
BEFORE THE GOVERNOR OF THE STATE OF TEXAS

AND

THE TEXAS BOARD OF PARDONS AND PAROLES

In re Ramiro Felix Gonzales,

Petitioner.

**PETITION FOR COMMUTATION OF DEATH SENTENCE TO
LESSER PENALTY, OR, IN THE ALTERNATIVE, A 180-DAY
REPRIEVE, AND REQUEST FOR AN INTERVIEW AND
HEARING ON THE MATTER**

Ramiro Felix Gonzales is scheduled for execution on July 13, 2022

Michael C. Gross

Texas Bar No. 08534480
Gross & Esparza, P.L.L.C.
1524 N. Alamo Street
San Antonio, Texas 78215
(210) 354-1919 phone
(210) 354-1920 fax

Raoul D. Schonemann

Texas Bar No. 00786233
Thea J. Posel
Texas Bar No. 24102369
University of Texas
Capital Punishment Clinic
727 E. Dean Keeton Street
Austin, Texas 78705
(512) 232-9391 phone
(512) 471-3489 fax

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Grounds for Commutation of Death Sentence to a Lesser Sentence

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**TO THE GOVERNOR AND THE HONORABLE MEMBERS OF THE
TEXAS BOARD OF PARDONS AND PAROLES:**

Introduction

By this application, Ramiro Felix Gonzales requests that the Texas Board of Pardons and Paroles (“Board”) recommend, and the Governor grant, a commutation of his death sentence to a lesser penalty. In the alternative, Mr. Gonzales requests that the Board recommend, and the Governor grant, a reprieve of execution for 180 days. Mr. Gonzales requests an interview, and a hearing on the matter.

**Grounds for Commutation of Sentence
from Death to a Lesser Penalty**

This application presents three grounds for commuting Mr. Gonzales’s death sentence to a lesser penalty.

First, the death sentence returned in this case was predicated on an inaccurate prediction of future dangerousness hampered by Ramiro’s young age at the time of his offense and underlying false testimony. This prediction has not only been conclusively refuted by Ramiro’s behavior, but it has been rejected by the mental health expert that the State relied upon at trial to persuade the jury to sentence Ramiro to death. After conducting a recent re-evaluation of Ramiro after 15 years of incarceration on death row, that expert has disavowed his trial diagnosis of antisocial personality disorder and concludes today that Ramiro “does not pose a risk” of future danger to society.

Yet the judicial system provides no meaningful opportunity for post-conviction review to assess whether the “future dangerousness” determination at trial was in fact correct. Because the judicial system fails to do so, it thus falls to executive clemency, as “the ‘fail-safe’ in our criminal justice system,”¹ to prevent the execution of a person condemned to death on the basis of an erroneous determination of dangerousness.

Second, at just 71 days past his 18th birthday on the day of the offense, Ramiro is one of the youngest persons to be sentenced to death in the United States since 2005, when the Supreme Court held that the Constitution bars imposition of the death penalty on anyone under the age of 18. In its opinion, the Court observed that the death penalty is disproportionate for juveniles, because it is the “most severe penalty” while their “culpability or blameworthiness is diminished, by reason of youth and immaturity.” In the years since, advances in neuroscientific research on brain development demonstrate that the brains of late adolescents—those between the ages of 18 and 20—are more like those of juveniles than adults. In short, all of the scientific and societal rationales for exempting juveniles from the death penalty apply with equal measure to an older teenage defendant like Ramiro,

¹ *Herrera v. Collins*, 506 U.S. 390, 415 (1993).

and counsel strongly against carrying out the execution of any person who was a teenager at the time of the offense.

Third, in the 15 years that Ramiro has been on death row, he has devoted himself to self-improvement, contemplation, and prayer, and has grown into a mature and peaceful adult. He earnestly acknowledges his responsibility for his crimes and has sought to atone for them and to seek redemption while expressing his genuine remorse in both words and actions.

Individually and taken together, these grounds demonstrate that a commutation of the death sentence to a lesser penalty is warranted.

Ground for 180-Day Reprieve

In addition to these grounds for a commutation of his death sentence to a lesser penalty, Mr. Gonzales requests a 180-day reprieve of execution to enable him to donate one of his kidneys, before he is executed, to a person in urgent need of a kidney transplant.

Over the past year and a half, ever since the possibility was first raised by a correspondent with whom he engages in discussions of spiritual matters, Ramiro has sought to be considered for an *in vivo* kidney donation in keeping with his efforts to atone for his crimes. Last spring, after Ramiro had expressed his desire to be a living kidney donor, a person in need of a transplant was identified and, with the Texas Department of Criminal Justice's knowledge, he initiated the process to be medically screened for donation. A few months ago, he was informed by the University of Texas Medical Branch at Galveston that he had not only been approved for donation but is an "excellent candidate." Unfortunately, during the screening process it was determined that Ramiro has a rare B blood type, which meant he was not a match for the specific person who had been identified as the intended recipient. Even so, precisely because his blood type is so rare, it is highly likely that Ramiro *could* provide a lifesaving act of service to benefit someone *else* on the kidney donation waitlist,

for whom the average wait time ranges from three to five years.² (In fact, our understanding is that the wait time for individuals with Ramiro’s unique blood type can be as much as 10 years.) However, ostensibly because of the currently scheduled execution date, TDCJ has refused to allow Ramiro to donate to anyone other than the previously identified recipient with whom he is not a match.³ A 180-day reprieve would allow Ramiro to donate a kidney to a person in critical need of a vital organ transplant—a process he has been pursuing for over a year—and enable him to atone for the life he has taken by helping to save a life without substantially compromising the State’s interest in ultimately carrying out the sentence.⁴

The information required under Title 37 of the Texas Administrative Code, § 143.42, is found at the end of this application and attached as Exhibit 2.

² <https://www.kidney.org/news/newsroom/factsheets/Organ-Donation-and-Transplantation-Stats>.

