

URGENT ACTION

TEXAS EXECUTION SCHEDULED FOR CRIME AT 18

Ramiro Gonzales is scheduled to be executed in Texas on 13 July 2022. He was sentenced to death in September 2006 for a murder committed in January 2001 when he was 18 years old and emerging from a childhood of abuse and neglect. He is now 39. Amnesty International is urging the Texas Board of Pardons and Paroles and the state Governor to grant clemency.

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

Texas Governor Greg Abbott
Office of the Governor
PO Box 12428, Austin
Texas 78711-2428
USA

Dear Governor Abbott,

Ramiro Felix Gonzales (TDCJ #999513) is scheduled to be executed in Texas on 13 July 2022.

Ramiro Gonzales was 18 years and two months old at the time of the murder of Bridget Townsend in 2001. He was emerging from a childhood of serious neglect and abuse. A neuropsychologist testified at trial that he "basically raised himself", had the emotional maturity of a 13- or 14-year-old, and in her opinion was likely in the top 10% of emotionally damaged children.

I do not wish to minimize the consequences of violent crime, but I am disturbed by your state's use of the death penalty, including against young adult offenders. Over 13 per cent of all those executed in Texas between 1982 and 2022 were 18 or 19 years old at the time of the crime.

When banning the execution of under 18-year-olds in 2005, the US Supreme Court noted that "the qualities that distinguish juveniles from adults do not disappear when an individual turns 18" and made clear that the death penalty be "limited to those offenders... whose extreme culpability makes them the most deserving of execution". I urge you to consider how a death sentence imposed on a severely emotionally damaged 18-year-old meets this requirement.

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 murder of an 18-year-old woman committed in January 2001 while robbing the home of the person who supplied him with cocaine (a drug he had already consumed that day). At the time of the murder, Ramiro Gonzales was 72 days past his 18th birthday.

At the sentencing phase of his 2006 trial, the prosecution presented a psychiatrist who testified that Ramiro Gonzales would likely commit acts of violence in prison. He acknowledged that the American Psychiatric Association viewed such predictions of “future dangerousness”, a jury’s finding of which is a prerequisite for a death sentence in Texas, as unscientific and unreliable. Such predictions have long been shown to be grossly inaccurate, even if seen as effective for the prosecution’s pursuit of a death sentence. While Ramiro Gonzales has had some minor disciplinary infractions on death row, all have been non-violent.

The defence lawyers presented witnesses at the sentencing who testified that the defendant was effectively abandoned by his mother, who had huffed paint, drunk alcohol and abused drugs during the pregnancy and had twice tried to abort the child (on appeal, the claim that the defence lawyers should have retained an expert to assess Ramiro Gonzales for possible Fetal Alcohol Spectrum Disorder for additional mitigation evidence have been rejected). His father was not present during his childhood either. Left with his maternal grandparents, Ramiro Gonzales had little or no supervision. Witnesses also gave details of physical and sexual abuse to which he was subjected, including sexually abuse 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. She testified that he was a “very damaged young man”, and that in her opinion, was likely in the top 10% of emotionally damaged children. She diagnosed him with reactive attachment disorder, a condition whereby a child has been unable to form stable, emotional bonds with parents or caregivers, often because of emotional neglect or abuse at an early age.

When the US Supreme Court ruled in 1989 that states could continue executing individuals for crimes committed when they were 16 or 17 years old, the four dissenting Justices noted that “many of the psychological and emotional changes that an adolescent experiences in maturing do not actually occur until the early 20s”, and that “adolescents on death row appear typically to have a battery of psychological, emotional, and other problems going to their likely capacity for judgment and level of blameworthiness.” When the Court in 2005 banned the death penalty against individuals who were under 18 at the time of the crime, it expressly recognized young people’s immaturity, impulsiveness, poor judgment, underdeveloped sense of responsibility and vulnerability or susceptibility to “negative influences and outside pressures, including peer pressure”, as well as their potential for reform. This time the majority noted that “the qualities that distinguish juveniles from adults do not disappear when an individual turns 18”.

Sixty per cent of the USA’s executions of those under 18 at the time of the crime occurred in Texas. Of these 13 individuals, nine were Black (8) or Latino (1), and six of these nine (67%) were convicted of crimes involving white victims. While not subject to the categorical international and constitutional law prohibition relating to under 18-year-olds, the execution of those who were 18 or 19 at the time of the crime has followed a similar geographic and racial pattern. More such individuals have been executed in Texas than in any other state; indeed, only four other states have executed more people *of any age* than Texas has executed individuals who were 18 or 19 at the time of the crime. Seventy-seven of the 574 people (13%) put to death in Texas from 1982 to June 2022 were 18 or 19 at the time of the crime. Of these 77 people, 48 were African American (62%), 34 of whom (71%) were convicted of crimes involving white victims. Since 2014, Texas has executed nine people for crimes committed when they were 18; four were Black, three were Hispanic, and two were white. Ramiro Gonzales is Hispanic. The victim was white.

Two of the 13 federal executions carried out in the USA between July 2020 and January 2021 in the USA were of two Black men convicted of the murder of a white couple committed when they were 18 or 19. They were convicted in federal court in the same District of Texas in which Ramiro Gonzales was tried at state level. As the second of the two federal executions approached, the federal prosecutor who defended the death sentences on appeal revealed that she had changed her mind. She noted that “science has established that the structures of the brain are not fully developed in young men until they are 25 or 26” and that “18-year-olds are no different from 17-year-olds in both immaturities and potential for rehabilitation.”

There have been seven executions in the USA this year, one in Texas, which accounts for 574 of the 1,547 executions in the USA since 1976. 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: 13 July 2022

NAME AND PRONOUNS: Ramiro Gonzales (He/his)

ADDITIONAL TARGETS

Texas Board of Pardons and Paroles

Clemency Section

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Email: bpp-clemency@tdcj.texas.gov

Salutation: Dear Presiding Officer Gutiérrez and Members of the Board of Pardons and Paroles

Ms Jane D Hartley

U.S. Embassy

33 Nine Elms Lane, London SW11 7US