

CAPITAL PUNISHMENT IN TEXAS

AN EXPENSIVE, UNJUST, AND INHUMANE SYSTEM

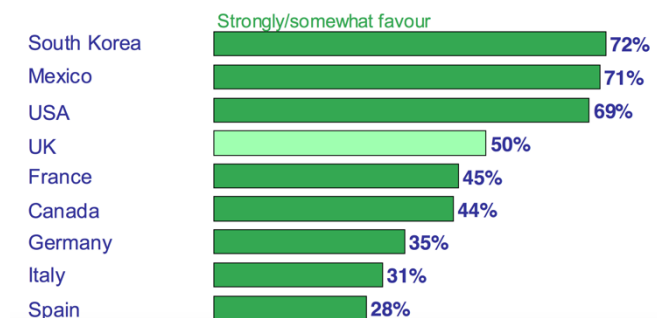
Understanding the system

The death penalty in America was established from two outdated systems: slavery and Puritanism (Bandes 2018). In America, to issue the death penalty, a district attorney must ask the jury to consider this punishment. There are two separate sentences, innocent or guilty, and death penalty or life imprisonment (Chammah 2018). Only 31 out of the 50 states in America still use the death penalty ("Facts About the Death Penalty"). The Texas death penalty system is exceptional when compared to the United States at large, and when compared to other similar nations. Since 1976, Texas has executed 551 people ("Facts About the Death Penalty"). This is significantly more than any other state in America. In Texas this year alone, there are already 8 scheduled executions and 243 inmates on death row as of July 1, 2017 ("Death Row Information", "Facts About the Death Penalty").

This public opinion poll shows that more than the majority of citizens favor the death penalty for people convicted of murder (Gray). Only the United States and South Korea have the death penalty out of the nations polled.

Issues with the system

There are many problems with the system, but the most compelling is the innocence and irreversibility issue. Cameron Todd Willingham was executed in Texas in 2004 and was later proved innocent ("Five Reasons to Abolish the Death Penalty"). If there is new evidence or new legislation related to the death penalty, it is impossible to reverse actions previously taken ("The Case Against the Death Penalty"). It is also impossible to hear testimony from an individual who has been killed. In the Louis Castro Perez case, which is mentioned later, another suspect has already been put to death so he cannot be questioned about the crime.

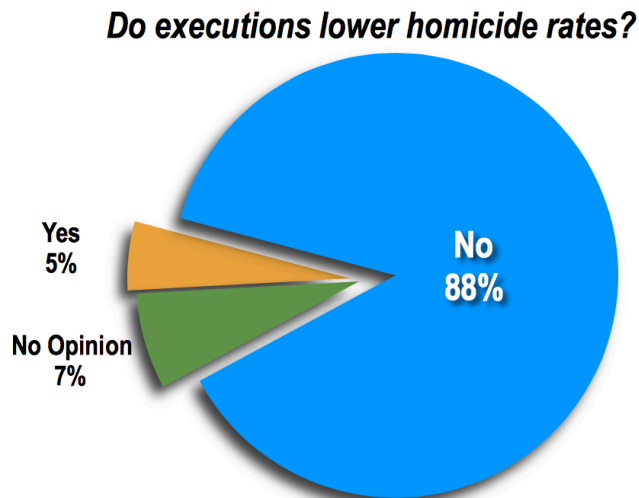


The cost of housing an inmate on death row and eventually executing them, is largely misunderstood across the public. The public generally believes that it is cheaper to execute someone than to house them in prison for life, but this is inaccurate. The costs of appeals, attorneys, and resources dedicated to death row inmates taken from taxpayers is enormous and should be

considered when evaluating this system (“The Case Against the Death Penalty”).

“In Texas, a death penalty case costs an average of \$2.3 million, about three times the cost of imprisoning someone in a single cell at the highest security level for 40 years” (“Facts About the Death Penalty”).

While many individuals believe that the possibility of death deters criminals, the death penalty has not been proven to serve as a deterrent (“Five Reasons to Abolish the Death Penalty”, “The Case Against the Death Penalty”). The ACLU explains “people who commit murder and other crimes of personal violence often do not premeditate their crimes,” (“The Case Against the Death Penalty”). Because the death penalty does not serve as a deterrent, it does not have an added public safety benefit over housing an inmate for life (“The Case Against the Death Penalty”).