³ Further, through the “voucher” donation program, allowing Ramiro to donate his kidney might also provide for the intended recipient—with whom he is not a match—to receive a priority donation as a result of his “altruistic” donation to a recipient with whom he is medically compatible. See <https://www.kidneyregistry.org/for-centers/voucher-program/>.

⁴ Approximately 13 people die every day while awaiting a donor match. *Id.*

Factual Background

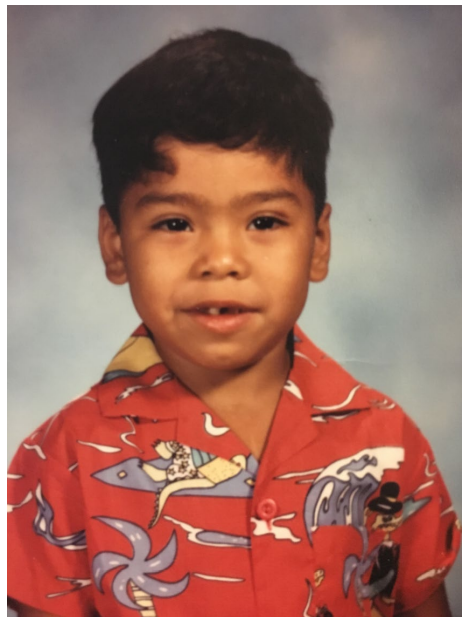
Ramiro Gonzales is scheduled to be executed by the State of Texas on July 13, 2022, for the murder of Bridget Townsend, an offense he committed when he was just 18 years old. At the time, Ramiro was gripped by a serious drug addiction rooted in prenatal substance exposure, childhood trauma, and neglect. But today, after more than fifteen years of maturation, reflection, and atonement, Ramiro is an entirely different person.

Ramiro's childhood – abandonment, abuse, and neglect

Ramiro Gonzales was born out of wedlock to a seventeen-year-old mother, Julia Gonzales Saldaña, in Dilley, Texas. During her pregnancy with Ramiro, Julia—who has struggled throughout her life with substance abuse—drank alcohol and abused inhalants and other drugs, at one point even attempting to induce an abortion by intentionally overdosing on drugs. Ramiro's father, later identified as Jacinto Sanchez, was not listed on Ramiro's birth certificate, and played no role in his upbringing. Although Ramiro and his father lived in the same area throughout Ramiro's childhood, Ramiro never knew or even met his father until they were incarcerated together in the county jail when Ramiro was 19 years old.

Abandoned by his mother at birth to be raised by his maternal grandparents, Francis and Ramiro Gonzales, Sr., Ramiro was raised in a small cinderblock house, crowded with extended family members, on the sprawling

and desolate ranch where his grandfather worked as a laborer. Ramiro's mother Julia never acknowledged him as her son or cared for him, even though she had two other children whom she kept and raised. Julia's rejection was ever-present for Ramiro: she often came to visit the ranch with her two other children and her husband Mario, who resented young Ramiro and would beat, kick, and demean him.



One of Ramiro's first school photographs. He was held back for the first time in kindergarten.

Ramiro's grandparents worked long and hard hours, leaving him alone for much of the day without adult supervision or guidance. As a child he was left with family members to babysit, at least one of whom—a cousin—sexually abused him when he was just 6 years old. Ramiro was later sexually abused by

other perpetrators throughout his childhood. Yet young Ramiro never received therapy or support because his family didn't acknowledge the abuse, even though many suspected it and some had endured it themselves. *See Exhibit 4 (Report of Dr. Kate Porterfield, Ph.D.).*

When Ramiro was in elementary school, his uncle Johnny married a young woman named Loretta. Ramiro adored his new aunt. Loretta hugged him, praised him, and showed him the love and affection he craved. The two developed a close bond, spending much time together.



*Young Ramiro beaming at the wedding of
his Aunt Loretta and Uncle Johnny*

But that bond was tragically shattered when Loretta was killed in a head-on car collision with a drunk driver when Ramiro was 15 years old. Loretta's death plunged Ramiro into inconsolable grief. Despondent and

completely unequipped to deal with her loss, Ramiro turned to drugs to numb his pain. Within a year, he had dropped out of school. After repeating multiple grades, he was still in the eighth grade when he withdrew at 16 years old.

In the years that followed, Ramiro's life spiraled out of control. What started as self-medication quickly devolved into full-blown addiction. While he had previously had only minor contact with the juvenile justice system, Ramiro's deepening addiction led him to commit a series of drug-related crimes, stealing a jar of coins and an ATV to sell for drugs and forging stolen checks for money to finance his addiction. He began to run errands for his drug dealer, Joe Leal, in exchange for drugs and to pay off his debts. Ramiro's rapid descent into addiction ultimately culminated in the tragic kidnapping and murder of Bridget Townsend, Leal's girlfriend, when she was an unexpected witness to Ramiro's desperate attempt to steal drugs from Leal's home a few months after he turned eighteen. However, the case grew cold and likely would never have been solved had Ramiro not come forward and confessed.

Eight months later, still mired in addiction, Ramiro committed a second offense, the abduction and rape of Florence Teich, a Bandera real estate agent. In October 2002, Ramiro entered a guilty plea to those charges, without any plea agreement with the State, and was sentenced to two sentences of life imprisonment. Days later, after meeting with a San Antonio television news reporter named Gina Galaviz Eisenberg, Ramiro decided to "do the right thing"

(as Gina encouraged) and confessed to Bridget Townsend's murder, and then led law enforcement authorities to her remains in a deserted area of Middle Verde Ranch. For this crime, he was sentenced to death.

A trial marred by misrepresentations and incomplete information

At Ramiro's 2006 trial, the prosecution painted a picture of a dangerous young sociopath, a "sexual predator" whose rapidly escalating behavior could not be stopped unless the jury sentenced him to death. To convince the jury that Ramiro deserved to die, prosecutors presented testimony from a psychiatric expert who branded Ramiro a sociopath, characterized the crime as having a "psychosexual sadistic component," based in part on now-recanted testimony from a jailhouse informant alleging that Ramiro made statements to him about the crime, and testified that his risk of continuing to commit similar offenses was extremely high based on now-debunked statistical "data" that both overrepresented the risk of recidivism and underrepresented the potential for rehabilitation of young sexual offenders. Because Ramiro's court-appointed lawyers conducted only rudimentary investigation of Ramiro's life history, they failed to discover and present compelling evidence that would have provided context for Ramiro's impulsive behavior and acts of violence; his trial lawyers entirely failed to counter the prosecutors' depiction of Ramiro as a remorseless sexual predator.

