



## THE DEATH PENALTY IN TEXAS AN EXPENSIVE, BROKEN GOVERNMENT PROGRAM

- 1. Use of the death penalty is 2 to 3 times more expensive than Life without Parole (LWOP).**
  - a. In Texas, the cost of an average death penalty case is nearly 3 times higher than imprisoning someone in maximum security for 40 years (*Dallas Morning News*).
  - b. Recent studies by other states since 2000 have similar results
    - i. Florida, 2000: The death penalty costs \$51M more than LWOP for all first-degree murderers.
    - ii. Kansas, 2003: Costs of capital cases are 70% more expensive than comparable non-capital cases.
    - iii. California, 2008: The additional cost of confining a death row inmate is \$90,000 per year per inmate, as compared to inmates serving life without parole.
- 2. Innocent individuals are victims of the death penalty.**
  - a. Since 1973, 139 individuals have been released from death rows nationwide based on evidence of their wrongful conviction. This includes 11 individuals from Texas' death row.
  - b. Three cases in which the likelihood is very high that Texas has executed an innocent individual:
    - i. Carlos de Luna, 1989, false identification
    - ii. Ruben Cantu, 1993, eye witness coercion
    - iii. Cameron Todd Willingham, 2004, faulty forensic analysis
  - c. When innocent individuals are convicted, the guilty go unpunished.
- 3. The death penalty is biased against the poor.**
  - a. The quality of defense is directly linked to the amount of dollars that the defendant can spend on his or her legal team.
  - b. Capital defendants who are represented by lawyers appointed by the state are 28% more likely to be convicted and 44% more likely to be sentenced to death than capital defendants who retain their own lawyers. (David Dow, *Executed on a Technicality*)
- 4. Court-appointed lawyers often provide poor quality defense.**
  - a. In Texas, nearly one in four death row inmates was represented by a lawyer who had been reprimanded, placed on probation, suspended, or banned from practicing law by the state bar.
  - b. A study of 251 state habeas corpus petitions filed between 1995 and 2002 found that nearly one-fourth were 15 pages long or less, indicating only minimal work on the part of the defense lawyer. (David Dow, *Executed on a Technicality*)
- 5. The death penalty has no deterrent effect.**
  - a. A 2009 national poll found police chiefs rank the death penalty last among ways to reduce violent crime and consider it the least efficient use of taxpayers' money. (Death Penalty Information Center)
  - b. The FBI Uniform Crime Report shows consistently that the South has the highest murder rate and also accounts for over 80% of the executions in the nation.
- 6. Support for the death penalty is declining.**
  - a. Juries in Texas are issuing fewer death sentences. New death sentences have declined 60% in the last 6 years, reaching a low of 9 new sentences in 2009. From 1991-2002, Texas averaged 39 death sentences per year.
  - b. Other states are turning away from the death penalty. In 2009, New Mexico joined 14 other states that do not allow the death penalty. Legislatures across the country are also making significant progress with repeal legislation.
- 7. Texas continues to lead the nation in executions.**
  - a. 2009: Total executions in the U.S. - 52; executions by Texas - 24
  - b. 2008: Total executions in the U.S. - 37; executions by Texas - 18