TEXAS DEFENDER SERVICE
2022 IMPACT REPORT

“THE MOMENT WE CHOOSE TO LOVE WE BEGIN TO MOVE TOWARDS FREEDOM.”
-bell hooks
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Dear Friends,

It is an honor to write to you as Texas Defender Service’s new Executive Director. TDS’s impact in the realm of criminal justice in Texas is unparalleled—and we are excited about our expanded mission and the path ahead.

**Against the odds, TDS has, since its founding in 1995, transformed the Lone Star State’s use of capital punishment.** We have driven new death sentences down to a trickle, reduced annual executions—from their startling peak of 40 in 2000—to only three last year, and won five victories at the United States Supreme Court. We have reshaped law and policy, established a state-wide system for representing people facing death, and protected countless clients—many of them living with serious mental illness and intellectual disability—from execution. All the while, TDS has inspired hearts and minds in Texas and beyond, exposing how Texas’s brand of extreme punishment fails to serve public safety, devastates communities of color, and harms families living in poverty, people living with mental illness, and people with intellectual disability.

For TDS, 2022 has been a whirlwind year. In just the first nine months of this year, we have already halted an execution, saved four pre-trial clients from a death sentence, and protected a condemned client with an intellectual disability from the death penalty.

**But 2022 has also been a year of reflection and evolution.** Texas Defender Service completed a year-long strategic planning process in partnership with our Board of Directors, our allies, and the communities we serve. **With your input and encouragement, we have determined that now is the time for us to expand our mission to fight for the end of mass incarceration and excessive punishment in the Lone Star State.** Together with you, we will stand up for the dignity and humanity of people harmed by mass incarceration and advocate for a legal system that is just, humane, and free from racism and cruelty.

**Texas is Ground Zero for mass incarceration on the planet.** Today, the Lone Star State holds a quarter-of-a-million people in our prisons and jails, where conditions of confinement remain among the harshest in the United States. One of the main drivers of mass incarceration in Texas is our practice of excessive punishment: imposing extremely long prison sentences that outlast any public-safety purpose.
Letter from Our Executive Director

Behind these extreme sentences are real human stories—the stories of people who are suffering from excessive sentences, and the stories of the families and communities they have been forced to leave behind. But we are at an exciting and consequential moment for genuine and lasting change. As a society, we are finally recognizing that extreme punishment harms all of us: It hinders public safety, perpetuates racism, hurts children and families, and diverts resources away from strategies that would genuinely reduce violence in our society.

We can’t wait to step into this new role and lead the fight to end excessive punishment in Texas. Next year, we will have so much more to share with you about how excessive punishment is harming Texans, and what we can do about it together. Until then, thank you—for all the ways you lend your hearts and voices to our fight for justice in Texas.

With gratitude,

Burke Butler
Executive Director
Our Mission

We fight for the end of mass incarceration and excessive punishment in Texas through direct representation, policy reform, and public education.

We champion the dignity and humanity of people harmed by mass incarceration and advocate for a reimagined legal system that is just, humane, and free from racism and cruelty.
2022 Impact at a Glance

4 pretrial clients saved from a death sentence because our deep life-history investigations inspired district attorneys to drop their pursuit of the death penalty.

1 client with an intellectual disability whose sentence was modified from capital punishment to life by the Texas Court of Criminal Appeals.

2 clients with serious mental illness who, because of our advocacy, were relocated from prison to community treatment facilities.

8,387 hours investigating the life histories of our clients facing capital charges through in-depth interviews, records collection, and records review.

760 hours providing intensive legal consultation and support to trial and post-conviction capital teams across the State of Texas.

35 new pretrial motions written for capital trial teams across the State of Texas to help them advocate zealously for their clients.

2 brand-new litigation guides created and distributed to capital trial teams across the State of Texas to raise the standard of practice.

5,430 new followers hearing about our work and our message via email and social media.

12,759 signatures from supporters in Texas and around the world calling on the Texas Board of Pardons and Paroles to have mercy on our client Ramiro Gonzales.
Team Member Spotlight:
Nayeli Moreno’s Journey to Becoming a Mitigation Specialist

This year, Nayeli Moreno won the 2022 Emerging Leader Award from Advancing Real Change. The Emerging Leader Award is awarded to “an early-career mitigation specialist whose work represents the future of the field.”

