

Death penalty diminishing in Texas but disparities remain

December 19, 2022

Texas' use of the death penalty remained at a historically low level this year, but four of the five individuals executed in 2022 suffered from mental or physical impairments or from childhood trauma, a new report reveals.

“Despite their low number, the executions set and carried out in 2022 raise troubling issues about the fairness and utility of the death penalty,” the [report from the Texas Coalition to Abolish the Death Penalty](#) states.

A separate report from the [Death Penalty Information Center](#) revealed national support for the death penalty continued a more than 20-year decline. Nationally, 18 inmates were executed in 2022, and the 20 death sentences pronounced in 2022 were the fewest of any year in half a century.

The national center's report pointed out seven of the 20 attempted executions were “botched”—either highly problematic or taking an inordinate amount of time.

Only six states carried out executions in 2022—Texas, Oklahoma, Arizona, Alabama, Missouri and Mississippi.

Declining death sentences in Texas

In 2022, only two Texas juries sentenced an accused killer to death—the eighth consecutive year death sentences in the state numbered in single digits. The number of Texas death sentences have declined 96 percent since peaking at 48 in 1999, the Texas Coalition to Abolish the Death

Penalty report noted.



Just under 200 of the inmates at the Allan B. Polunsky Unit—a maximum security prison near Livingston—are housed on Texas Death Row. (Photo / Ken Camp)

Juries in only 14 of Texas' 254 counties have imposed death penalties in the last five years.

As of mid-December, 192 Texas inmates were on Death Row—the smallest death row population since 1985.

Stephen Reeves, executive director of Fellowship Southwest, an organizational member of the Texas Coalition to Abolish the Death Penalty, noted the report reveals “even Texas is walking away from imposing the death penalty.”

“The death penalty is fundamentally flawed, and there is no defensible rationale for its continued use,” Reeves said.

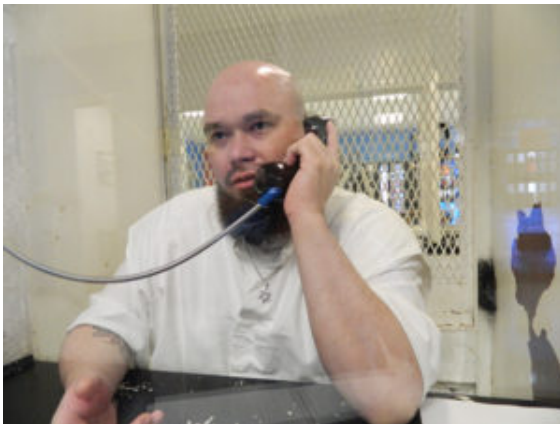
While fewer Texas juries are imposing a death sentence and fewer Death Row inmates are being executed than in recent decades, capital punishment remains a “lethal lottery,” according to the report.

“Individuals who are set for execution were convicted years ago during an

era of prosecutorial excess, putting the rampant flaws and failures in their cases on stark display. State and federal courts have allowed egregious constitutional violations to stand without review, and many death penalty cases remain frozen in time until the eleventh hour,” the coalition report states.

Childhood trauma, racial disparity

Death Row inmates executed in 2022 included John Henry Ramirez, who suffered from mental health issues stemming from childhood trauma, according to the coalition report.



When John Henry Ramirez was executed Oct. 5, his pastor, Dana Moore, stood beside him in the death chamber, praying and laying one hand upon him. (Photo / Ken Camp)

When Ramirez was executed Oct. 5, [Pastor Dana Moore](#) of Second Baptist Church in Corpus Christi stood beside him in the Texas Death Chamber. Ramirez [secured the right](#) to have his pastor lay hands on him and pray audibly at the moment of his execution when the U.S. Supreme Court ruled 8-1 the state should accommodate his request.

Moore [served as spiritual adviser](#) to Ramirez about five years. After Ramirez made a profession of faith in Christ and was baptized on Texas Death Row, Second Baptist Church allowed him to join the congregation's membership.

Of the five inmates executed this year, three were white, one was Hispanic and one was of Southeast Asian heritage.

However, in the [past five years](#), more than 70 percent of death sentences were imposed on people of color, with about 40 percent imposed on Black defendants.

Harris County and Smith County accounted for one-third of the death sentences imposed in the past five years. In Harris County, only one of the 22 most recent defendants sentenced to death was white, while 16 were Black.

Black inmates constitute 46.6 percent of the incarcerated individuals on Texas Death Row, while African Americans are only 11.8 percent of the total Texas population.

Some executions stayed by court

The Texas Court of Criminal Appeals stayed three executions. Melissa Lucio—one of only a handful of women on Texas Death Row and the only Latina—was within two days of her scheduled execution when she was [granted a stay of execution](#).



Jesse Rincones, executive director of the Hispanic Baptist Convention of Texas and lead pastor of Alliance Church in Lubbock, joined more than 100 other faith leaders in calling for clemency for Death Row inmate Melissa Lucio. The Texas Court of Criminal Appeals on April 25 granted a stay of execution and ordered a county district court to consider new evidence. (Screen capture image)

The Court of Criminal Appeals ordered a Cameron County trial court to consider new evidence regarding the death of her 2-year-old daughter Mariah. Evidence included declarations of seven scientific and forensic experts who concluded false evidence misled the jury into believing the child was killed by physical abuse rather than medical complications after a fall.

More than 100 faith leaders—including Jesse Rincones, executive director of the Hispanic Baptist Convention of Texas—had [requested clemency for Lucio](#).

The coalition report noted a significant number of cases of Texas Death Row inmates involved false or misleading testimony, poor legal representation and faulty forensic evidence.

“The individuals set for execution likely would meet a different fate if they were charged and tried today,” said Kristin Houlé Cuellar, executive director of the Texas Coalition to Abolish the Death Penalty.

“Yet, because of the high hurdles that state and federal courts have erected for review and relief, these older cases from a bygone era of zealous use of the death penalty in Texas remain frozen in time, allowing their executions to proceed despite egregious constitutional violations.”

Reeves voiced the same concerns. Capital punishment’s “random and sporadic imposition only adds to the cruelty for those unlucky enough to be killed by the state,” he asserted.

“We are not safer, and justice is not served by the state killing a handful of individuals every year who are almost uniformly poor, mentally ill, developmentally impaired, or themselves the victims of childhood abuse and trauma. Not to mention the numbers of those sentenced to death who are later found to be innocent or the high number of those subject to botched executions,” Reeves said.

“It is inhumane and unworthy of public support, especially from Christians who follow a Savior who stopped a public execution and was himself unjustly executed.”