

URGENT ACTION

TEXAS COURT BLOCKS EXECUTION

On 11 July 2022, the Texas Court of Criminal Appeals (TCCA) stayed the execution for Ramiro Gonzales 48 hours before it was due to be carried out in Texas. He was sentenced to death in 2006 for a murder committed in 2001, when he was just over 18 years old and emerging from a childhood of neglect and abuse. The TCCA remanded the case to the trial court for review of the claim that the prosecution's expert gave false testimony at the trial when testifying about Ramiro Gonzales' "future dangerousness", a jury's finding of which is a prerequisite for a death sentence in Texas.

NO FURTHER ACTION IS REQUESTED. MANY THANKS TO ALL WHO SENT APPEALS.

On 30 June 2022, lawyers for Ramiro Gonzales filed a petition in the Texas Court of Criminal Appeals, including the claim that at the sentencing phase of their client's 2006 trial the prosecution had presented false and inaccurate expert testimony. The prosecution had presented a psychiatrist who testified that Ramiro Gonzales would "certainly" pose a risk of committing acts of violence in prison. Such predictions have long been shown to be grossly inaccurate, even if seen by prosecutors as effective in their pursuit of a death sentence in Texas where the jury must make a finding of "future dangerousness" before a death sentence can be passed.

The psychiatrist in question recently assessed Ramiro Gonzales again. This time the psychiatrist concluded that Ramiro Gonzales does not have antisocial personality disorder – as he had stated at trial – and that he "does not pose a risk of future danger" to others. In his report, he wrote: "At the time of the commission of this offense Mr. Gonzales was barely 18 years old. With the passage of time and significant maturity he is now a significantly different person both mentally and emotionally. This represents a very positive change for the better. At the current time, considering all of the evidence provided to me, my evaluation of Mr. Gonzales, and his current mental status, it is my opinion, to a reasonable psychiatric probability, that he does not pose a threat of future danger to society in regard to any predictable future acts of criminal violence." During Ramiro Gonzales' 15 years on death row, none of the few occasions when he has been subject to disciplinary action, most of which occurred early in his imprisonment, alleged any violence.

On 11 July 2022, despite having this and more information before them in Ramiro Gonzales clemency petition, the Texas Board of Pardons and Paroles voted to deny clemency – that is, voted against recommending that the Governor grant clemency.

About an hour later, the TCCA issued its order, staying the execution. The Court stated that the "determination of future dangerousness is made at trial and is not properly reevaluated on habeas [corpus review]". To the extent that the claim brought was such a reevaluation, the TCCA order, "the trial court shall not review it". However, the TCCA continued, the lawyers had also presented evidence that the psychiatrist's testimony about recidivism rates had been false and that "the false testimony could have affected the jury's answer to the future dangerousness question" at the sentencing phase. It remanded this aspect of the claim to the trial court for review of its merits. The stay of execution, the TCCA made clear, would remain in force pending resolution of this process.

There have been seven executions in the USA so far in 2022, in Alabama (1), Arizona (2), Missouri (1), Oklahoma (2) and Texas (1).

NAME AND PRONOUNS: Ramiro Gonzales (He/His)

THIS IS THE SECOND AND FINAL OUTPUT FOR UA 57/22

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/amr51/5711/2022/en/>

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