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June 28, 2022

Texas Board of Pardons and Paroles
Clemency Section
8610 Shoal Creek Boulevard
Austin, Texas 78757

To the Members and Chairman of the Board and Governor Abbott:

In compliance with Tex. Gov. Code §143.57(c), we submit the following supplemental materials in support of the “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” (“Clemency Petition”) filed on behalf of Ramiro Felix Gonzales on June 21 and accepted by the Board on June 22, 2022:

1. Fellow death row inmate Howard Guidry’s Plea for Commutation of Ramiro’s Sentence posted by Death Row Soul Collective; and,
2. Letter in support of clemency from Thomas “Bart” Whitaker, recipient of executive clemency from Governor Abbott.

Mr. Gonzales is scheduled to be executed on July 13, 2022.

The Clemency Petition urges several grounds for commutation of Mr. Gonzales’s death sentence to a lesser penalty, including

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;

and,

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

In support of these grounds, counsel submits as Supplemental Exhibit 1 the words of fellow death row inmate Howard Guidry, shared on March 24, 2021 in advance of a previously-scheduled execution date. Mr. Guidry's commentary on who Ramiro is as a person and his impact on those around him echo the numerous supporters and others who have known Ramiro. Mr. Guidry, who has known Ramiro for many years, describes his friend as "an outstanding sketch artist." An artist himself, Mr. Guidry writes:

Since the day we met, learning from each other has been at the core of our friendship. It is undeniable that his critique and encouragement over the years has helped me become a better artist. I'd like to think I've done the same for him.

I do not know who Ramiro was before I met him. But from the time we met until today I've witnessed him transform into a caring and purpose driven individual. If what he is accused of is true, then I am terribly sorry for the pain endured by those of you who lost a love [sic] one.

...

Why then should we spare Ramiro's life? ... What qualification to live does Ramiro meet?

I can only speak to one. Redemption. In a civilized Christian society, is there no greater virtue than redemption? Ramiro has honed himself into a better man. A different man. He grew up in this godforsaken prison. The fact that he has not allowed prison to make a monstrosity of him is a testament of who he is. He has redeemed himself. I humbly ask that you allow him to live. He is an artist and a Christian. His life is far more valuable to the betterment of this world than his death.

Supplemental Exhibit 1 (Howard Guidry's Plea for Ramiro posted by Death Row Soul Collective).

These words were just recently brought to the attention of counsel and are offered to supplement the Clemency Petition.

Supplemental Exhibit 2 is a letter in support of clemency by Thomas "Bart" Whitaker, who received a grant of executive clemency from Governor Abbott on February 22, 2018. Mr. Whitaker was sentenced to death for orchestrating the murders of his mother and brother and attempted murder of his father. Following the unanimous recommendation of the Texas Board of Pardons and Paroles, Governor Abbott commuted Bart Whitaker's death sentence to life without parole mere minutes before the scheduled execution.

Mr. Whitaker attests to Mr. Gonzales's kindness and generosity towards others, even when Mr. Gonzales had little materials or food of his own:

when he chose to give what little he had to others, this was an expression of both his Christian faith and his personal code. He was, in effect, saying that well-being of others around him was more important to him than the personal unpleasantness

he was going to feel from not being able to enjoy these items himself. It's easy to be generous when one's cupboard is full. It's an entirely different thing when one's gift to another guarantees one will go hungry at some point. This seems as good a definition of love as I've come across.

Supplemental Exhibit 2 (Letter from Thomas Bartlett Whitaker).

In addition to confirming the sincerity of Mr. Gonzales's faith, kindness towards others, and efforts to redeem himself, Mr. Whitaker explains that Mr. Gonzales would make a positive contribution in general population:

I have now spent more than four years in prison since my commutation I have not lived in a single section in those four years where Ramiro would not immediately be considered one of the best-behaved and inherently decent inmates upon his arrival. If given the opportunity to continue his personal journey, I have no doubt that he would be of benefit to his fellow inmates, the officers that would supervise him, and the administration itself.

Id.

Mr. Gonzales prays for a commutation to a lesser penalty. Texas law provides life without parole as the only available alternative to a death sentence for capital offenses committed after September 1, 2005. Mr. Gonzales was tried and sentenced in September 2006 but, because the murder of Bridget Townsend took place on January 15, 2001, the only sentencing options available to Mr. Gonzales's jury were life as it was in 2001 (with the possibility of parole after 40 years) or death.

The record in Mr. Gonzales’s case confirms that the jury may have considered imprisonment for the remainder of his natural life sufficient punishment for Mr. Gonzales’s crimes. During penalty phase deliberations, the jury inquired whether Mr. Gonzales—who was still only 23 years old at trial—would serve his prior terms of life consecutively or concurrently to any punishment imposed in this case. The judge could not provide the jury this information but commented on the record that it was “[o]bvious” that the jury was considering a life sentence; “otherwise, why would they care?”¹ Though life without parole was the law of the land at the time of trial, the jury that sentenced Mr. Gonzales had no alternative to death than a parole-eligible life sentence. This Board and the Governor may commute to a lesser penalty, including life without parole.

We strongly urge the Board to recommend, and the Governor to grant, clemency in this case and commute Mr. Gonzales’s death sentence to a lesser penalty.

Respectfully,

A handwritten signature in black ink, appearing to read 'Raoul Schonemann' and 'Thea Posel'.

Raoul Schonemann
Thea Posel
Attorneys for Ramiro Felix Gonzales

¹ This comment by the judge is found in volume 43 of the trial record, on page 75.

Supplemental Exhibit 1

Howard Guidry's Plea for
Ramiro posted by Death
Row Soul Collective



The Death Row Soul Collective

March 24, 2021 · 🌐



Howards speaks...