Thus, the jury that sentenced Ramiro to death never heard an accurate or holistic picture of Ramiro's upbringing and family history. Much of the mitigation the defense team attempted to offer was successfully excluded from the jury's consideration by prosecutors. Enabled by this skeletal and deficient defense presentation, prosecutors told the jury in closing argument that Ramiro grew up on "a beautiful, gorgeous ranch" where he "got privileges and opportunities that a lot of other kids don't have," painting him as a bad seed rather than as the abandoned child who suffered physical, emotional, and sexual abuse that he actually was.

Who Ramiro Gonzales is Today

"Love, mercy, grace, forgiveness. All these are attributes of God. That's what's been so instrumental to my life."

Exhibit 1 (Ramiro Gonzales, in the clemency video).

In the fifteen years that he has been on death row, Ramiro has devoted himself to self-improvement, contemplation, and prayer, and has grown into a mature and peaceful adult. Away from the traumatic environment of his youth and now in a stable environment, he has grown up in prison. With an understanding of how his childhood shaped his future actions, Ramiro does not allow himself to be defined by his past, but rather has committed to deliberate and decisive choices to better himself and the lives of those around him.

Today, he is a devoted and supportive friend, someone who practices accountability and values reciprocity in his relationships. He is a lover of learning and reading and a skilled artist who makes work for the people he loves. He practices yoga and meditation, and has, in keeping with his desire to do no harm, become a vegetarian. He is introspective, patient, and emotionally generous. He has taught himself how to be the person he always wanted to be, using his faith as his constant guide.

Most importantly, Ramiro has a deep and abiding faith in God. As one death row correctional officer has said, Ramiro “holds faith high.” Exhibit 9 (current death row guard in the clemency video). He has completed numerous religious studies courses, and his sermons have been read on the prison radio show and have been delivered as Sunday services of the United Church of Canada. Ramiro’s favorite verse, and one that he has kept close to him throughout his time in prison, is Psalm 46:10: “Be still, and know that I am God.” In times when his faith has been shaken, by hardship and loss, this verse has reminded him to hold fast, to keep moving and to keep growing.



Illustration of Christ's crucifixion, by Ramiro Gonzales, 2021

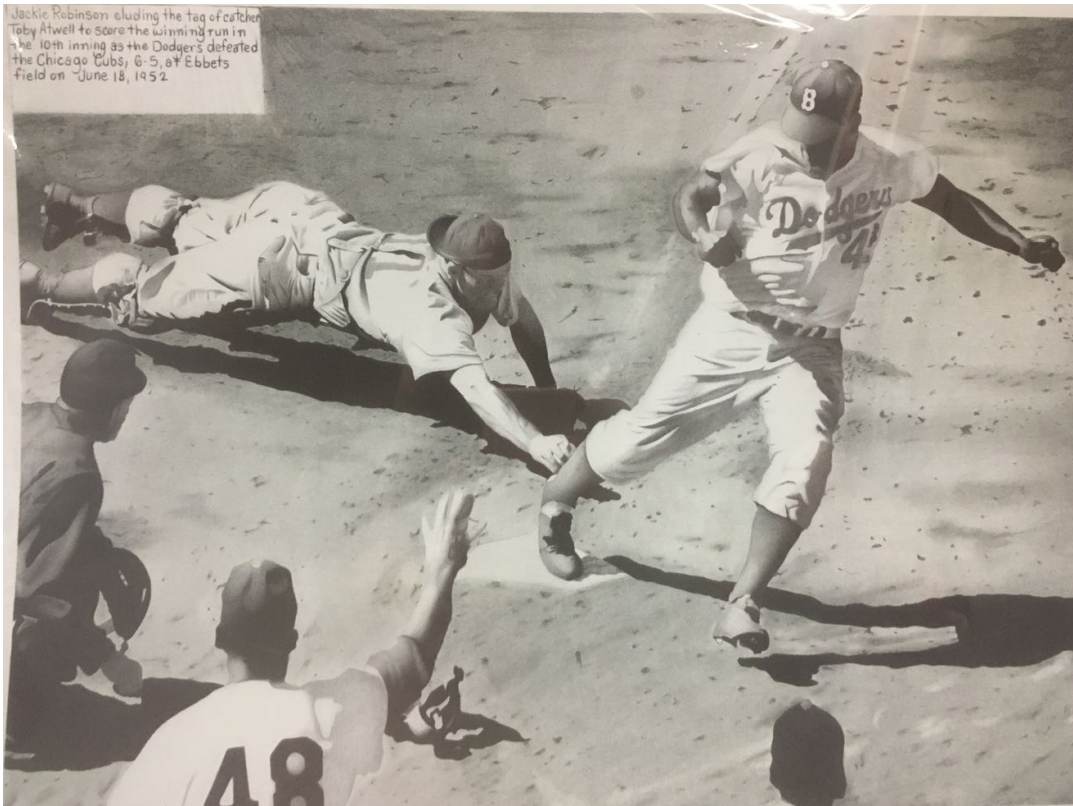
Despite his academic struggles as a child and teen, Ramiro has discovered a love for reading and writing as an adult. After overcoming learning difficulties that caused him to drop out of school in the eighth grade at age sixteen, Ramiro now spends most of his time reading and studying theology. He also enjoys discussing and sharing the poetry and novels he reads with his pen pals and his legal team, and he writes poetry and devotionals of his own.

