

Reform the Texas Law of Parties Doctrine

To preserve the integrity of the justice system

The Issue

Through the law of parties, courts are allowed to convict individuals of an offense that was committed by someone else. This creates a significant problem in murder and capital murder cases, in which a conspirator may be convicted of any crime perpetrated by their co-conspirators that occurred during their scheme and *should have been anticipated*, regardless of whether the defendant was, in fact, aware of the possibility. This undermines the integrity of Texas's capital punishment system by allowing individuals who did not kill or intend anyone to be killed to be sentenced to death for a crime they did not commit.

The Solution

Texas should limit murder and capital murder convictions under the conspirator-party rule to only apply in cases where the defendant was a major participant in the conspiracy and displayed reckless indifference to human life. Additionally, prosecutors should have to prove the defendant had an intent to kill in death penalty sentencing trials. Finally, the parole board should be empowered to commute the sentences of individuals who were convicted of capital murder and sentenced to life without parole through the law of parties.

The death penalty is reserved for “those offenders who commit ‘a narrow category of the most serious crimes’ and whose extreme culpability makes them ‘the most deserving of execution’ ”

-Roper v. Simmons, 2005

Quick Facts

- > Youth and young adults under the age 21 are over-represented in the subset of offenders who are convicted of murder and capital murder under the conspirator-party rule.
- > Individuals who fall within the ambit of the conspirator-party rule are not “innocent” of any and all crimes. They entered a pact to commit a felony offense and should be held accountable through convictions that are *proportionate* to the defendants’ conduct and intent.
- > Five states have abolished this form of liability, including Kentucky, California, Hawaii, Michigan, and Massachusetts.