Nayeli received a Master of Science in Social Work from the University of Texas at Austin in 2019. Nayeli interned at Texas Defender Service during her social-work field placement and then joined TDS as a full-time mitigation specialist after her graduation. Over the past five years, Nayeli has worked primarily with Spanish-speaking clients facing the death penalty, as well as their families. In partnership with her clients’ families and communities, Nayeli conducts deep life-history investigations, assembles her clients’ life stories, and shares those stories with district attorneys, courts, and capital juries.

This is Nayeli’s story, in her own words, about why she became a mitigation specialist:

I first became interested in a career that helps individuals who find themselves affected by the criminal legal system when my brother was sent to prison in 2013. I was about to graduate from high school and became overwhelmed by the responsibility of helping my family navigate an immense system we knew nothing about. It was nearly impossible for us to advocate for my brother and ourselves due to our lack of understanding of the legal process. We were not prepared for the financial and emotional strain that this would place on our family. It was through this difficult season in my family’s life that I realized I wanted to help support other people who were going through this process, seeing as we felt we had no resources or support ourselves. This ultimately motivated me to become a social worker and serve client populations that are incarcerated.

As I have worked in this field, I realized that there is a significant cultural and communication gap between us professionals and the clients and families we work alongside. As children of first-generation Mexican immigrants, my brother and I were relied upon heavily to help my parents in situations where language and understanding were barriers. We encountered assistance from public defenders and retained attorneys, but it was still necessary for my brother and me to help our parents understand the significant ramifications of the legal process. Not all families have people who can fill this role and are thus left to figure out the complex legal system seemingly alone. One of my goals since becoming a mitigation specialist has been to ensure that Spanish-speaking clients and their families feel heard and seen as they try to navigate a complex system during an incredibly difficult time in their lives.

My brother is currently nearing the end of his sentence, and I have used the last nine years of his incarceration to become a more informed sister, social worker, and colleague. By having to navigate the system as a sister of an incarcerated person and as a mitigation specialist, I have gained a unique perspective that has helped me connect, build rapport, and understand our clients more empathically. I have learned that as concerned family members, we want the best advocacy and result for the person in the system that we care about. We want someone to tell their story, and we want someone to tell it well. As mitigation specialists, we want to do the best by our clients and present their full story. We want to remind people that our clients are human beings worthy of mercy, compassion, and—ultimately—another chance.
Ending Excessive Punishment: Our Strategic Plan

We are proud of our legacy of driving down executions and death sentences in Texas, but there is still so much work left to do. With the input of our partners and the communities we serve, Texas Defender Service completed a year-long strategic planning process to explore how we can expand our impact.

Under our new strategic plan, we will aim to reverse Texas’s practice of imposing excessive sentences that perpetuate racial injustice, inflict untold damage on low-income and marginalized communities, and far outlast any public-safety purpose. We plan to accomplish this goal through three interlocking strategies: direct representation of people serving excessive sentences, policy advocacy at the state and local level, and public education through storytelling, rooted in the experiences of our clients and their families, about the harms of excessive punishment and mass incarceration.

**Direct Representation**

We will represent people incarcerated under excessive sentences, advocating for their return to their homes and communities. Before courts, district attorneys, and the parole board, we will tell the story of the humanity of our clients, champion their right to a second chance, and speak out about the importance of reuniting people in prison with their children, loved ones, and communities.

**Policy Advocacy**

We will advocate for local and state-wide reforms that would reduce excessive sentences and shrink mass incarceration—such as more humane charging and sentencing practices in district attorneys’ offices, second-look opportunities for people serving long sentences, and reforms to our system of good-time credits and parole.

**Public Education**

We will educate Texans about the harms of mass incarceration and excessive punishment in reports, social media, and news articles. Through the stories of people serving excessive sentences and the stories of the people who love them, we will expose how excessive punishments harm marginalized communities, hurt the children and loved ones left behind, and divert resources away from strategies that would truly address violence in our society.

