

For Immediate Release:  
Thursday, December 15, 2011

Contact: Kathryn Kase, 713-222-7788  
[kmkase@texasdefender.org](mailto:kmkase@texasdefender.org)

## **Executions and New Death Sentences Continue to Decline in Texas**

### **Concerns about Fairness and Accuracy are Growing, According to Texas Defender Service**

*(Houston, Texas, December 15, 2011)* Executions in Texas fell to their lowest level in 15 years in 2011, and new death sentences remained at the all-time low level established last year, according to Texas Defender Service (TDS), a non-profit law firm that represents death row prisoners.

This year, Texas executed 13 prisoners, down from 17 executions in 2010 and a reduction from the all-time high of 40 executions in 2000. Texas gained only 8 new death sentences in 2011, the same number as in 2010, and down from the all-time high of 48 new death sentences in 1999.

“These numbers show that Texans have a growing discomfort with the chronic problems that infect the death penalty system, including the risk of convicting an innocent person, the costs, and its disproportionate use against people of color,” said Kathryn Kase, interim executive director of TDS. “Texas is part of a nationwide trend away from the death penalty.”

Since 1976, 139 people have been exonerated from death row nationwide, including 12 from Texas. Questions about the execution of a possibly innocent man, Cameron Todd Willingham, continued to dominate headlines in Texas this year. Since 2005, almost three quarters of Texas death sentences have been imposed on people of color – 41% African American, 29% Latino, and 2% other non-whites.

“Life without parole, which Texas adopted in 2005, is one reason for the reduced number of death sentences, but new death sentences began falling before Texas passed LWOP into law,” said John Niland, attorney and founder of TDS’ Capital Trial Project, which provides consulting and training to capital defense counsel. “Texas jurors are learning that the law presumes a life sentence and that the law does not require them to vote for the death penalty.”

Greg Wiercioch, who directs the Capital Post-conviction unit at TDS, said, “The reduction in executions shows that the United States Supreme Court and the Texas courts are concerned about the quality of representation that death row inmates receive and the reliability of the verdicts rendered.”

The Supreme Court granted five stays of execution in Texas cases this year, most notably to consider whether inmates have a constitutional right to effective assistance of counsel in challenging their conviction or sentence. The Texas Court of Criminal Appeals granted stays of execution to two inmates who have raised compelling claims of innocence.

“Even though the reduction in new death sentences and executions represents progress for Texas, its criminal justice system has a ways to go,” said Kathryn Kase. “Several death penalty trials and executions are already scheduled for the first quarter of 2012, and that suggests that prosecutors are not heeding the public’s desire for decreased use of the death penalty.”

*Texas Defender Service is a non-profit law firm with offices in Houston and Austin. Established in 1995, TDS seeks to establish a fair and just criminal justice system in Texas by advancing reforms to improve indigent defense. TDS does this by consulting in capital cases, developing sample pleadings, providing legal education to attorneys, and engaging in direct representation in a handful of trial and post-conviction cases. For more information please go to: [www.texasdefender.org](http://www.texasdefender.org).*