“The current estimate for trying this case ranges from \$1.2 million to \$2 million—four times our annual budget for indigent cases. That doesn’t include the cost of appeals, which could last for many years. This agreement allows us to achieve justice without placing a massive financial burden on the county.”

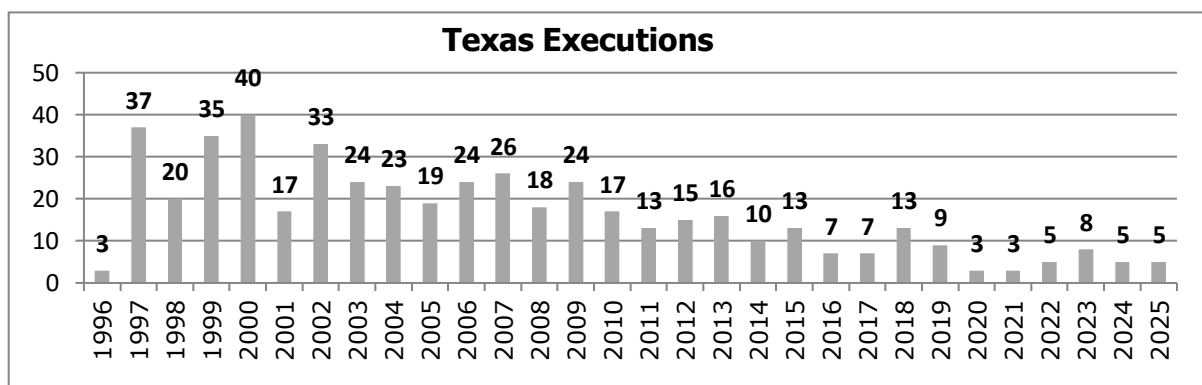
- San Jacinto County District Attorney Todd Dillon

There were death waivers in at least seven other previously death-noticed cases in 2025.

Executions

This year, Texas judges set the fewest execution dates in at least three decades. Of the seven men who faced execution, five were put to death and two received stays from the Texas Court of Criminal Appeals.

Texas is one of 11 states that carried out executions this year, but, atypically, it did not lead the nation.¹² That dubious distinction went to Florida, which has executed 18 men in 2025, accounting for 40 percent of the national total this year and outpacing Texas by nearly four to one.



Executions in Texas have remained in the single digits all but one year for the last decade, a far cry from the turn of the century, when the State executed 40 people.

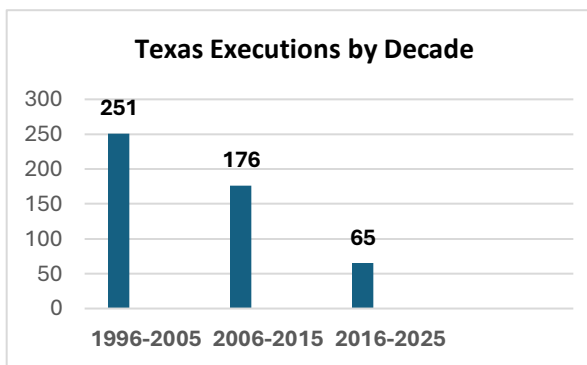
The State of Texas has executed 596 people since 1982, out of 1,653 executions nationwide. The pace of executions has slowed considerably in the last decade.

¹¹ “Mexican national takes plea deal for slaying of five in San Jacinto County,” *Bluebonnet News*, January 29, 2025

¹² Two additional executions are scheduled in December— in Florida and Georgia. Georgia would be the 12th state to carry out executions this year.

Seventy-two percent of Texas executions occurred between 1996 and 2015; the last decade accounts for just 11 percent of executions in Texas since 1982.

The five men put to death by Texas in 2025 spent an average of fifteen years on death row.



