

**For Immediate Release
November 13, 2018**

**Counsel: Danalynn Recer
media@gracelaw.org
office: (713)869-4722**

Texas Execution Scheduled for November 14

Court Asked to Remedy the Fundamental – and Unique – Unfairness In Case of Roberto Moreno Ramos

Houston, TX, Tuesday, November 13, 2018 –Roberto Moreno Ramos is scheduled to be executed by the state of Texas on November 14, 2018 despite the fact that no juror, court or decision-maker has ever considered a single piece of evidence or a single argument for sparing his life. More than two decades ago, a lawyer chosen by the CCA over Roberto's vehement objections gave up Roberto's right to review of his sentence before he'd even met Roberto – every state and federal court since then has refused to give Mr. Moreno Ramos his day in court.

Roberto Moreno Ramos, a severely mentally ill, brain damaged and horrifically abused young man was convicted and sentenced to death in the 93rd Judicial District Court of Hidalgo County, Texas for the February 1992 murder of his wife and two children. He faced trial virtually alone, as neither the police nor his lawyers had contacted his family in California or told the government of his home country, Mexico, about his arrest.

The jury that decided Mr. Moreno Ramos should die was provided with absolutely no information about the life they were asked to take. Mr. Moreno Ramos's trial counsel conducted no life history – or “mitigation” – investigation whatsoever. Not a single witness was presented during the penalty phase of trial. In the closing argument counsel failed to even mention Mr. Moreno Ramos or to ask the jury to spare his life. Worse, some of the jurors have since said that they wanted to know more about him and that the missing life history evidence would have made a difference in their life-or-death decisions.

This violates our Constitution.

As it should, Texas law protects defendants and jurors from this sort of problem by assigning new counsel after conviction in every death penalty case to review the performance of trial counsel. Unfortunately, that safety net failed Mr. Moreno Ramos just as completely as the trial process.

The Texas Court of Criminal Appeals appointed a lawyer with no capital experience and no help to represent Mr. Moreno Ramos in state post-conviction proceedings. That lawyer failed to do any investigation, missed the filing deadline and turned in a petition that did not raise a single post-conviction claim for relief. The CCA quickly concluded that the lawyer had not raised anything worth consideration. But instead of replacing that lawyer with one who would do the job right and keep the government's promise to all of us Texans that no one will be executed here without a “full and fair review” of the sentencing decision, the CCA paid the lawyer's bill and checked off Mr. Moreno Ramos's one and only shot at state post-conviction review, sending him on his way to federal court. Unbelievably, the federal court appointed that same lawyer and he filed that same inadequate petition without a single cognizable claim.

**For Immediate Release
November 13, 2018**

**Counsel: Danalynn Recer
media@gracelaw.org
office: (713)869-4722**

No one who represented Mr. Moreno Ramos from the moment of his arrest all the way through trial, state post-conviction and federal habeas ever contacted a single potential mitigation witness. Not a single minute of investigative time was expended in development of mitigation at any stage of the case. No evidence in support of a life sentence had ever been submitted by any lawyer at any stage. No argument for a life sentence was made by any lawyer at any stage in any setting whatsoever.

But a great deal such evidence existed and was available, just waiting to be found.

When the Supreme Court allowed the governments of Texas and other states the authority to take human life, it was with the condition that each of those governments would guarantee that no one would be sentenced to die without consideration of their “human frailties”. To get permission to use the death penalty, States had to provide a system of capital punishment that is both “sensible to the uniqueness of the individual” and applied “with reasonable consistency, or not at all.”

Roberto Moreno Ramos never got that “individualized sentencing”.

The decision to take his life was made and has since been repeatedly accepted without any decision-maker ever considering the powerfully mitigating evidence of his cognitive impairment, brain dysfunction, debilitating symptoms of severe life-long mental illness and childhood characterized by shocking brutality and desperate poverty.

Mr. Moreno Ramos’s current lawyer has brought all of this to the attention of the state and federal judges in The Valley, the CCA judges in Austin, and the Fifth Circuit Court of Appeals in New Orleans. But they would not listen to Roberto. As far as the Courts are concerned, the final word when it comes to Roberto’s rights came from that lawyer the CCA picked out back in 1996 – the one that Roberto had not even met at the time – the one who spent only 51.5 hours on his case before squandering every chance he would ever have to challenge his sentence. Even though that lawyer now says he didn’t know what capital counsel were supposed to do, no court has been willing to even hear what Roberto and his new lawyers have to say. Only Judge Elsa Alcalá of the Court of Criminal Appeals says that they should (attached).

The Board of Pardons and Paroles – which exists to step in when Courts fail – declined Mr. Moreno Ramos’ request before the Courts had even ruled.

Of the 310 death row prisoners who were given counsel by the CCA between 1995 and 1999, only 31 are still alive and Mr. Moreno Ramos is now the only Texas death row inmate whose initial state post-conviction petition contained no extra record claims and has never been given another chance to raise them.

The people of Texas have a strong interest in not allowing this freakishly improbable injustice to go on any longer. Mr. Moreno Ramos is not asking for his second or third bite at the apple; he is still waiting for his first.

Send requests for background materials to media@gracelaw.org