

URGENT ACTION

TEXAS GOVERNOR COMMUTES DEATH SENTENCE

On 22 February, the Governor of Texas commuted the death sentence of Thomas Whitaker hours before he was due to be executed. It was the first such act of clemency in Texas since August 2007, a period which has seen nearly 150 executions in the state.

On 10 December 2003, the Whitaker family – mother, father and two sons – went out to dinner in Fort Bend County, Texas. When they returned home, Christopher Brashear was inside. The parents – Patricia and Kent Whitaker were shot, as was their younger son Kevin Whitaker. Patricia and Kevin Whitaker died, but Kent Whitaker survived his serious gunshot wounds. He would later learn that it was his other son, **Thomas Whitaker**, who had planned the killings and known that Christopher Brashear was waiting inside the house to shoot the family. In March 2007 a jury convicted Thomas Whitaker of capital murder. At the sentencing, the defence argued that the defendant was remorseful, had offered to plead guilty in return for two life sentences, and that neither his father nor members of his mother’s side of the family wanted him sentenced to death. The defence noted that the state was not seeking the death penalty against Christopher Brashear, who was sentenced to life later in 2007.

On 20 February 2018, the Texas Board of Pardons and Paroles unanimously recommended that Governor Greg Abbott commute the death sentence. This was the first time that the Board had made a recommendation for commutation since 2007 (see <https://www.amnesty.org/en/documents/amr51/139/2007/en/>). On 22 February, with the execution hours away, Governor Abbott signed a proclamation accepting the Board’s decision and commuting Thomas Whitaker’s death sentence to life imprisonment without the possibility of parole. He stated that the Board’s decision was supported “by a totality of the circumstances in this case so long as Thomas Bartlett Whitaker is never released from prison”. He said that Thomas Whitaker had agreed to “forever waive any and all claims to parole” and that this agreement constituted “an essential and indispensable element of my decision”.

The Governor also noted that Christopher Brashear, who had actually shot the victims, was sentenced to life while Thomas Whitaker “who conspired to kill his parents and brother but did not actually shoot the gun that caused the murders, was sentenced to death”. Finally, the Governor noted that the prisoner’s father, Kent Whitaker, “passionately opposes the execution of his son”. In a separate statement, the Governor added that Kent Whitaker “insists that he would be victimized again if the state put to death his last remaining immediate family member”.

In that public statement, Governor Abbott noted the unanimity of the Board’s recommendation as another factor in his decision, and pointed out that “In just over three years as Governor, I have allowed 30 executions. I have not granted a commutation of a death sentence until now”. Texas accounts for 548 of the 1,469 executions in the USA since they resumed in 1977 under new capital laws approved by the Supreme Court in 1976. There have been four executions in the USA so far this year, three in Texas and one in Florida.

No further action by the UA Network is requested. Many thanks to all who sent appeals.

This is the first update of UA 37/18. Further information: www.amnesty.org/en/documents/amr51/7902/2018/en/

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