- The State of Texas executed Steven Nelson on February 5, 2025. No jury or court considered significant evidence that Nelson did not kill pastor Clinton Dobson, that he played a minor role in the offense as a lookout for two other men as they robbed NorthPointe Baptist Church in Arlington, Texas in 2011, and that there were profound mitigating circumstances that could have precluded a death sentence. Nelson received grossly inadequate legal representation during both his 2012 trial and his initial state post-conviction proceedings. His trial attorneys failed to investigate evidence related to two possible accomplices with questionable alibis. They also failed to investigate Nelson’s history of childhood abuse, neglect, and trauma, which led to serious untreated mental health issues.
- Texas executed Richard Tabler on February 13, 2025, for killing Mohamed-Amine Rahmouni and Haitham Zayed after a dispute in Bell County in 2004. Post-conviction proceedings hinged on Tabler’s decision to waive his right to a full state appeals process after he was sentenced to death in 2007. In 2024, the ACLU asked the Supreme Court of the United States to review Tabler’s case and to hold that when a defendant’s lawyers abandon him, his waiver of further appeals should not bar his access to federal habeas corpus review of the constitutionality of his conviction. The ACLU argued that Tabler’s lawyers refused to represent him at a hearing to determine his capacity to decide whether to give up his state post-conviction appeals, leaving him effectively unrepresented at that hearing. The Justices refused to intervene.
- Texas executed Moises Sandoval Mendoza on April 23, 2025, for a crime he committed when he was 20 years old. In 2005, a Collin County jury sentenced him to death for killing Rachelle Tolleson. Mendoza’s trial took place just months after the Supreme Court of the United States ruled in *Roper v. Simmons* (March 1, 2005) that it is unconstitutional to execute individuals under the age of 18 at the time of the offense. The opinion cited the diminished culpability of developing adults based on sociological studies and neuroscientific research, which shows that brains do not fully mature until people reach their early-to-mid-twenties. The jury was not told that Mendoza’s frontal cortex, the part of the brain that regulates impulse control, decision making, cost-benefit reasoning, and self-regulation, was years from being fully developed. Instead, jurors were presented with false testimony about his so-called “future dangerousness,” a requisite finding for imposing a death

U.S. Executions in 2025 ¹³	
Florida	18
Texas	5
Alabama	5
South Carolina	5
Arizona	2
Indiana	2
Mississippi	2
Oklahoma	2
Tennessee	3
Louisiana	1
Missouri	1
Total	46

¹³ Ibid.

sentence in Texas. Since the *Roper* decision in 2005, Texas has executed 64 people who were 18, 19, or 20 years old at the time of the crime.

- On May 20, 2025, Texas executed Matthew Johnson. In 2013, a Dallas County jury sentenced him to death for killing Nancy Harris while robbing the convenience store where she worked as a clerk. Johnson committed this crime while in the throes of a serious drug addiction that plagued him for most of his life in the free world. Removed from drug use during his 12 years on death row, Johnson demonstrated that he was not a threat to anyone. He filed a clemency application with the Texas Board of Pardons and Paroles and Governor Greg Abbott asking for the commutation of his death sentence to a life without parole—citing the fact that the jury’s prediction of future dangerousness was disproven. The Board voted against recommending clemency.
- Texas executed Blaine Milam on September 25, 2025. He was 35 years old and spent 15 years on death row. He was convicted of killing 13-month-old Amora Carson in 2008 in Rusk County. Due to extensive news coverage of the case, the trial was moved 140 miles south to Montgomery County. A jury there sentenced Milam to death in 2010 under Texas’s law of parties, which holds everyone involved in a crime equally responsible and allows a jury to convict a person based on the conduct of another. Jessica Carson, the baby’s mother, was sentenced to life in prison. Both Milam and Carson were 18 years old at the time of Amora’s death.

Milam previously had execution dates in 2019 and 2021 but received stays from the Texas Court of Criminal Appeals (CCA) to consider evidence of his intellectual disability and discredited bite mark evidence. The CCA later denied relief on those claims, despite an amicus brief filed by The Arc and other organizations that advocate for individuals with intellectual disability.

See Table 2 on page 13 for additional details about the individuals put to death in 2025. At this time, there are two executions scheduled in Texas in 2026: Charles Thompson, convicted in Harris County, and Cedric Ricks, convicted in Tarrant County.

