

LETHALLY DEFICIENT: DIRECT APPEALS IN TEXAS DEATH PENALTY CASES – SECTION V(D)
ROUTINE AVOIDANCE OF DISCRETIONARY LEGAL PROCEDURES

³¹³ TEXAS GUIDELINE 11.2 (The Duty to Assert Legal Claims).

³¹⁴ This inactivity occurred in five cases within our sample: Kimberly Cargill, Daniel Lopez, Demontrell Miller, Cortne Robinson, and Gregory Rousseau. Three of these cases hail from Smith County: Kimberly Cargill, Demontrell Miller, and Gregory Rousseau. A lawyer pursued discretionary procedures in just one case from Smith County, *Beatty v. State*, in which assigned counsel filed a reply brief and appeared for oral argument.

³¹⁵ This attorney represented Adrian Estrada and Manuel Velez, and also served as co-counsel for Max Soffar.

³¹⁶ Teddrick Batiste and James Freeman.

³¹⁷ Tex. R. App. P. 21.2.

³¹⁸ Motions for New Trial were filed in 50 cases: [Douglas Armstrong](#), [Donald Bess](#), [James Broadnax](#), [Micah Brown](#), [Tyrone Cade](#), [Tilon Carter](#), [Kosul Chanthakoummane](#), [Billie Coble](#), [Lisa Coleman](#), [Raul Cortez](#), [Obel Cruz-Garcia](#), [Rickey Cummings](#), [Erick Davila](#), Irving Davis, [Selwyn Davis](#), [Paul Devoe](#), [Arel Escobar](#), [Alan Fratta](#), Joseph Gamboa, [John Gardner](#), [Ramiro Gonzales](#), [Bartholomew Granger](#), [Gary Green](#), [Roderick Harris](#), [Fabian Hernandez](#), [John Hummel](#), [Matthew Johnson](#), [Armando Leza](#), [Juan Lizcano](#), [Steven Long](#), Melissa Lucio, [Jerry Martin](#), [Randall Mays](#), [Blaine Milam](#), [Naim Muhammad](#), Travis Mullis, [Steven Nelson](#), [LeJames Norman](#), Christian Olsen, [John Ramirez](#), [David Renteria](#), Mark Robertson, [Kwame Rockwell](#), [Rosendo Rodriguez](#), [Wesley Ruiz](#), [Robert Sparks](#), [Paul Storey](#), [Albert Turner](#), [Thomas Whitaker](#), and [Christopher Wilkins](#).

³¹⁹ Motions for New Trial were supported by exhibits in the following cases: [Douglas Armstrong](#), [Donald Bess](#), [Tilon Carter](#), [Obel Cruz-Garcia](#), [Paul Devoe](#), [Bartholomew Granger](#), [John Ramirez](#), [Rosendo Rodriguez](#), and [Albert Turner](#). TDS was able to verify that Motions for New Trial were filed in the following cases but was unable to obtain a copy of the motion and any exhibits: Jerry Martin, Robert Fratta, Joseph Gamboa, Melissa Lucio, Travis Mullis, Christian Olsen, Mark Robertson, and Irving Davis.