Advocating for Children Convicted of Mandatory Life without Parole

by Estelle Hebron-Jones

In June 2012, the Supreme Court issued a historic ruling in *Miller v. Alabama*, holding that mandatory life-without-parole sentences for all children convicted of homicide are unconstitutional. The *Miller v. Alabama* decision requires courts to conduct new sentencing hearings where judges must consider an individual’s age, character, and life circumstances. Since then, hundreds of people sentenced to life without parole as children have been resentenced and released.

Before joining TDS, I was an attorney in Alabama. There, I represented clients during the resentencing process and supported individuals who were incarcerated as teens and released as adults. Most of these people had experienced significant trauma and violence in childhood, which was only exacerbated by incarceration in adult facilities. Yet, I was inspired by the transformation that hope can bring.

Since *Miller*, many people who were initially facing life without parole in Texas have been resentenced and given parole-eligible sentences—but not all of them. TDS has discovered at least six people still serving mandatory life without parole sentences for offenses that occurred before they were 18 years old. Our goal is to help them get back into court, where they can have a sentencing hearing that complies with the Constitution.

Under the Supreme Court’s decision in *Miller*, as well as *Montgomery v. Louisiana*, which reaffirmed the unconstitutionality of mandatory life without parole for juveniles, resentencing courts are required to consider youth, the vulnerability of children, and the fact that children have great potential for rehabilitation. Everyone serving juvenile life without parole deserves to have the hope that they may one day be released from prison. Although most people sentenced to mandatory juvenile life without parole have been granted sentencing relief, until everyone eligible for relief under *Miller* is resentenced, the fight continues.
Storytelling as the Testimony of Love: One of the Clients We’ve Saved This Year.

“The moment we choose to love, we begin to move against domination, against oppression. The moment we choose to love we begin to move towards freedom, to act in ways that liberate ourselves and others. That action is the testimony of love as the practice of freedom.”

- bell hooks

At Texas Defender Service, we believe in human stories. We believe in the power of stories to reveal how our society is hurting and how our society might heal. We believe in the power of stories to help us end excessive punishment and guide us toward a future where we address violence and crime in ways that support historically marginalized communities rather than enhance their pain. We believe in humanity, and we believe in hope.

For us, storytelling is an act of love that we undertake in partnership with families and communities directly impacted by incarceration. We use stories, combined with deft legal strategy, to stop death sentences and other excessive punishments. And we use stories to stop the erasure of the humanity of the hundreds of thousands of people who are imprisoned in the Lone Star State.

Excessive punishment happens when society forgets our shared humanity—the humanity of people facing criminal charges, and the humanity of the families and communities they leave behind.

On the following two pages is the story of one of our clients, Terrance, whom we saved from a death sentence this year.
Terrance’s Story

And Terrance’s story shows what we know to be true about the death penalty: that it disproportionately targets people of color and manifests the racism that has been a part of our country since it was founded.

For Terrance, childhood was a struggle for survival. One of six children, Terrance was raised in Hollygrove, a historically Black neighborhood in New Orleans. Like many other families in Hollygrove, Terrance’s family experienced poverty and racism.

When Terrance was a boy, Hollygrove became afflicted by the crack cocaine epidemic. Like so many others, Terrance’s mother became addicted to drugs, and she spent Terrance’s childhood in and out of jail. Terrance’s father abandoned the family, and Terrance and his siblings bounced between relatives’ homes.

Terrance saw violence everywhere he looked. When he was nine years old, Terrance’s uncle was murdered. When he was ten years old, Terrance’s best friend, an eight-year-old boy, died by suicide. Neighborhood gangs targeted Terrance, bullying and assaulting him.

TDS saved Terrance from a death sentence in August 2022 when the district attorney dropped his capital charges.

Terrance was charged with capital murder for allegedly killing a woman while he was experiencing delusions and hallucinations. But Terrance’s full human story is more complicated than a single crime committed in the midst of a mental-health crisis.