Ramiro has become a talented visual artist, spending dozens of hours on personalized portraits and gifts to family and friends, crafting exquisite pen-and-ink pieces that are often mistaken for photographs:



Ballpoint pen drawing of Honus Wagner (1908), by Ramiro Gonzales, 2020

Ramiro is a student of baseball history and an avid Houston Astros fan, listening to games on the radio and talking about baseball with anyone who will listen. These portraits of baseball heroes were made as gifts and now hang in the office of one of his lawyers.



*Pen and pencil drawing of Jackie Robinson stealing home (1952), by
Ramiro Gonzales, 2019*

Ramiro is often asked by others on death row to draw, paint, and sketch pieces for them or their family members. He has created numerous thoughtful pieces of art for friends and his legal team, including a Teenaged Mutant Ninja Turtles painting for the five-year-old son of a member of his team and several portraits of his attorney's beloved dog, whom he loves yet has never met.



Two portraits of Ramiro's attorney's dog, 2018 & 2020

Ramiro's reflective nature and lighthearted, goofy sense of humor make him a natural support and effective minister to those around him. He is a caring, patient, and emotionally generous individual who is caring and attentive to those he loves in the ways that he himself needed as an adolescent.

As one death row prison guard recalled:

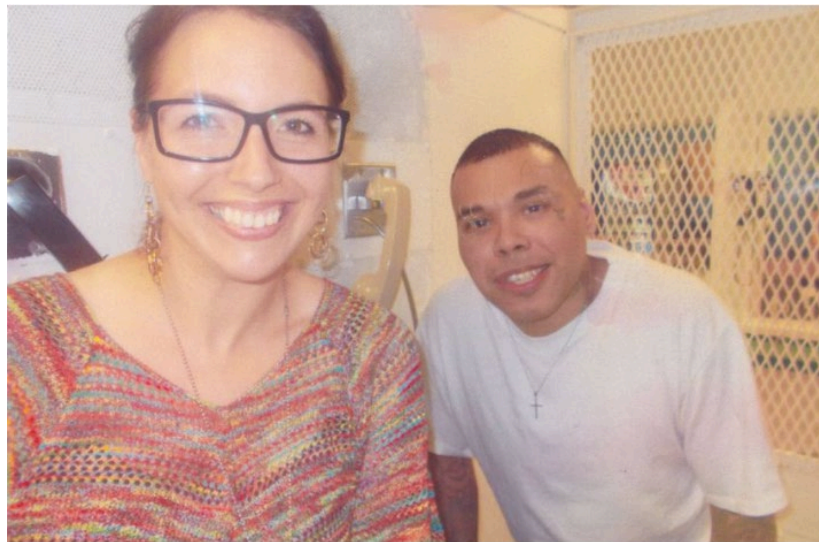
My mom passed away in December. And I guess probably my coworkers were probably talking about it, and he probably got wind of it, and one day when I worked that area, he said basically, you know, I heard and he said I prayed about it, I prayed for you. And that's who he is.

Exhibit 1 (current death row guard in the clemency video). In addition to assisting others with spiritual and emotional needs, Ramiro provides friendship and support to friends both in prison and on the outside, and often purchases commissary items for those on death row without financial support.

Ramiro has developed and nurtured meaningful relationships not only with those he has encountered in prison but also with a diverse group of people around the globe. He has become particularly close with his spiritual advisor Bri-anne, a reverend in Canada with whom he started exchanging letters in 2014. Bri-anne and Ramiro share not only a deep friendship, but a love of God and a spiritual connection that they each value highly. As Bri-anne has said:

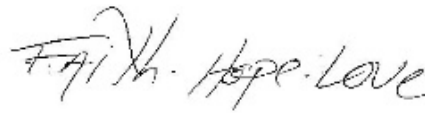
There are a lot of people who have been very positively affected by being in relationship with Ramiro. Ramiro makes people's lives better. And that effect just moves out into the world.

Exhibit 1 (Bri-anne in the clemency video).



*Bri-anne and Ramiro meeting for the first time at the
Polunsky Unit in 2016*

Ramiro's growth has not just affected Ramiro himself but has touched all with whom he interacts: his family and friends, penpals and spiritual advisors, fellow inmates, TDCJ correctional officers and staff, and the members of his legal team. To all he offers love, gratitude, good humor, and emotional support. He signs every letter and card with this salutation:

A handwritten signature in cursive script that reads "Faith. Hope. Love". The words are connected by dots and the script is fluid and personal.A handwritten signature in cursive script that reads "Ramiro". The letter 'R' is large and loops around the rest of the name.

Ramiro is a compelling example of genuine, self-motivated rehabilitation, and his growth behind bars demonstrates the human capacity for redemption.

Grounds for Commutation of Death Sentence to a Lesser Sentence

A. Ramiro has conclusively refuted the erroneous and misleading prediction at trial that he would present a danger to others, even if incarcerated for the rest of his life, as numerous TDCJ death row guards and even the State's own mental health expert at trial have acknowledged.

Texas is one of just two death-penalty states that require a determination of “future dangerousness” as an essential precondition for the imposition of a death sentence. In other words, a capital defendant is not eligible to be sentenced to death in Texas unless a determination is made at trial that “there is a probability that the defendant would commit criminal acts of violence that would constitute a continuing threat to society.”

At Mr. Gonzales's 2006 capital trial, the State's case for “future dangerousness” relied heavily on the testimony of psychiatrist Dr. Edward Gripon, who diagnosed Ramiro with antisocial personality disorder, or what Dr. Gripon explained was formerly called “psychopathy” or “sociopathy.” *State of Texas v. Ramiro Felix Gonzales*, No. 04-02-9091-CR, Reporter's Record Vol. 41 at pp. 67-70. Dr. Gripon also testified that Ramiro would “certainly” pose a threat, even if incarcerated, because of “the presence of ... antisocial personality disorder, and clearly ... antisocial features.” *Id.* at 92. The State also elicited testimony from Dr. Gripon negating the possibility that Ramiro's criminal offenses were attributable to his struggles with drug addiction. *Id.* at 80-81.

However, Dr. Gripon no longer stands by this trial testimony.