³²⁰ Lawyers filed *pro forma* motions for new trial in 20 cases. [Defendant's Motion for New Trial, State v. Johnson \(Matthew\), No. F12-23749 \(363rd Dist. Ct., Dallas County, Tex. Nov. 26, 2013\)](#); [Motion for New Trial and Motion in Arrest of Judgment, State v. Brown, No. 27,742 \(354th Dist. Ct., Hunt County, Tex. Aug. 27, 2013\)](#); [Defendant's Motion for New Trial, State v. Cade, No. F-11-33962 \(265th Dist. Ct., Dallas County, Tex. Sept. 7, 2013\)](#); [Defendant's Motion for New Trial, State v. Muhammad, No. F11-00698 \(Crim. Dist. Ct. 4, Dallas County, Tex. May 23, 2013\)](#); [Motion for New Trial, State v. Nelson, No. 12322507D \(Crim. Dist. Ct. #4, Tarrant County, Tex. Nov. 8, 2012\)](#); [Defendant's Motion for New Trial, State v. Harris, No. F09-00409 \(Crim. Dist. Ct. 7, Dallas County, Tex. June 15, 2012\)](#); [Motion for New Trial, State v. Hummel, No. 1184294 \(432nd Dist. Ct., Tarrant County, Tex. July 21, 2011\)](#); [Defendant's Motion for New Trial and Reconsideration, State v. Escobar, No. 09-301250 \(167th Dist. Ct., Travis County, Tex. June 14, 2011\)](#); [Motion for New Trial, State v. Milam, No. 09-66 \(4th Dist. Ct., Rusk County, Tex. June 16, 2010\)](#); [Defendant's Motion for New Trial, State v. Broadnax, No F08-24667-Y \(Crim. Dist. Ct. #7, Dallas County, Tex. Aug. 21, 2009\)](#); [Motion for New Trial, State v. Leza, No. 2007-CR04563A \(187th Dist. Ct. Bexar County, Tex. June 11, 2009\)](#); [Motion for New Trial, State v. Davila, No. 1108359D \(Crim. Dist. Ct. 1, Tarrant County, Tex. Mar. 23, 2009\)](#); [Defendant's Motion for New Trial, State v. Sparks, No. F08-01020J \(Crim. Dist. Ct. #3, Dallas County, Tex., Dec. 30, 2008\)](#); [Defendant's Motion for New Trial, State v. Norman, No. 06-1-7346 \(24th Dist. Ct., Jackson County, Tex. Dec. 29, 2008\)](#); [Defendant's Motion for New Trial, State v. Ruiz, No. F07-50318-M \(194th Dist. Ct., Dallas County, Tex. Sept. 8, 2008\)](#); [State v. Rodriguez, No. 2005-410 \(140th Dist. Ct., Lubbock County, Tex. Apr. 22, 2008\)](#); [Motion for New Trial, Motion for New Trial, State v. Wilkins, No. 1002038 \(297th Dist. Ct. Tarrant County, Tex. Apr. 3, 2008\)](#); [Defendant's Motion for New Trial and Reconsideration, State v. Davis \(Selwyn\), No. D1DC06-904119 \(390th Dist. Ct., Travis County, Tex. Oct. 17, 2007\)](#); [Defendant's Motion for New Trial, State v. Long, No. F-05-52918 \(265th Dist. Ct., Dallas County, Tex. Oct. 13, 2006\)](#); [Motion for New Trial, State v. Gonzales, No. 04-02-9091 \(38th Dist. Ct., Medina County, Tex. Oct. 6, 2006\)](#).

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³²¹ This form was filed used in the motions filed in the following cases: [James Broadnax](#), [Tyrone Cade](#), [Matthew Johnson](#), [Steven Long](#), [Naim Muhammad](#), [Wesley Ruiz](#), and [Robert Sparks](#).

³²² *Id.* 21.3 (“The defendant must be granted a new trial, or a new trial on punishment, for any of the following reasons . . .”).

³²³ *Id.* at 21.3 (b) & (h).

³²⁴ Counsel filed amended motion for new trial on behalf of [Rosendo Rodriguez](#). The form motion for new trial used in Robert Sparks’ case requests that the trial court hold the defendant in Dallas County so that the motion could be fully investigated. TDS was unable to locate an amended motion for new trial in this case.

³²⁵ [Adrian Estrada](#), [Armando Leza](#), [Randall Mays](#), [David Renteria](#), [Max Soffar](#), and [Manuel Velez](#). TDS’ review of the appellate record did not uncover a motion for an extended brief in four cases: [Tyrone Cade](#), [Roderick Harris](#), [Matthew Johnson](#), and [Naim Muhammad](#). However, the opening briefs in these cases exceeded the 125 page limit.

³²⁶ The mean number of pages included in opening briefs in our survey was 99 pages in length. *Pro bono* counsel submitted briefs that numbered 151 -175 pages and raised 21-46 points of error.

³²⁷ *E.g.*, [Appellant’s Brief, Velez v. State, No. AP-76,051 \(Tex. Crim. App. Mar. 3, 2011\)](#) (raising 46 points of error in a 175-page brief).

³²⁸ Tex. R. App. Proc. 9.4(i) (2) (A).

³²⁹ *See e.g.*, *Coleman v. Thomas*, 501 U.S. 722 (1991) (reviewing procedural default rule in federal habeas); *Picard v. Connor*, 404 U.S. 270 (1971) (“Once a federal claim has been fairly presented to the state courts, the [federal habeas] exhaustion requirement is satisfied.”).