Terrance’s Unheard Cries for Help

Terrance first started to experience severe mental health symptoms in elementary school. He heard voices and had visual hallucinations and delusions of grandeur. At age 11, he started to contemplate suicide. But Terrance learned to keep his mental health symptoms to himself. When Terrance asked for help from his family, they told him he was “crazy” and left him alone, even though Terrance’s family had an extensive history of diagnosed bipolar and schizophrenia disorders.

Hurricane Katrina and the Misery of the Superdome

In August of 2005, Hurricane Katrina made landfall in Louisiana and devastated New Orleans, the only home Terrance had ever known. Terrance was evacuated to the Superdome with his mother and two siblings. His other brothers and sisters stayed in their home and had to be rescued by a boat when water engulfed their house.

Terrance witnessed unspeakable horrors in the Superdome. He saw women and children raped. He saw people survive for days without medicine or food. He saw dead bodies pushed into corners because there was nowhere to bury all of the people who died from injuries or suicide.

For a week, Terrance and his family slept in the Superdome’s stadium seats, waiting for rescue. Male family members took turns staying awake to watch over the women and children.
Terrance’s Story (cont’d)

Facing a New Life in Houston as a Katrina Refugee

Rescue came in the form of an evacuation bus to Houston. The Superdome’s horrors were behind Terrance, but he now faced a new life in an unknown city. Terrance and his family stayed in a Red Cross facility and a hotel before securing Section 8 housing in Houston and moving into a home of their own.

Terrance struggled in his new life. He excelled in sports, but he could not keep up with his school work. His mother drank and verbally abused Terrance, calling him a “bastard” and “no good and worthless,” and leaving him and his brother alone for days. Terrance’s mother eventually became so unwell that Terrance felt unsafe in her home and fled.

Homelessness, Mental Health Crisis, and the Failure of Texas Jails to Act

Terrance’s mental health continued to unravel. He began hearing voices telling him to hurt people. He felt anxious and worried about the voices, but he did not know where to turn for help. He smoked kush to try to control the voices in his head. The kush helped with the voices, but it devastated his ability to care for himself. Terrance became homeless. He was repeatedly arrested and jailed for drug use. Although the jails knew Terrance was a drug user, they focused on punishment rather than treatment and care. Corrections officials never connected Terrance with the substance abuse and mental health treatment he desperately needed to stop the voices in his head.

We presented Terrance’s human story to the district attorney, who, after hearing it, decided they could no longer pursue the death penalty.

The TDS team could not go back in time and provide Terrance with the mental health care he needed. But by sharing Terrance’s human story, we were able to protect him from society’s harshest punishment.
Words from Around the World

When Ramiro Gonzales was scheduled for execution earlier this year, more than 12,000 supporters around the world spoke out against his execution. After the Texas Court of Criminal Appeals stayed Ramiro’s execution, we asked his supporters to share words of encouragement that we could pass on to him. Hundreds responded. We were floored. Their words meant the world to Ramiro—and to us. Here are some examples of what they said:

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I am writing you from Germany and I wanted to let you know, that so many people signed the petition to save your life! I’m so happy that your execution has been stopped. Stay strong! 

May you know peace and hope in this gift of another chance.

Be encouraged. Be steadfast. Know you are held in prayer.

Your life has meaning. You are valuable. You are more than one event in your life.

We know you are becoming a more loving and responsible person every day, and we support you and send you our love, blessings, and light that you remain our earthly brother for many more decades.

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No pierdas la fe. Dios hablara por tus abogados y llegaran a un buen termino en tu caso. Podras vivir y hacer de tu vida una vida diferente. Dios te llene de su paz y fortaleza. Sigue en mis oraciones. Ten confianza Dios te guarde siempre.
Thank You to Our Generous Donors Who Made our 2022 Light of Justice Luncheon a Success

Light of Justice

Helping Here

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Anonymous

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Burke Butler at
bbutler@texasdefender.org
Attn: Contributions

Front cover photograph: Ramiro Gonzales, our client, who received a stay of execution from the Texas Court of Criminal Appeals earlier this year.

Back cover photograph: The mother of our client Thomas Miller-El, holding a childhood picture of her son. The U.S. Supreme Court overturned Thomas’s death sentence because prosecutors used racial discrimination in selecting his jury.