Ramiro and I met many years ago through our shared passion for art. In prison, when an artist encounters another artist there is an immediate kinship. Ramiro is an outstanding sketch artist, who, like me is self-taught. Since the day we met, learning from each other has been at the core of our friendship. It is undeniable that his critique and encouragement over the years has helped me become a better artist. I'd like to think I've done the same for him.

I do not know who Ramiro was before I met him. But from the time we met until today I've witnessed him transform into a caring and purpose driven individual. If what he is accused of is true, then I am terribly sorry for the pain endured by those of you who lost a love one. Years alone do not heal wounds of the heart.

Why then should we spare Ramiro's life? Innocent men are spared. Men with abusive childhood are reprieved. A kid, one year younger than Ramiro at the time of his crime, is not eligible for the death penalty. What qualification to live does Ramiro meet?

I can only speak to one. Redemption. In a civilized Christian society, is there no greater virtue than redemption? Ramiro has honed himself into a better man. A different man. He grew up in this godforsaken prison. The fact that he has not allowed prison to make a monstrosity of him is a testament of who he is. He has redeemed himself. I humbly ask that you allow him to live. He is an artist and a Christian. His life is far more valuable to the betterment of this world than his death.

[#EndTheDeathPenalty](#)

[#SaveRamiroGonzales](#)

*Ramiro Gonzales is scheduled to be executed by the state of Texas on April 20, 2021.

Supplemental Exhibit 2

Letter from

Thomas Bartlett Whitaker

Affidavit of Thomas Bartlett Whitaker

I first met Ramiro shortly after my arrival on Death Row in March of 2007. Inmates arrive with no personal property, and are prevented from purchasing items from the commissary for several months until their institutional identification cards are issued. In practical terms, this means that one is unable to write one's family, purchase basic necessities such as clothing and hygiene items, for extended periods of time. Knowing this, some prisoners send such items to newly arrived inmates. I initially refused those first offers, not wanting to accept anything that might come with strings attached. Several inmates tried to explain to me in detail that there was no hidden, nefarious motive behind these gifts--that they were given merely in solidarity. Ramiro was one of these prisoners. When I still seemed uncertain, he told me that if it made me feel better, I could consider them a loan, until I, too, came across someone newly arrived. Then, Ramiro said, I could pay him back by instead being generous to this new prisoner.

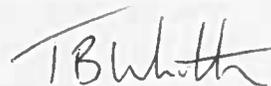
This was not the only incident I can recall which illustrates, I think, the character Ramiro has developed during his time in prison. I once witnessed him give three or four candy bars to Syed Rabbani, a severely mentally ill prisoner that had been sentenced to death in the late 1980s. Syed was completely indigent. He had nothing, and didn't have the mental capacity to do anything about it. I remember Syed ate these candy bars back to back, seemingly in such a short amount of time that I don't see how he could have chewed any of them. Ramiro wasn't virtue signaling. He never told anyone in my presence about the gift. If I hadn't been in the dayroom, I never would have seen him extend this kindness.

Ramiro was not an inmate blessed with a great deal of material support. There is a well-defined class line in prison between inmates with abundant external support and those without. We all know who the members of each group are. On commissary day, some inmates get bags, some don't. Some inmates have clothes purchased at the store, and shoes; some wear state-issued jumpsuits and canvas flip-flops. Some guys have radios, and receive magazines and newspapers at mail-call; many do not. It's a very obvious distinction. Ramiro and I were both men that operated under very modest budgets, so when he chose to give what little he had to others, this was an expression of both his Christian faith and his personal code. He was, in effect, saying that the well-being of others around him was more important to him than the personal unpleasantness he was going to feel from not being able to enjoy these items himself. It's easy to be generous when one's cupboard is full. It's an entirely different thing when one's gift to another guarantees one will go hungry at some point. This seems as good a definition of love as I've come across.

Ramiro was very young when he came to prison. His behavior was not perfect. Prison tires to install in the young all sorts of norms, mores, and values that are fundamentally anti-human. Ramiro bought into some of these--as do nearly all of the children that are sent to these places. While it is certainly true that he made mistakes, it is equally true that he has been on a positive moral arc during the years I knew him. His Christian faith is central to this. Many inmates claim to be religious, to have had some kind of Road to Damascus moment, especially when talking to lawyers, friends, family, and parole board members. They can't fool the rest of us, however, not when we are forced to live in close proximity to each other for many years. True character always reveals itself, eventually. Ramiro was not a hypocrite. He came by his beliefs honestly, through study and applied experience. We had several debates about theology over the years. Despite us occupying opposite sides of the god hypothesis, he was always respectful, always courteous--even when some of his co-religionists encouraged him to treat me poorly as an unbeliever, an apostate. If people

in the freeworld possessed one-tenth of his decency on this matter, the world would be a vastly better place. During the last years I knew him, Ramiro obeyed all of the rules of the institution, and I doubt you would be able to find a single correctional officer that believed him to be a threat to the order of the prison.

I have now spent more than four years in prison since my commutation by this Board and Governor Abbott. I have witnessed every conceivable mean, gross, obnoxious, and spiteful behavior possible to man--and then some that I ~~never~~ could have conceived of at all, had I not witnessed them. It is absurd to me that anyone could argue that Ramiro is so dangerous that we must be protected from him, and that his execution is the justification for this protection. I have not lived in a single section in those four years where Ramiro would not immediately be considered one of the best-behaved and inherently decent inmates upon his arrival. If given the opportunity to continue his personal journey, I have no doubt that he would be of benefit to his fellow inmates, the officers that would supervise him, and the administration itself. I ask the Members of the Board to seriously consider clemency in his case.



Thomas Bartlett Whitaker
TDCJ-ID: 2179411
McConnell Unit