³³⁰ [Terence Andrus](#), [Douglas Armstrong](#), [Teddrick Batiste](#), [Tracy Beatty](#), [Brent Brewer](#), [Micah Brown](#), [Tilon Carter](#), [Kosul Chanthakoumanne](#), [Jaime Cole](#), [Lisa Coleman](#), [Obel Cruz-Garcia](#), [Rickey Cummings](#), [Erick Davila](#), [Brian Davis](#), [Irving Davis](#), [Selwyn Davis](#), [Paul Devoe](#), [Arel Escobar](#), [James Freeman](#), [John Gardner](#), [Milton Gobert](#), [Ramiro Gonzales](#), [Bartholomew Granger](#), [Howard Guidry](#), [Garland Harper](#), [Fabian Hernandez](#), [John Hummel](#), [Christopher Jackson](#), [Joseph Jean](#), [Dexter Johnson](#), [Mabry Landor](#), [Steven Long](#), [Daniel Lopez](#), [Raymond Martinez](#), [Hector Medina](#), [Blaine Milam](#), [LeJames Norman](#), [Ker’sean Ramey](#), [Cortne Robinson](#), [Kwame Rockwell](#), [Rosendo Rodriguez](#), [John Rubio](#), [Wesley Ruiz](#), [Gregory Russeau](#), [Demetrius Smith](#), [Mark Soliz](#), [Paul Storey](#), [Richard Tabler](#), [John Thuesen](#), [Adam Ward](#), [Thomas Whitaker](#), [Christopher Wilkins](#), [Antonio Williams](#), and [Christopher Young](#).

³³¹ [Micah Brown](#), [Irving Davis](#), [Paul Devoe](#), [Milton Gobert](#), [Ramiro Gonzales](#), [Bartholomew Granger](#), [Dexter Johnson](#), [Daniel Lopez](#), [LeJames Norman](#), [Ker’sean Ramey](#), [Thomas Whitaker](#), and [Antonio Williams](#).

³³² [First Amended Brief on Appeal, Devoe v. Texas, AP-76,289 \(Nov. 1, 2009\)](#) (37 pages); [Brief on Appeal, Gobert v. State, AP-76,345 \(Tex. Crim. App. Apr. 8, 2011\)](#) (37 pages); and [Brief on Appeal, Tabler v. State, AP-75,677 \(Tex. Crim. App. July 10, 2008\)](#) (59 pages).

³³³ [Terence Andrus](#), [Teddrick Batiste](#), [Micah Brown](#), [Tyrone Cade](#), [Kimberly Cargill](#), [Jaime Cole](#), [Obel Cruz-Garcia](#), [Rickey Cummings](#), [Brian Davis](#), [Arel Escobar](#), [Bartholomew Granger](#), [Gary Green](#), [Garland Harper](#), [Roderick Harris](#), [John Hummel](#), [Joseph Jean](#), [Matthew Johnson](#), [Naim Muhammad](#), [Travis Mullis](#), [Cortne Robinson](#), [Kwame Rockwell](#), [Mark Soliz](#), and [John Thuesen](#).

³³⁴ Texas Guideline 11.2(A); ABA Guideline 10.8(A), Commentary at 89 (“Because of the possibility that the client will be sentenced to death, counsel must be significantly more vigilant about litigating all potential issues at all levels in a capital case than in any other case.”).

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³³⁵ [Brent Brewer](#), [Micah Brown](#), [Tilon Carter](#), [Rickey Cummings](#), [Brian Davis](#), [Irving Davis](#), [Paul Devoe](#), [Robert Fratta](#), [Milton Gobert](#), [Ramiro Gonzales](#), [Bartholomew Granger](#), [Garland Harper](#), [Christopher Jackson](#), [Dexter Johnson](#), [Mabry Landor](#), [Steven Long](#), [Daniel Lopez](#), [Raymond Martinez](#), [LeJames Norman](#), [Ker'sean Ramey](#), [John Ramirez](#), [Cortne Robinson](#), [John Rubio](#), [Richard Tabler](#), [Adam Ward](#), and [Thomas Whitaker](#).

³³⁶ State Appellate Review Proceedings: Length and Cost, WASH. COURTS, <https://www.courts.wa.gov/newsinfo/index.cfm?fa=newsinfo.displayContent&theFile=content/deathPenalty/staterev> (last visited July 11, 2016).

³³⁷ [Motion for Leave to File an Oversized Brief at ¶16, Soffar v. State, No. AP-75,363 \(Tex. Crim. App. Dec. 7, 2006\)](#).