Dr. Gripon recently met with Ramiro again, and today concludes that Ramiro does *not* have antisocial personality disorder and “does *not* pose a risk of future danger” to others. Exhibit 5 (Report of Dr. Gripon) at 3, 12. After reviewing numerous documents and records of Ramiro’s incarceration on death row and conducting a three-and-a-half-hour evaluation, Dr. Gripon reported that Ramiro was “now a significantly different person both mentally and emotionally” than he was more than 15 years ago. Exhibit 5 at 12.

Dr. Gripon noted that Ramiro “took full responsibility for the offense and displayed significant remorse for his actions.” As he reported:

Mr. Gonzales expressed remorse for taking the life of this young woman, Bridget Townsend. 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 for his actions, which he tries to understand.

Exhibit 5 at 6. As he further explained:

I’ve done a lot of evaluations for a lot of years. If one looks at competency evaluations, sanity evaluations, I’ve done in excess of 8,000. I’ve seen a lot of people who’ve been guilty of just about anything you can imagine. I’ve seen some who clearly didn’t seem to care, they were not remorseful, they didn’t care what they had done.

Ramiro Gonzales seems very sincere in his remorse. [He] admits that he is guilty in this particular case, [and that] what he did was wrong. He takes responsibility for that, and I think that’s a big plus for him. It’s something that I frequently don’t see.

Exhibit 1 (Dr. Gripon in the clemency video).

While Dr. Gripon diagnosed Ramiro with antisocial personality disorder at the time of trial, he now concludes otherwise. As he explained:

At this point in time I would not diagnose him as an antisocial individual. I don't think that diagnosis would now be accurate, particularly in retrospect.

Exhibit 1 (Dr. Gripon in the clemency video).

And ultimately, Dr. Gripon concluded that Ramiro “**does not** pose a threat of future danger to society”:

At the time of the commission of this offense 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. This represents a very positive change for the better.

At the current time, considering all of the evidence provided to me, my evaluation of Mr. Gonzales, and his current mental status, it is my opinion, to a reasonable psychiatric probability, that he **does not** pose a threat of future danger to society in regard to any predictable future acts of criminal violence.

Exhibit 5 (Report of Dr. Gripon) at 12 (emphasis in original).

Dr. Gripon's conclusion that Ramiro does not present a danger to anyone in prison is borne out by Ramiro's record over the more than nineteen years that he has been incarcerated. In spite of his chaotic and abusive upbringing, Ramiro has taken responsibility for his own growth and worked to become a mature and peaceful adult. He has demonstrated maturation in numerous ways. For example, Ramiro has completed the equivalent of a bachelor's degree in seminary studies from Shalom Bible College & Seminary, earning a near-

perfect 3.984 grade point average over the course of 113 credit hours. Exhibit 7 (Shalom Bible College Transcript). He now ministers to fellow inmates.

Shalom Bible College & Seminary

4007 High Street
West Des Moines, IA 50265
Phone (515) 225-6651 Fax (515) 225-9095
E-Mail shlom77@juno.com

Mr. Ramiro Felix Gonzales

Transcript of Record

Dept.	Number	Title	Credits	Grade
Name: Mr. Ramiro Felix Gonzales				
Address: Polunsky Unit 3872 FM 350 South				
City, State, Zip: Livingston, TX 77351				
Country:				
Social Security Number: XXXXX1733				
Birthdate: 11/05/1982				

Degrees Granted

Date	Degree	School
	YOUR IN BACHELOR OF CHRISTIAN ED DEGREE PROGRAM	

Dept.	Number	Title	Credits	Grades
Bh	310	Acts of Apostles	3	B
Bh	311	Acts of Missionaries	3	A
Bh	315	Intro. Prophets	3	A
Bh	316	Major Prophets	3	A
Bh	317	Minor Prophets	3	A
Bh	319	Pentateuch	3	A+
Bi	351	God's Holy Word	3	A
Bt	322	Bible Doctrine	3	A+
Bt	325	Gift of Holy Spirit	3	A
Bt	327	Jesus Precious Blood	3	A

Dept.	Number	Title	Credits	Grade
Ce	383	Youth Ministry	3	A
Di	334	Prayer Ministry	3	A
Li	392	Christian Leadership	4	A+
Li	396	Pastoral Responsibility	4	A
Pm	350	Practical Ministry/Death Row	6	A
Pm	350A	Death to Life Outreach	4	A
Rq	350	Biblical Entrance Exams	3	A
Rq	380	Thoroughly Furnished 1	3	B
Rq	382	Let's Weigh Evidence	6	A+
Rq	384	New Testament Synopsis	3	A
Rq	385	Capture Sermons 1	3	A
Rq	389	Textual Analysis	3	A
Tc	EBS	Emmaus Bible School	17	
Tc	WWM	Write Way Ministry	21	
Total Bachelor Program Credits			113	
XX	XX		0	
Total Masters Program Credits			0	
XX	XX		0	

Transcript of Ramiro's Correspondence Course Seminary Studies

None of the few occasions on which Ramiro has been subject to disciplinary actions over his fifteen years on death row, most of which occurred shortly after he was first incarcerated, concerned any allegations of violent acts. Moreover, TDCJ correctional officers report that Ramiro is more than compliant; he “goes out of his way to be friendly” and “has never shown any sign of aggression.” Exhibit 1 (death row guards in the clemency video). In fact, guards recall several times Ramiro reminded them to double-lock his cuffs

when they forgot to follow procedure, so they would not get disciplined. As one guard said, Ramiro has “always gone out of his way to make sure that we check everything” during contraband searches “so we don’t get into trouble. He’s that kind of person.” Exhibit 1 (death row guard in the clemency video).

While the State suggested at trial that Ramiro would pose a particular risk to female correctional officers, this turned out to be flatly wrong. Numerous female guards, both currently and formerly employed by TDCJ, have spoken out on his behalf. According to one female correctional officer who currently works on death row and has worked closely with Ramiro for five years:

The person that I see, or I have known for the past five years, if asked if I feel safe around him, I do. Do I feel that he has grown as an individual? I feel that he has.... Do you genuinely think that a 17-year-old is in the same place as a 35-year-old, mentally? I don’t believe so.

