



Law of Parties

Felony Murder Rule is not Justice

Support HB 2649 and HB 5058

Law of Parties (Texas Penal Code § 7.01 and .02) states that a person can be criminally responsible for the actions of another in certain circumstances, including:

- "if in the attempt to carry out a conspiracy to commit one felony, another felony is committed by one of the conspirators, all conspirators are guilty of the felony actually committed, though having no intent to commit it."
- "if the offense was committed in furtherance of the unlawful purpose and was one that should have been anticipated as a result of the carrying out of the conspiracy" before, during, or after the fact.

What this law has caused

- Texas has executed people that did not commit murder.
- The unjust effects of "law of parties" sentencing fall most heavily on youth of color and women.
- A large percentage of women serving time for first-degree murder under this rule were not the perpetrators of the homicide.
- "Law of Parties" sentencing takes away the power of juries or judges to impose more equitable sentencing.
- Texas needs to reduce its prison population. The Law of Parties works against these needs.

Solution

- Legislation that would prevent those that did not commit murder from being sentenced to death.
- Legislation that provides relief to those who have already been sentenced to death yet have not committed murder.
- Legislation that prevents Prosecutors from equating the *intent* to commit a crime with the *intent* to commit murder.
- Legislation that lays out equitable sentencing in relation to the actual crime committed by the individual.
- Legislation that provides relief to those over-sentenced under the former unjust laws. These remedies must be retroactive.

According to the Death Penalty Information Center, at least 11 people have been executed for felony murder where they didn't carry out the killing. According to the Dallas Morning News, half have been in Texas.

"It's hard to get reliable data on capital sentencing – states aren't required to keep statistics on capital prosecutions, and there's no national database that keeps track of how often prosecutors seek the death penalty or what statutes people on death row were convicted under." – "When the State Kills Those Who Did Not Kill"

The unjust reach of this law is unquantified, and research has yielded little data.

What isn't measured can be abused, and this law is being abused!

This data MUST to be tracked. Create legislation today.

Most citizens, your constituents, believe that people should receive just punishment for crimes they have committed but not serve unjust or inordinate sentences for crimes they did not commit.

Texas needs brave legislators who are willing to make right and just a law that is being used unjustly. You must also ensure more proportional and equitable sentencing while serving public safety.

*Convicted of murder at 15 for sharing my cell phone.
Sentence: 60 years. The responsible party received 20 years.*

*Convicted of murder for having bad taste in boyfriends.
Sentence: Life Without Parole*

Convicted at 17 for 3 murders I did not commit.

Sentence: Death commuted to Life without Parole. The responsible party received 41 years after escaping and being on the run.

**How often have you thought or said, "I don't know what he/she is thinking." about your significant other or friend?
Would your mind-reading skills keep you from a murder conviction?**

*Convicted of murder after a reawakening of integrity. I left the scene and didn't even know a murder had occurred.
Sentence: Life Without Parole The co-defendants received life with parole and 45 years*



For more information, read this white paper:

"Inviting Common Sense Into The Texas Law of Parties Doctrine"

Thank you to Becky McClure Haigler for contributing to the information in this one-pager.