³³⁸ ABA Guideline 10.15.1 cmt.

³³⁹ [Teddrick Batiste](#), [Tracy Beatty](#), [Paul Devoe](#), [Arel Escobar](#), [Adrian Estrada](#), [James Freeman](#), [Joseph Gamboa](#), [Armando Leza](#), [Melissa Lucio](#), [Ker'sean Ramey](#), [Roosevelt Smith](#), [Max Soffar](#), [Manuel Velez](#), [Christopher Young](#).

³⁴⁰ *Id.* at R. 38.3.

³⁴¹ *Id.* at R. 38.6(c).

³⁴² Hon. Richard A. Posner, *Effective Appellate Brief Writing*, AM. BAR ASS'N, https://apps.americanbar.org/litigation/litigationnews/trial_skills/appellate-brief-writing-posner.html (last visited July 12, 2016).

³⁴³ ABA GUIDELINE 6.1 & cmt.; *see also* Damon Thayer, *How to Write an Effective Reply Brief*, AM. BAR ASS'N (Feb. 6, 2012), <http://apps.americanbar.org/litigation/committees/pretrial/email/winter2012/winter2012-ten-commandments-writing-effective-reply-brief.html>.

³⁴⁴ Reply briefs were filed on behalf of [Adrian Estrada](#), [Joseph Gamboa](#), [Armando Leza](#), and [Christopher Young](#). Among these cases, Adrian Estrada was represented by *pro bono* counsel, the Bexar County Public Defender Office represented Joseph Gamboa, Armando Leza, and Christopher Young.

³⁴⁵ [Irving Davis](#), [Ramiro Gonzales](#), [Fabian Hernandez](#), and [David Renteria](#). Irving Davis and Ramiro Gonzales were represented by private members of the bar. Fabian Hernandez and David Renteria were represented by lawyers from the El Paso County Public Defender Office.

³⁴⁶ [Tilon Carter](#), [Lisa Coleman](#), [Erick Davila](#), [John Hummel](#), [Steven Nelson](#), [Kwame Rockwell](#), [Paul Storey](#), and [Christopher Wilkins](#).

³⁴⁷ [Terence Andrus](#), [Albert Turner](#), and [Thomas Whitaker](#).

³⁴⁸ [Donald Bess](#), [James Broadnax](#), [Tyrone Cade](#), [Gary Green](#), [Roderick Harris](#), [Matthew Johnson](#), [Juan Lizcano](#), [Steven Long](#), [Hector Medina](#), [Naim Muhammad](#), [Mark Robertson](#), [Wesley Ruiz](#), and [Robert Sparks](#).

³⁴⁹ [Rosendo Rodriguez](#), and [Brent Brewer](#).

³⁵⁰ [Appellant Brief at 65, Robinson v. State, No. AP-76,535 \(Tex. Crim. App. Mar. 19, 2012\)](#).

³⁵¹ *Id.* at 65-69.

³⁵² *Robinson v. State, No. AP-76,535, 2013 WL 2424133, at *6 (Tex. Crim. App. June 5, 2013)*.

³⁵³ ANTONIN SCALIA AND BRYAN GARNER, *MAKING YOUR CASE: THE ART OF PERSUADING JUDGES* 139 (2008). CCA Judge Elsa Alcala agrees that oral argument is important. On May 21, 2016, Judge Alcala tweeted, "New record at CCA? Oral Arg on 4 out of 5 weeks: 5/18 5/25 6/8 6/15. Arg does make a diff. no matter what

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anyone else tries to tell you!” See Hon. Elsa Alcala (@TexasElsa), TWITTER (May 21, 2016, 11:08 a.m.), <https://twitter.com/TexasElsa/status/734053168661700608>.

³⁵⁴ ANTONIN SCALIA AND BRYAN GARNER, MAKING YOUR CASE: THE ART OF PERSUADING JUDGES 140 (2008).