Exhibit 1 (death row guard in the clemency video). This same guard went on to recall Ramiro’s outreach to her when her mother died, consoling her and offering to pray for her and her mother. As she said: Ramiro “always thinks about the other person. That’s who he is as a person.” *Id.*

If a determination of “future dangerousness” is an absolute legal prerequisite for a death sentence to be imposed at trial, as it is in Texas, then a post-trial showing that a condemned person is *not* dangerous—that the “prediction” made at trial was *not in fact correct*—means that a necessary

predicate for the sentence is absent and the sentence itself is no longer valid. It should go without saying that a demonstrably invalid death sentence should not be carried out. In the absence of any meaningful opportunity for judicial review of the accuracy of “future dangerousness” determination at trial, executive clemency—“the ‘fail-safe’ in our criminal justice system”⁵ —is the only mechanism available to prevent the execution of a person condemned to death on the basis of a demonstrably inaccurate determination of dangerousness.

Ramiro’s demonstrated ability to live peacefully in the prison environment has conclusively refuted the prosecution’s claim that he is a danger to society and should therefore be executed. Death row prison guards and the State’s own mental health expert agree that Ramiro does not present a danger to anyone. Because “future dangerousness” is a precondition for a valid death sentence in Texas, a commutation of his death sentence to a lesser penalty is warranted.

⁵ *Herrera v. Collins*, 506 U.S. 390, 415 (1993).

B. Ramiro barely met the legal age requirement for capital prosecution, and the scientific and societal rationales for exempting juveniles from the death penalty apply with equal measure to older teenage defendants like Ramiro.

In 2005, the Supreme Court held in *Roper v. Simmons* that the Constitution bars imposition of the death penalty on anyone under the age of 18, no matter how heinous the crime. The rationale for the Supreme Court's decision in *Roper* was that developmental, psychological, and behavioral differences between youths and adults are so significant that "juvenile offenders cannot with reliability be classified among the worst offenders" for whom the death penalty is reserved. Relying in part on "scientific and sociological studies" that "tend to confirm 'a lack of maturing and an underdeveloped sense of responsibility'" in juveniles as compared to adults, the Court held that anyone under the age of 18 at the time of the offense was categorically protected against execution.

Just 71 days past his 18th birthday at the time of the offense, Ramiro is one of the youngest persons to be sentenced to death in the United States since the *Roper* decision. He had not yet developed the skills of impulse control and reasoned decision-making. His inability to access these basic life skills was significantly exacerbated by the impact of his abusive and traumatic childhood and adolescence on his neurological and social-emotional development. However, Ramiro is not the same person today as he was when he was a teen.

Contemporary research in developmental psychology and neuroscience establishes that adolescent brain development continues well into the third decade of life. This research shows that so-called “late adolescents”—those between the ages of 18 and 20—differ from adults in the same significant ways that both diminish their culpability and impair the reliability of the capital sentencing process. Teenagers between 18 and 20 years of age are less able to envision or comprehend the full range of potential consequences of their immediate actions than adults, and less able to control their impulses. The parts of the brain that enable impulse control and reasoned judgment are not fully developed at this age. In a very real sense, 18-year-olds are not yet the people they will ultimately become.

Reflecting society’s growing understanding of the slow pace at which the human brain fully emerges, the Supreme Court has announced a series of decisions extending constitutional protections to youthful defendants. In *Graham v. Florida*,⁶ the Court forbade sentencing juveniles convicted of non-homicide crimes to life imprisonment without chance of parole. For much the same reasons, the Court two years later barred mandatory sentences of life

⁶ 560 U.S. 48 (2010).

imprisonment without the possibility of parole for juveniles, even in homicide cases.⁷

Our society’s growing awareness of the diminished culpability of teenaged offenders is also reflected in capital sentencing data since *Roper*. A recent comprehensive study of capital sentencing since *Roper* published in the Texas Law Review in April 2020 concludes that, on the basis of a clear and consistent decline in the imposition of death sentences on defendants in this age group, there is “a clear national consensus against executing offenders who were under [the age of 21] at the time of their offense.”⁸

In addition, the American Bar Association—the largest voluntary association in the world and the national voice of the legal profession—adopted a formal resolution in February 2018 citing the “evolution of both the scientific and legal understanding surrounding young criminal defendants and broader changes to the death penalty landscape” and calling on “each jurisdiction that imposes capital punishment to prohibit the imposition of a

⁷ *Miller v. Alabama*, 567 U.S. 460 (2012).

⁸ John H. Blume, Hannah L. Freedman, Lindsey S. Vann & Amelia Courtney Hritz, *Death by Numbers: Why Evolving Standards Compel Extending Roper’s Categorical Ban Against Executing Juveniles from Eighteen to Twenty-One*, 98 TEX. L. REV. 921 (2020).

death sentence on or execution of any individual who was 21 years old or younger at the time of the offense.”

In sum, all of the scientific and societal rationales for exempting juveniles from the death penalty apply with equal measure to an older teenage defendant like Ramiro, and counsel strongly against carrying out the execution of any person who was a teenager at the time of the offense.

C. Ramiro has earnestly and wholeheartedly demonstrated and expressed remorse for his crimes and has endeavored to atone for them.

Ramiro truly feels remorseful for the crimes he has committed, the life he has taken, and the pain he has caused the family members and loved ones of Bridget Townsend. He has sought for years to express his remorse to the Townsend family and to Florence Teich for the incalculable pain and anguish he has caused them, offering defense-initiated victim outreach if they wished to engage with it. And in an effort to convey his profound remorse, he wrote a letter to the Townsend family which was provided to the District Attorney’s Office to make available to members of the family if they chose to receive it:

For years now my hopes and prayers have been to reach out to you and your family, but even now I am unsure whether my words will reach you. May God direct and touch our spirits.

I have wanted to reach out to you and prayed about doing so, but I have not known how to tell you how sorry I am for the pain I caused by taking the life of your daughter and sister Bridget. I have wanted to apologize all these years for the hurt and especially

the emotional anguish and heartache that I have caused you and your family.