Executions By Race

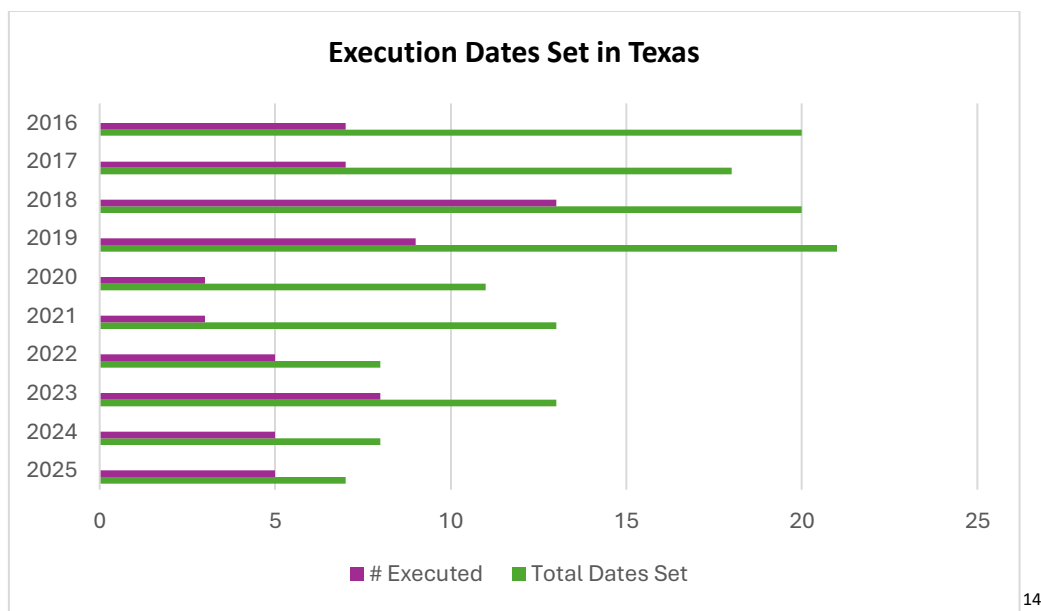
Of the five people executed in Texas in 2025, two were white, two were Black, and one was Hispanic/Latino. Since 1982, Texas has executed 264 white people, 213 Black people, 114 Hispanic/Latino, and five who were another race/ethnicity. Of the 596 executions Texas has carried out since 1982, 117 involved Black people convicted of killing white victims. Only six have involved white people convicted of killing Black victims.

Executions By County

Five different counties accounted for executions this year: Bell; Collin; Dallas; Rusk; and Tarrant. Of these, Dallas and Tarrant are among the top four executing counties in Texas:

- Dallas County accounts for 66 executions in Texas since 1982.
- Tarrant County accounts for 46 executions.

Harris County accounts for a total of 135 executions, more than any state except Texas itself.



Stay of Execution

Of the seven people with execution dates in 2025, two received stays from the Texas Court of Criminal Appeals (CCA).¹⁵

- The CCA granted a stay to David Wood, who was scheduled for execution on March 13, 2025. Wood has spent more than 32 years on death row for crimes he maintains he did not commit—the murders of six young women in El Paso in the summer of 1987. In 2011, DNA testing definitively excluded Wood as the contributor of male DNA found on a bloodstain on one of the victim’s clothing. Texas has refused his repeated requests for additional DNA testing on more than 100 items recovered from the crime scenes. Wood raised eight issues in his application to the Court, including that he is innocent and that the State obtained his conviction by presenting false testimony and suppressing exculpatory evidence. On July 30, 2025, the CCA remanded Wood’s case to the trial court for development of the claims.
- On October 9, 2025, exactly one week before he was set to be executed for a crime that never occurred—the tragic death of his two-year-old daughter, Nikki, from a combination of illness, medical error, and accident—the CCA granted a stay to Robert Roberson. The CCA sent the case back to the trial court to consider whether Roberson should receive relief based on the rationale set forth in the CCA’s 2024 decision in *Ex Parte Roark*, another Texas case involving the same discredited “Shaken Baby Syndrome” (SBS) hypothesis used to convict Roberson in 2003.

Roberson also came close to being wrongfully executed on October 17, 2024, but a bipartisan committee of Texas lawmakers intervened by issuing a subpoena for his testimony. In February 2025, Roberson filed a subsequent application for habeas corpus relief, which presented even more evidence of his innocence and showed that the State’s SBS cause-of-death theory at trial was both scientifically flawed and factually baseless. That application was pending at the CCA when the State

¹⁴ Some years, multiple execution dates were set, and multiple stays granted, for the same person.