³⁵⁵ Tex. R. App. Proc. 39.1 (“A party who has filed a brief and who has timely requested oral argument may argue the case to the court unless the court, after examining the briefs, decides that oral argument is unnecessary for any of the following reasons:”)

³⁵⁶ No oral argument occurred in 23 cases (excluding Travis Mullis who waived his right to representation). In 12 of these cases, defense counsel wrote to the court, stating that oral argument was waived: [Micah Brown](#), [Kimberly Cargill](#), [Obel Cruz Garcia](#), [Garland Harper](#), [Christopher Jackson](#), [Joseph Jean](#), [Steven Long](#), [Demontrell Miller](#), [Steven Nelson](#), [Cortne Robinson](#), [Rosendo Rodriguez](#), and [Mark Soliz](#). It is unclear why oral argument did not occur in the remaining cases—*i.e.*, whether the CCA denied oral argument pursuant to Tex. R. App. P. 39 or whether the parties failed to request oral argument: [Kosoul Chanthakoummane](#), [Erik Davila](#), [Paul Devoe](#), [Milton Gobert](#), [Daniel Lopez](#), [Blaine Milam](#), [LeJames Norman](#), [Gregory Rousseau](#), and [Antonio Williams](#). Oral argument was not permitted in Selwyn Davis’ and Christopher Wilkins’ cases. [Letter from Louise Pearson, Clerk, Chief Deputy Clerk, Court of Criminal Appeals to Rosemary Lehmborg and Defense Counsel Re: Davis v. State \(Jan. 14, 2010\)](#) (copy on file with author); and [Letter from Louise Pearson, Chief Deputy Clerk, Court of Criminal Appeals to Tim Curry and Defense Counsel re: Wilkins v. State \(Feb. 8, 2010\)](#) (copy on file with author).

³⁵⁷ [Teddric Batiste](#), [Tracy Beatty](#), [Arel Escobar](#), [Adrian Estrada](#), [James Freeman](#), [Joseph Gamboa](#), [Armando Leza](#), [Melissa Lucio](#), [Randall Mays](#), [Ker’sean Ramey](#), [Roosevelt Smith](#), [Max Soffar](#), [Manuel Velez](#), and [Christopher Young](#).

³⁵⁸ [Terence Andrus](#), [Albert Turner](#), and [Thomas Whitaker](#).

³⁵⁹ Lawyers did not appear for oral argument in [Selwyn Davis](#), [Milton Gobert](#), and [Paul Devoe](#)’s cases. Counsel for [Arel Escobar](#) argued his case before the CCA.

³⁶⁰ The following Smith County cases were not argued before the CCA: [Kimberly Cargill](#), [Demontrell Miller](#), and [Gregory Rousseau](#). TDS confirmed that oral argument was scheduled for the case of [Tracy Beatty](#), who was tried in Smith County, but was unable to confirm that counsel appeared before the Court. [Letter from Abel Acosta, Chief Clerk CCA to Counsel re: Beatty v. State \(Oct. 23, 2006\)](#) (notifying the parties that oral argument was scheduled for Dec. 13, 2006).

³⁶¹ [Micah Brown](#), [Kimberly Cargill](#), [Kosul Chanthakoummane](#), [Obel Cruz-Garcia](#), [Erick Davila](#), [Selwyn Davis](#), [Paul Devoe](#), [Milton Gobert](#), [Garland Harper](#), [Christopher Jackson](#), [Joseph Jean](#), [Steven Long](#), [Blaine Milam](#), [Demontrell Miller](#), [Steven Nelson](#), [LeJames Norman](#), [Cortne Robinson](#), [Rosendo Rodriguez](#), [Gregory Rousseau](#), [Mark Soliz](#), [Christopher Wilkins](#), and [Anthony Williams](#).

³⁶² ABA GUIDELINE 10.15.1(D); TEXAS GUIDELINE 12.2(12).

³⁶³ TEX. CODE CRIM. PROC. ANN. Art. 26.052(a).

³⁶⁴ See *e.g.*, *Hurst v. Florida*, 136 S.Ct. 616 (2016) (allowing judges to decide facts related to sentencing a defendant to death violates the Sixth Amendment), *Hall v. Florida*, 134 S.Ct. 1986 (2014) (state standards for a defendant’s eligibility for execution under *Atkins* must provide a defendant with the opportunity to present essential evidence of his intellectual disability, including deficits in adaptive functioning over his lifetime); *Kennedy v. Louisiana*, 554 U.S. 407, 437 (2008) (states may not impose the death penalty for a crime against the person “where the victim’s life was not taken”); *Branch v. Texas*, 408 U.S. 238, 239-40, (1972) (companion case to *Furman v. Georgia*).