I know my apologies cannot even begin to bring you peace of mind and healing, but I feel that I should still tell you how sorry I am for all the pain and anguish you have suffered because of my actions. I am sorry, deeply sorry, that I took what was so precious to you and I know there's nothing I can do or say to make it better.

I have absolutely no excuse for what I have done and there's absolutely no one to blame but me. I took your daughter and sister from you, someone you loved and cherished. ...

Please forgive me and accept my apologies, and may God bless you and all your loved ones.

Exhibit 3 (letter from Ramiro Gonzales to the Townsend family).

Over the past year and a half, as part of his efforts to atone for his crimes, Ramiro has actively sought to be considered as an *in vivo* (living) donor of a kidney to someone who is in urgent need of a kidney transplant. The idea originated through correspondence between Ramiro and Cantor Michael Zoosman, an ordained Jewish clergyman in Maryland. In January 2021, Cantor Zoosman reached out to Ramiro, who was then one of several inmates scheduled for execution. As Cantor Zoosman has explained in a letter submitted as an exhibit to this clemency petition:

Ramiro was the first person in Texas with whom I corresponded, and has since been a faithful correspondent. He has sent me dozens of letters since January of last year.... It has been very clear to me from his first letter that Ramiro is a person of profound faith in his Messianic Christian tradition. He has expressed sincere repentance for the life he took and has spoken with me with great interest of Jewish ideas about repentance and

forgiveness. Upon his request, I have sent him religious materials and books on spiritual matters.

Early in our correspondence, it happened that a member of my home congregation – Adat Shalom Reconstructionist Synagogue in Bethesda, [Maryland] – informed us of her need for a kidney donor. I put the word out far and wide on email and social media, but there was no one who responded. When I mentioned this to Ramiro, he immediately and unequivocally indicated his hope of being able to do this. In his letters to me, he expressed his desire to be able to give life before his life is taken. It is my impression that his wish to do this has been out of his hope of saving a life after he has taken another. He knew that his altruistic action would not stop his execution. He only wanted the chance to help another human being in need. When this specific opportunity to donate to a member of our congregation was no longer available, Ramiro eagerly explored how he might be able to donate a kidney to another in need before his execution.

I have known many convicted criminals in my time, both innocent and – like Ramiro – the guilty. Some to be sure would attempt a maneuver like this to try to beat the executioner's sword. Nothing in this world would convince me that this is the case with Ramiro. There has been no doubt in my mind that Ramiro's desire to be an altruistic kidney donor is not motivated by a last-minute attempt to stop or delay his execution. I will go to my grave believing in my heart that this is something that Ramiro wants to do to help make his soul right with his G-d.

Exhibit 7 (Letter of Cantor Michael Zoosman).

Earlier this year, the Texas Department of Criminal Justice permitted Ramiro to be medically screened as a potential kidney donor, and he was determined to be “an excellent candidate for donation.” Unfortunately, his blood type was not a match for the intended recipient identified at the initiation of his efforts. While he was disappointed by this setback, Ramiro still

wishes to donate a kidney to someone in need with whom he is a medical match. Because Ramiro has a rare blood type, it is highly likely that there is a person with the same blood type who is in urgent need of a kidney donation and has waited much longer than the average three to five years for a match with a donor. However, because of the impending execution date, TDCJ has been unwilling to allow Ramiro to make an “altruistic” kidney donation to a person unknown to him.⁹ We urge the Board and Governor to grant a reprieve of Ramiro’s sentence in order to allow that innocent life to be saved.

D. A plea for mercy.

Ramiro has transformed himself into a remarkable human being, one who embodies everything that his life was lacking when he was a child. His growth and evolution have benefited not just himself, but those with whom he has forged bonds based in patience, love, and good will.

Gina Galaviz Eisenberg, the television reporter who induced Ramiro to “do the right thing” and confess his responsibility for the murder of Bridget Townsend, has written in support of clemency for Ramiro. She writes:

Much has changed since Ramiro went to death row. He has caused no trouble, in fact, his young life is dedicated to helping others with services. He has changed. I have changed.

⁹ This could be done either directly or through a “chain donation” utilizing the National Kidney Registry’s voucher program, which would allow Ramiro to donate a kidney to a suitable recipient and the previously identified recipient would then receive a priority voucher for a medically compatible donation. <https://www.kidneyregistry.org/for-centers/voucher-program/>.

I now believe that Ramiro should not be defined by the crime he committed. I now know the death penalty will not prevent future murders. It has not stopped child abuse and has not stopped parents from killing their children. It will only stop the person already on death row. I have witnessed a lethal injection alongside with a victim's family. The death of that inmate did not take away their pain. It was a peaceful death.

Ramiro has not let his crime define him. He is making a difference for other inmates. He is providing a service through his ministry to help others who may one day be paroled and walk our streets.

In search of the scoop, I failed to tell the entire story of Ramiro. I failed to report on how the system failed him. Child Protective Services did not protect him from a home in which he was unsupervised and where he was vulnerable to relatives who sexually abused him.

Please do not let the State of Texas fail Ramiro again.

I ask for mercy for clemency. I ask that his sentence be commuted to life without parole.

Allow Ramiro the opportunity to be an asset in this world.

Allow Ramiro to help others with a ministry that will change lives.

Forgiveness is the first step for all of us in making the world a better place.

Exhibit 6 (Letter of Gina Galaviz in support of clemency).

* * *

Ramiro Gonzales is not the same person he was as a deeply troubled teen. To paraphrase scripture, he is a new creation; old things have passed away; all things have become new.

Today, he humbly asks for mercy.

Requirements of Title 37 of the Texas Administrative Code § 143.42

1. Name of Applicant

Ramiro Felix Gonzales, TDCJ #999513, is incarcerated at the Polunsky Unit in Livingston, Texas. Mr. Gonzales's execution is scheduled for July 13, 2022.