¹⁵ Since 2021, the CCA has granted 10 stays of execution.

sought a new execution date, just a week after the Texas Attorney General's Office took over the prosecution after being deputized by the Anderson County District Attorney's Office. Anderson County had handled the post-conviction proceedings for the past 10 years.

The trial court has been ordered to recommend whether Roberson's conviction should stand or if he should receive a new trial based on the mountain of new scientific and medical evidence of what caused Nikki's death. His attorney asked the trial court judge to promptly schedule a status conference to discuss next steps, including an evidentiary hearing with live testimony. Attorneys with the Texas Attorney General's Office pushed back, however, and asked the court for more time, further delaying justice for Roberson, who has now spent 22 years on death row.

Meanwhile, on November 20, 2025, the New Jersey Supreme Court determined that a SBS diagnosis, since renamed "Abusive Head Trauma," is not generally accepted within the biomechanical community and is therefore not "sufficiently reliable" for admission at two upcoming trials. It is the first high court in the nation to prohibit expert testimony diagnosing the syndrome. Roberson's attorney has brought this landmark ruling to the attention of both the trial court and the CCA for consideration in assessing his request for a new trial.

Reduced Sentences and Deaths in Custody

In 2025, more men received reduced sentences (1 person) or died in custody (5 people) than were executed. Collectively, these six men spent 142 years on death row. Over the past five years, Texas's death row population has declined by 28 people due to sentence reductions or overturned convictions (15) or deaths in custody (13). Thirty-six percent of these cases were tried in Harris County. During this same timeframe, the State executed 26 people.

Reduced Sentence

On April 16, 2025, the Texas Court of Criminal Appeals (CCA) granted relief to Larry Estrada based on his claim of intellectual disability and ordered his sentence be changed to life in prison. In 1998, a Harris County jury convicted Estrada of killing a clerk during the robbery of a convenience store; he was 18 at the time of the crime and 19 when sentenced to death. The CCA ruling came after the parties agreed that Estrada meets the standard for intellectual disability—and is therefore ineligible for execution—and the trial court judge recommended relief.

Nineteen people have been removed from death row in Texas since 2017 due to evidence of intellectual disability. More than one-third of these cases came from Harris County.

Deaths in Custody

Five men died while in custody in 2025—four from medical conditions and one by suicide. Of the four men who died from health-related causes, their average age was 68 and they had spent an average of 26 years on death row. According to federal data, only 2.6 percent of death row prisoners were over 60 in 2001. By 2021, that age bracket accounted for more than a quarter of condemned prisoners.¹⁶

¹⁶ See "Texas death row prisoner dies after more than 30 years behind bars," *Houston Chronicle*, July 4, 2025

- James Harris Jr. died in custody on January 15, 2025, after spending more than 11 years on death row. In 2013, Harris pled guilty to killing Alton Wilcox in Brazoria County. He was 54 at the time of his conviction. Harris faced execution in March 2024, without ever having a mandatory federal habeas appeal, but was granted a stay by the CCA. The CCA sent the case back to the trial court to review Harris's allegation that the jury selection process dramatically reduced the likelihood of potential Black jurors being called to serve and thus violated the Equal Protection Clause.
- William "Billy the Kid" Mason died from a heart attack on July 4, 2025. He was 71 years old and had spent more than three decades on death row. Mason was convicted of kidnapping and murdering his wife, Deborah Ann Mason, in Humble in 1991. He later received a new punishment hearing because of a Supreme Court ruling in the case of Johnny Paul Penry, which determined that jurors must have an opportunity to consider mitigating evidence in the punishment phase of death penalty trials. In 2015, a Harris County jury imposed another death sentence on Mason.
- On May 26, 2025, Scott Panetti died at the TDCJ-contracted prison hospital in Galveston at the age of 67. Panetti, a man with a long history of severe mental illness, spent more than 30 years on death row for killing his in-laws Amanda and Joe Alvarado in Fredericksburg while in the throes of psychosis. A judge infamously permitted Panetti to represent himself at his 1995 capital trial despite his severe mental illness. At the trial—which legal observers called a “farce” and a “circus”—Panetti wore a purple cowboy suit and sought to subpoena Jesus Christ, President John F. Kennedy, and hundreds of others.