³⁶⁵ This figure was calculated using a pool of 82 cases because Travis Mullis waived his right to representation on direct appeal, and Albert Turner’s case was remanded to the trial court for a retrospective determination of his competence to stand trial. The 29 cases where a petition for *certiorari* was not filed include: [Terence Andrus](#), [Douglas Armstrong](#), [Tracy Beatty](#), [Brent Brewer](#), [Micah Brown](#), [Kimberly Cargill](#), [Raul Cortez](#), [Rickey Cummings](#),

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[Irving Davis](#), [Paul Devoe](#), [Joseph Gamboa](#), [Bartholomew Granger](#), [Howard Guidry](#), [Garland Harper](#), [Mabry Landor](#), [Armando Leza](#), [Steven Long](#), [Daniel Lopez](#), [Jerry Martin](#), [Blaine Milam](#), [Demontrell Miller](#), [LeJames Norman](#), [Christian Olsen](#), [John Ramirez](#), [Cortne Robinson](#), [Gregory Rousseau](#), [John Thuesen](#), [Adam Ward](#), and [Thomas Whitaker](#).

³⁶⁶ Petitions for *certiorari* were not filed in 14 of the 20 cases from small counties: [Tracy Beatty](#), [Brent Brewer](#), [Micah Brown](#), [Kimberly Cargill](#), [Rickey Cummings](#), [Jerry Martin](#), [Blaine Milam](#), [Demontrell Miller](#), [LeJames Norman](#), [Christian Olsen](#), [Cortne Robinson](#), [Gregory Rousseau](#), and [John Thuesen](#).

³⁶⁷ Petitions for *certiorari* were not filed in 15 of the 61 cases from large counties: [Terence Andrus](#), [Douglas Armstrong](#), [Raul Cortez](#), [Irving Davis](#), [Paul Devoe](#), [Joseph Gamboa](#), [Bartholomew Granger](#), [Howard Guidry](#), [Garland Harper](#), [Mabry Landor](#), [Armando Leza](#), [Steven Long](#), [Daniel Lopez](#), [John Ramirez](#), and [Thomas Whitaker](#).

³⁶⁸ [Court-Appointed Attorney Registration, State v. Cummings, No. 2011-1513-C1 \(19th Dist. Ct., McLennan County, Tex. 2015\)](#) (listing an approved \$15,000 cap); [Attorney Fee and Expenses, State v. Granger, No. 12-16388 \(58th Dist. Ct., Jefferson County, Tex. May 22, 2014\)](#) (\$10,000 payment for a death penalty direct appeal); [Attorney's Fees Expense Claim Form, State v. Norman, No. 06-01-7346 \(24th Dist. Ct., Jackson County, Tex. Mar. 10, 2010\)](#) (approving payment of \$15,000 for defense services in a capital direct appeal).

³⁶⁹ [Attorney Fee and Expenses, State v. Granger, No. 12-16388 \(58th Dist. Ct., Jefferson County, Tex. Oct. 20, 2014\)](#).

³⁷⁰ [Steven Long](#). Petitions for *certiorari* were filed on half of [Donald Bess](#), [James Broadnax](#), [Tyrone Cade](#), [Gary Green](#), [Roderick Harris](#), [Matthew Johnson](#), [Juan Lizcano](#), [Hector Medina](#), [Naim Muhammad](#), [Mark Robertson](#), [Wesley Ruiz](#), and [Robert Sparks](#).

³⁷¹ Tilon Carter, Lisa Coleman, Erick Davila, John Hummel, Steven Nelson, Kwame Rockwell, Paul Storey, and Christopher Wilkins.

¹ COUNCIL OF STATE GOVERNMENTS JUSTICE CENTER, IMPROVING INDIGENT DEFENSE: EVALUATION OF THE HARRIS COUNTY PUBLIC DEFENDER (September 2013), <http://harriscountypublicdefender.org/wp-content/uploads/2013/10/JCHCPDFinalReport.pdf>; PUBLIC POLICY RESEARCH INSTITUTE, AN EVALUATION OF THE TEXAS REGIONAL PUBLIC DEFENDER FOR CAPITAL CASES (June 2013), http://ppri.tamu.edu/files/Capital_Defender_Report.pdf.

¹ New death sentences in Texas have dropped nearly 80% since the late 1990s. Death sentences peaked in 1999, when juries sent 48 people to death row. In 2015, Texas juries sentenced only three defendants to death, the lowest number since the U.S. Supreme Court upheld Texas' revised death penalty statute in 1976. Just two of those three death sentences became final in 2015. The third death sentence, that of Mark Anthony Gonzalez, involved a competency challenge that was not resolved u