2. Identity of Applicant's Agents

Attorneys Raoul Schonemann and Thea Posel, associated with the Capital Punishment Clinic at the University of Texas School of Law in Austin, and Michael C. Gross, of the law firm of Gross & Esparza in San Antonio, are presenting the application on behalf of Mr. Gonzales.

3. Certified Copies of Documentation

Certified copies of the indictment, jury charges, jury verdict, judgment and sentencing order, order of execution, and warrant of execution are attached as Exhibit 1.

4. Brief Statement of the Offense

On January 15, 2001, Bridget Townsend disappeared from her boyfriend's home in Bandera, Texas. Her disappearance went unsolved until October 8, 2002, when Mr. Gonzales confessed to the kidnapping and murder of Ms. Townsend. In September 2006, Mr. Gonzales was convicted of capital murder pursuant to Tex. Penal Code § 19.03(a)(2) and was sentenced to death.

The State did not possess or present any evidence, other than Mr. Gonzales's own confession, to support the idea that he caused Ms. Townsend's death, or that he committed any of the three charged underlying felonies.¹⁰ Mr. Gonzales was not the focus of law enforcement's investigation from the outset, but instead confessed to the unsolved disappearance more than eighteen months after it occurred. Following a jury trial, which took place in Medina County, Texas, despite extensive pretrial publicity in the small jurisdiction,

¹⁰ Mr. Gonzales was indicted under Tex. Penal Code § 19.03(a)(2) for murder committed "in the course of committing or attempting to commit kidnapping, ... robbery [and/or] aggravated sexual assault."

Mr. Gonzales was convicted of capital murder under the law of parties. After a separate punishment hearing, the jury answered the special issues in a manner requiring death, and on September 6, 2006, the 38th Judicial District Court of Medina County, Texas, entered a judgment sentencing Mr. Gonzales to death.

5. Brief Statement of Appellate History

The Texas Court of Criminal Appeals affirmed Mr. Gonzales's conviction and sentence were on appeal in *Gonzales v. State*, No. AP-75540, 2009 WL 1684699 (Tex. Crim. App. Jun. 17, 2009) (unpublished).

Judge Womack filed a dissenting opinion arguing that the trial court "abuse[d] its discretion in allowing [Dr. Gripon] to offer an expert opinion on the probability that the defendant will commit future acts of dangerousness that will constitute a danger to society" and contending that "[b]efore we accept an opinion that a capital murderer will be dangerous even in prison, there should be some research to show that this behavior can be predicted reliably." *Id.* at *9.

On Sept. 22, 2008, state habeas counsel filed a nine-page habeas corpus application on Mr. Gonzales's behalf; just one month later, the state habeas court entered findings of fact and conclusions of law, recommending denial of habeas relief without a hearing. *Ex parte Gonzales*, No. 04-02- 9091-CR (38th Jud. Dist., Medina County Tex., Oct. 23, 2008). On Sept. 23, 2009, the Texas Court of Criminal Appeals denied relief. *Ex parte Gonzales*, No. WR-70,969-01 (Sept. 23, 2009).

On January 20, 2011, Mr. Gonzales filed a habeas corpus application in federal court pursuant to 28 U.S.C. §§ 2241, 2254. On January 23, 2011, Mr. Gonzales was granted permission to return to state court to exhaust his claims. On February 23, 2011, Mr. Gonzales filed a first subsequent application for a writ of habeas corpus in state court, which was ultimately dismissed. *Ex parte Gonzales*, No. WR-70,969-02 (Tex. Crim. App. Feb. 1, 2012). Mr. Gonzales returned to federal court where, on January 25, 2014, the United States District Court for the Western District of Texas denied the amended application. No appeal was permitted. *See Gonzales v. Stephens*, 606 Fed. Appx. 767 (5th Cir. 2015). The United States Supreme Court denied certiorari to review the decision not to permit appeal on December 7, 2015. *Gonzales v. Stephens*, 577 U.S. 1032 (Mem) (2015).

On October 20, 2021, the 38th Judicial District Court in Medina County, Texas set an execution date for Mr. Gonzales of July 13, 2022.

6. Brief Statement of Legal Issues

A variety of legal issues are present in Mr. Gonzales's case. They include, but are not limited to, the following: he received ineffective assistance of trial and state post-conviction counsel; that the State utilized false testimony to secure the sentence of death; that the determination of future dangerousness in this case was unreliable and has been proven to be false; that his youth at the time of the crime renders him ineligible for a sentence of death under evolving standards of decency and scientific developments; and that the State relied on materially false evidence to secure the sentence of death in violation of *Estrada v. State* and *Johnson v. Mississippi*.

7. Requested Length of Reprieve

180 days.

8. Ground for Reprieve

Reprieve is requested so that Mr. Gonzales may donate a kidney through the "altruistic donation" process (or the chain/voucher program) in accordance with his wishes and in the interest of someone waiting for this lifesaving treatment.

Furthermore, Mr. Gonzales's youth at the time of the offense, the erroneous prediction of future dangerousness, the State expert's own determination that Mr. Gonzales does not pose a risk of future danger to society, and Mr. Gonzales's thorough and self-motivated transformation into a mature and peaceful adult and man of God.

PRAYER FOR RELIEF

For the reasons stated above, Mr. Gonzales requests commutation of his death sentence to a lesser penalty, or in the alternative, a reprieve of 180 days so that he may donate a kidney to someone in need. Mr. Gonzales also requests an interview, and a hearing on this matter.

Respectfully submitted, this 21st day of June 2022.

Respectfully submitted,



Raoul D. Schonemann

State Bar No. 00786233

Thea J. Posel

State Bar No. 24102369

Capital Punishment Clinic

University of Texas School of Law

727 E Dean Keeton

Austin, Texas 78705

(512) 232-9391 phone

(512) 471-3489 fax

Michael C. Gross

State Bar No. 08534480

Garza & Esparza, P.L.L.C.

1524 N. Alamo Street

San Antonio, Texas 78215

(210) 354-1919 phone

(210) 354-1920 fax

Attorneys for Ramiro Felix Gonzales