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Texas Appeals Court Stops Death Penalty Hearing

Posted by James Brockway, Guest Blogger on January 12th, 2011

The Texas Court of Criminal Appeals has decided to permanently stop the hearing in *Texas v. Green*, which examined the constitutionality of Texas's death penalty in light of the frequency of wrongful convictions.

The Court ruled that District Judge Kevin Fine did not have the jurisdiction to hear arguments on capital punishment's constitutionality, especially at the pre-trial stage of the process. The Court did recognize the seriousness of Green's concerns and urged the legislature to look closely at the problem.

While it is good to hear the Court recognize the seriousness of the risk of wrongful conviction, it is unfortunate that they were unwilling to take their responsibility to ensure that Texas's judicial system does its part to prevent the execution of innocents. The two days of testimony prior to the original stay represented an attempt to honestly and thoroughly investigate Texas's death penalty. This is a conversation that must be continued both in the legal system and in the court of public opinion.

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