This poll asked police and other law enforcement officials if they believe that executions lowered homicide rates. The overwhelming majority said no. In fact, most police officers ranked the death penalty as the least likely method of deterring crime and specifically capital crime.

“If, however, severe punishment can deter crime, then permanent imprisonment is severe enough to deter any rational person from committing a violent crime” (“The Case Against the Death Penalty”).

The death penalty is inhumane. While choosing to kill another individual is inhumane on its own, there have been instances where the “painless” methods have worked otherwise. For example, Angel Nieves Diaz ended up needing two doses of the lethal injection, and his death took thirty-four minutes (“Five Reasons to Abolish the Death Penalty”). The death penalty violates the section of the United States Constitution that protects citizens against cruel and unusual punishment (“The Case Against the Death Penalty”).

The application of the death penalty is unfair and unjust across racial and economic lines (“The Case Against the Death Penalty”, Bandes 2018). The skill of a defendant’s attorney can largely determine their likelihood of ending up on death row, and this depends on the economic class of this individual. African Americans are significantly more likely to end up on death row than whites (“Death Row Information”, “Facts About the Death Penalty”).

“Texas was prepared to execute Duane Buck on September 15, 2011. Mr. Buck was condemned to death by a jury that had been told by an expert psychologist that he was more likely to be dangerous because he was an African American” (“The Case Against the Death Penalty”).

Case Study: Louis Castro Perez



Photograph of Perez and his daughter playing.

In October 1999, Louis Castro Perez was accused of murdering three women in the state of Texas. Perez was accused only based on circumstantial evidence – meaning the prosecutors never tied his DNA to murder weapons, they just found his DNA in the house (Hoffberger, “Louis Perez”).

There are many complications with this case. Perez was casually dating one of the

victims, and was said to spend a substantial amount of time at their home regularly. This would explain his DNA being found in numerous locations at the crime scene, but not on the murder weapon. Also, he was the last person to have been in the house before the police found the women’s bodies, but he did not call the police when he saw these bodies (Hoffberger). He had scratches on his neck, which he later testified were from one of the victims in her last breaths of life (Hoffberger).

Though these complications and many others make Perez’s story questionable at best, it is important to recall that his conviction was based on circumstantial and inconclusive evidence. Perez was even on the phone with his attorney, discussing turning himself in, when the police car arrived and he was arrested (Hoffberger).

There is a long list of complications related to the prosecution’s evidence as well. Not all of the murder weapons were tested for DNA (Hoffberger). In fact, most weren’t tested, and those that were came up with inconclusive results. The liver punch was done on the incorrect side of the body of the victims. No other suspects were investigated



though there were 43 instances of other DNA collected (Hoffberger).

Photograph of Perez and a friend out.

Do we really want a man accused only by circumstantial evidence to face the death penalty? Do we believe that killing another individual will rectify the situation? Do we believe that putting this man to death is worth the time and resources that our taxpayers have given to us, with promises that we will use them to reduce crime?

Perez makes a powerful comment about the conditions of the death penalty in Texas, "This is still Texas. They don't give a damn about who you have or nothing. They want you dead, and they're going to do everything to kill me...That's my reality, and I have to face it," (Hoffberger).

What needs to be done

The capital punishment must be abolished in the state of Texas. It is an outdated system that no longer has a connection to the way citizens carry out their lives (8). The system is flawed because an innocent can be put to death and racial and economic factors play into the biased decision of who will receive this punishment. On top of this, it is not economically practical, and it does not serve as a deterrent to criminal activity. The death penalty does not make our state safer, rather it fosters a culture of inhumane and unjust punishment.

Eliminating the death penalty in Texas will be very beneficial to citizens. The money that was previously spent on capital

punishment will be directed towards proven methods of reducing crime such as community engagement and greater police patrolling efforts. Keeping inmates in prison for life will allow them to be questioned later if necessary and released if later evidence proves them innocent. The removal of capital punishment in Texas will in no way reduce the safety of our citizens, and it will foster a more humane prison culture.

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