Despite his well-documented psychiatric hospitalizations and diagnoses of schizophrenia, Panetti faced multiple execution dates, most recently in 2014. On December 3, 2014, the day he was set to be put to death, the U.S. Court of Appeals for the Fifth Circuit granted a stay to review the issues surrounding his competency.

“That Scott, a man I represented for more than 20 years, did not die on a gurney in the death chamber is a small grace. But the state’s dogged pursuit to execute him left him languishing in a legal limbo on death row.”
- Attorney Greg Wiercioch

Seven years earlier, Panetti’s attorneys had argued in federal courts that he lacked a rational understanding of the connection between his crime and the punishment. They contended his execution should not be allowed under *Ford v. Wainwright*, a 1986 Supreme Court ruling that prohibits states from executing those who are unaware of the reality of or reason for their punishment. Panetti was convinced the State sought to put him to death for preaching the Gospel, not for murdering the Alvarados. In 2007, in the decision *Panetti v. Quarterman*, the Justices agreed with the argument presented by Panetti’s attorneys. Questioning the value of executing someone who does not rationally comprehend why he is being put to death, the Court established a new standard for competency to be executed. That decision did not stop the State from continuing to push for Panetti’s execution, however.

In September 2023, a federal district judge finally determined that Panetti was not competent for execution due to the profound distortions in his perception of reality, disorganized thinking and speech, paranoid and grandiose delusions, and auditory hallucinations. Despite the court’s ruling of incompetency, Panetti remained on death row.¹⁷

¹⁷ “My client was too insane to execute – but not to leave death row,” *USA Today*, August 3, 2025

- Joseph Prystash died on death row on June 19, 2025, at the age of 68. He was convicted in the 1994 murder for hire of Farah Fratta in Harris County. Prystash was allegedly hired by Farah's estranged husband, Robert Fratta, who was executed in January 2023.
- Micah Brown was found dead in his cell from an apparent suicide on August 1, 2025. He was 46 and had spent 12 years on death row after being convicted of killing his former wife, Stella Ray, in 2011, in Hunt County.

Significant Post Conviction Rulings

In 2025, there were significant rulings in Texas death penalty cases by both state and federal courts.

Cases Involving Official Misconduct

On March 7, 2025, by a vote of 2-1, the U.S. Court of Appeals for the Fifth Circuit overturned the conviction and death sentence of Brittany Holberg after finding that prosecutors had failed to disclose evidence that a key witness at the trial was a paid informant. This withholding of evidence constitutes a violation of *Brady v. Maryland*. Holberg has spent more than 27 years in prison and is one of seven women on death row in Texas. In 1998, a Randall County jury convicted her of killing A.B. Towery, Sr., which Holberg asserts was an act of self-defense. The informant, who claimed Holberg confessed to her after police placed them in a cell together, had been working for months for the City of Amarillo police. On July 30, 2025, the *en banc* Fifth Circuit vacated the favorable opinion. The case will be reargued to the *en banc* court in January 2026.

Cases Involving Innocence Claims

On June 26, 2025, the Supreme Court of the United States ruled in a 6-3 opinion that Ruben Gutierrez should be permitted to continue his lawsuit challenging the constitutionality of Texas's post-conviction DNA statute. Gutierrez has sought DNA testing for more than a decade to prove he was wrongfully sentenced to death in Brownsville in 1999 for the murder of Escolastica Harrison. He was just 20 minutes from execution on July 16, 2024, when the Supreme Court issued a stay and subsequently granted review. It was Gutierrez's sixth execution date since 2018 and the second time he received an 11th hour reprieve from the Supreme Court.

Cases Involving Jury Instruction Errors

On May 7, 2025, the Texas Court of Criminal Appeals (CCA) reversed Demond Bluntson's death sentence and remanded the case for a new punishment trial. Bluntson was convicted in Webb County in 2016 for killing his infant son and the six-year-old son of his estranged girlfriend, Brandy Cerny.

