

URGENT ACTION

TEXAS EXECUTION RESET

Ramiro Gonzales is scheduled to be executed in Texas on 26 June 2024. He was sentenced to death in 2006 for a murder committed in 2001 when he was 18 years old and emerging from a childhood of abuse and neglect. He came within 48 hours of execution in 2022. The courts have since denied the claim that inaccurate and now effectively recanted trial testimony of the state's expert witness in support of a jury determination that Ramiro Gonzales would commit acts of criminal violence if allowed to live undermined his death sentence. His prison record has been one of non-violence and self-development. We urge his execution to be stopped and his death sentence commuted.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Texas Board of Pardons and Paroles
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Dear Board Member

Ramiro Felix Gonzales (TDCJ #999513) is scheduled to be executed in Texas on 26 June 2024 for the capital murder of an 18-year-old woman in January 2001. He himself was 18 years and two months old at the time of the murder and emerging from a childhood of serious neglect and abuse. A neuropsychologist testified at trial that Ramiro Gonzales "basically raised himself" and had the emotional maturity of a 13- or 14-year-old.

In 1982, the US Supreme Court said that "youth is more than a chronological fact. It is a time and condition of life when a person may be most susceptible to influence and to psychological damage." When finally banning the execution of under 18-year-olds in 2005, the Court noted that "the qualities that distinguish juveniles from adults do not disappear when an individual turns 18". In the years since, neuroscientific research has provided further evidence that brain development continues into an individual's 20s, including the parts of the brain that enable impulse control and reasoned judgment.

At the trial, the prosecution presented a psychiatrist who testified that Ramiro Gonzales posed a future danger of criminal violence, had "anti-social personality disorder", and little or no prospect of rehabilitation. He also presented the jury with statistics of a very high rate of recidivism in cases involving sexual assault. In 2022, this psychiatrist acknowledged that these statistics were grossly inaccurate, and he effectively recanted his trial testimony. At the time of the crime, the psychiatrist concluded "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". It was now his opinion that Ramiro Gonzales "does not pose a threat of future danger to society."

Ramiro Gonzales, who is now 41 years old, has not committed a single act of violence since he has been on death row. He has acknowledged his crimes and expressed remorse for them. He spends his time reading and studying and is a talented artist.

I urge you to stop the execution of Ramiro Gonzales and to ensure that his death sentence is commuted.

Yours sincerely,

ADDITIONAL INFORMATION

In October 2002, Ramiro Gonzales pled guilty to the abduction and rape of a woman in September 2001 and was sentenced to life imprisonment. Soon after he began this sentence, he admitted to the sexual assault and murder of an 18-year-old woman committed in January 2001 while robbing the home of the person who supplied him with drugs. At the time of the murder, Ramiro Gonzales was 71 days past his 18th birthday. The jury convicted him of capital murder and at the sentencing phase of his 2006 trial, the prosecution presented a psychiatrist who testified that Ramiro Gonzales posed a “future danger”, a jury’s finding of which is a prerequisite for a death sentence in Texas. Such predictions have long been shown to be unscientific, unreliable and in many cases, grossly inaccurate. In closing argument at the sentencing, the prosecutor said: “Best evidence of future dangerousness? Past behavior. [The psychiatrist] told you that... He’s the one that came in here... to tell you the true facts”.

In 2021, at the request of the appeal lawyers, the same psychiatrist re-evaluated Ramiro Gonzales. He noted that “during our interview, [Ramiro Gonzales] took full responsibility” for the murder “and displayed significant remorse for his actions”, and “although he does not know exactly what he would tell the victim’s mother, he wishes that he could speak to her and try to express his regret”. In his 2022 report, the psychiatrist noted Ramiro Gonzales’s family history of “substance abuse, physical abuse and sexual abuse”. He stated that there was “no doubt” that Ramiro Gonzales ended up in his current situation “because of his florid history of substance abuse”, into which he had spiralled after the death in a car accident of an aunt with whom he had become very close. He was 15. His drug use, which began as “self-medication” developed into “severe drug addiction and dependency”. He dropped out of school at 16 and began committing drug-related crimes. At times, he “would remain on a ‘meta[amphetamine]-high’ for as many as seven to ten days”. As Ramiro Gonzales reported to the psychiatrist, “the only thing one can even recognize or acknowledge, at that moment, is the unrelenting desire to obtain more drugs at any cost.”

In 2022, the psychiatrist revisited his own trial testimony, during which he had testified that the defendant would pose a significant risk of future violence, had little prospect of rehabilitation, that he had “anti-social personality disorder”, and that in cases involving sexual assault, there “was a very high incidence of continued reoffending”, at a rate of 80 per cent or higher. The psychiatrist acknowledged that this statistic was now known to be inaccurate, and that the true figure was much lower, particularly among young offenders.

Ramiro Gonzales’s execution was previously set for 13 July 2022. Two days before the execution, the Texas Court of Criminal Appeals (TCCA) issued a stay and remanded the case to a county judge to assess the claim that the testimony about recidivism rates was inaccurate and may have affected the jury’s answer to the future dangerousness question. The judge recommended denial of the claim, reasoning that even if the expert’s testimony about the recidivism rates was false, it was not sufficiently prejudicial to require reversal of Gonzales’s death sentence. The TCCA accepted the lower court’s recommendation and denied the claim.

At the 2006 sentencing, the defence had presented evidence that Ramiro Gonzales was effectively abandoned by his 17-year-old mother at birth and only met his father when he happened to be in jail at the same time as him at the age of 19. Left with his maternal grandparents, Ramiro Gonzales had little or no supervision as a child. Witnesses also testified vaguely about physical and sexual abuse to which he was subjected, including being sexually abused by a cousin when he was six years old or younger; and by an older woman when he was 12 or 13. Ramiro Gonzales started abusing alcohol and drugs at the age of 11. A neuropsychologist testified that he “basically raised himself” and had the emotional maturity of a 13- or 14-year-old.

In 2005, when the US Supreme Court belatedly banned the death penalty against individuals who were under 18 at the time of the crime, it recognized young people’s immaturity, impulsiveness, poor judgment, as well as their potential for reform, and noted that “the qualities that distinguish juveniles from adults do not disappear when an individual turns 18”.

Texas accounts for 37% of the USA’s 1,588 executions since 1976. Seventy-eight of the 587 people (13%) put to death in Texas were 18 or 19 at the time of the crime. Since 2014, Texas has executed nine people for crimes committed when they were 18. Amnesty International opposes the death penalty in all cases, unconditionally.

PREFERRED LANGUAGE TO ADDRESS TARGET: English. You may also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 26 June 2024

NAME: Ramiro Gonzales