In his direct appeal, Bluntson raised 26 points of error, including errors in the jury verdict form, which inverted the required statutory language. Texas law requires the submission of the "future dangerousness" issue and the mitigation issue to the jury. Juries are instructed that they may not answer the future dangerousness issue *affirmatively* (adversely to the defendant) unless jurors unanimously agree. The jury may not answer the issue *negatively* (in the defendant's favor) unless 10 or more jurors agree. A similar instruction is given on the mitigation issue, requiring unanimous agreement on an answer adverse to the defendant and agreement of 10 or more jurors for a favorable answer.

In Bluntson’s case, however, the jury instructions on mitigation inverted the statutory language by requiring unanimous agreement for an affirmative answer (in Bluntson’s favor) and allowing a less than unanimous agreement to a negative answer (adverse to Bluntson). The instructions also improperly placed the burden of proof on the defense to prove beyond a reasonable doubt that there was sufficient mitigating evidence. The CCA found these errors caused “egregious harm.” The court also addressed points of error arising from a proceeding regarding Bluntson’s competency to stand trial and ultimately decided to uphold his conviction.

Legislative Developments

During the Regular Session of the 89th Texas Legislature, which adjourned *sine die* on June 2, 2025, legislators filed death penalty abolition bills in both chambers: House Bills 454 by State Representative John Bucy (House District 136-Austin) and 651 by State Representative Joe Moody (House District 78-El Paso) and Senate Bill 343 by State Senator Sarah Eckhardt (Senate District 14-Austin).

While none of the abolition bills advanced, a bill to expand the scope of the death penalty also failed to become law. Senate Bill 990, authored by State Senator Paul Bettencourt (Senate District 7 – Houston), passed the Senate by a vote of 26 to 5. SB 990 would have made more capital offenses eligible for the death penalty based on the age of the victim. The House Committee on Criminal Jurisprudence voted 6 to 5 in support of the bill, but it did not receive a vote by the full House.

Lethal Injection Issues

According to NBC News, a document produced by the Texas Department of Criminal Justice (TDCJ) in response to a request for information about the cost of the state’s supply of pentobarbital—the drug used in lethal injections—shows multiple transaction amounts dated October 2024 and February and March of 2025 totaling more than \$775,000. The exact amount TDCJ paid for the drugs is unclear, as is the source of the drugs, which is shielded by state law.¹⁸

Conclusion

Texas has long been viewed as the capital of capital punishment. Yet recent trends reveal that Texans are increasingly abandoning the death penalty as a path to justice. When it comes to new death sentences, the state does not practice capital punishment—just a dwindling number of counties do. In 2025, juries in only two of Texas’s 254 counties imposed new death sentences, while prosecutors across the state agreed to drop death as a punishment in several major cases—often with the consent of victims’ family members. Of capital cases that have gone to trial in the past five years, juries have rejected the death penalty in nearly 25 percent of them. Where the death penalty is still used in Texas, it is arbitrary and racially biased, and it continues to ensnare innocent and vulnerable people, all at a tremendous expense to taxpayers.

It is incumbent on policymakers at both the State and county level to examine the collective costs of capital punishment. Texans should embrace a vision of justice that leaves the death penalty behind and reallocates limited public resources to measures proven to enhance public safety.

¹⁸ “In Texas, new details about its execution drug underscore a closely guarded secret,” NBC News, October 14, 2025

Table 1: New Death Sentences in Texas in 2025

TDCJ Number	Last Name	First Name	Date of Birth	Gender	Race	Date Received	County	Date of Offense
999638	Osteen	Valerian	08/18/1997	M	White	09/23/2025	Tarrant	02/13/2022
999637	Rosales	Oscar	05/10/1970	M	Hispanic	07/09/2025	Harris	01/23/2022
999636	Davis	Xavier	02/10/1993	M	Black	05/15/2025	Harris	06/30/2021

Table 2: Executions in Texas in 2025

Execution	Last Name	First Name	TDCJ Number	Age	Date	Race	County
596	Milam	Blaine	999558	35	09/25/2025	White	Rusk
595	Johnson	Matthew	999586	50	05/20/2025	Black	Dallas
594	Mendoza	Moises	999498	41	04/23/2025	Hispanic	Collin
593	Tabler	Richard	999523	46	02/13/2025	White	Bell
592	Nelson	Steven	999576	37	02/05/2025	Black	Tarrant

Source: Texas Department of Criminal Justice