

CASE NO. _____ (CAPITAL CASE)

IN THE SUPREME COURT OF THE UNITED STATES

WESLEY RUIZ,
Petitioner,

v.

BRYAN COLLIER, DIRECTOR,
Respondent.

On Petition for a Writ of Certiorari to
The Texas Court of Criminal Appeals

APPENDIX TO PETITION FOR A WRIT OF CERTIORARI

Shawn Nolan*
Peter Walker
Assistant Federal Defenders
Federal Community Defender Office
for the Eastern District of Pennsylvania
601 Walnut Street, Suite 545 West
Philadelphia, PA 19106
(215) 928-0520
Shawn_Nolan@fd.org

** Counsel of Record*
Member of the Bar of the Supreme Court

Order, <i>Ex parte Ruiz</i> , No. WR-78,129-04 (Tex. Crim. App. Jan. 30, 2023).....	App. 1
Declaration of James Gage.....	App. 2
Declaration of Brenda Popper	App. 3
Dr. Christina Leza, Ph.D., Report, January 12, 2023,.....	App. 4

APPENDIX A



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-78,129-04

EX PARTE WESLEY LYNN RUIZ, Applicant

**ON APPLICATION FOR POST-CONVICTION WRIT OF HABEAS CORPUS
AND MOTION TO STAY THE EXECUTION IN CAUSE NO. W07-50318-M(C) IN
THE 194TH JUDICIAL DISTRICT COURT
DALLAS COUNTY**

Per curiam.

ORDER

This is a subsequent application for a writ of habeas corpus filed pursuant to the provisions of Texas Code of Criminal Procedure Article 11.071 § 5 and a motion to stay Applicant's execution.¹

In July 2008, a jury convicted Applicant of the offense of capital murder for killing a police officer. *See* TEX. PENAL CODE ANN. § 19.03(a). The jury answered the special

¹ Unless otherwise indicated all references to Articles in this order refer to the Code of Criminal Procedure.

issues submitted under Article 37.071 and the trial court, accordingly, set Applicant's punishment at death.

This Court affirmed Applicant's conviction and sentence on direct appeal, denied habeas relief on his initial Article 11.071 writ application, and dismissed his first and second subsequent Article 11.071 applications as abuses of the writ. *Ruiz v. State*, No. AP-75,968 (Tex. Crim. App. Mar. 2, 2011) (not designated for publication); *Ex parte Ruiz*, Nos. WR-78,129-01 and WR-78,129-02 (Tex. Crim. App. Sept. 26, 2012) (not designated for publication); *Ex parte Ruiz*, No. WR-78,129-03 (Tex. Crim. App. Nov. 19, 2014) (not designated for publication).

Applicant filed in the convicting court on January 24, 2023, this, his third subsequent Article 11.071 application for a writ of habeas corpus, in which he raises a single claim that his death sentence was impermissibly influenced by racial bias. We have reviewed the application and find that Applicant has failed to show that he satisfies the requirements of Article 11.071 § 5. Accordingly, we dismiss the application as an abuse of the writ without reviewing the merits of the claim raised. Art. 11.071 § 5(c). We also decline Applicant's invitation to reconsider his -03 writ. We deny Applicant's motion to stay his execution.

IT IS SO ORDERED THIS THE 30th DAY OF JANUARY, 2023.

Do Not Publish

APPENDIX B

DECLARATION OF James Gage

PURSUANT TO 28 U.S.C. § 1746 and V.T.C.A. § 132.001

1. My name is James Gage. I was the foreman on the jury of Wesley Ruiz's death penalty trial.
2. It was obvious that Mr. Ruiz's defense attorneys didn't do a good job. They seemed like they didn't care, and they didn't give us a plausible alternative argument. If they gave us information on his state of mind, like information from a psychologist, we would have considered it in our decision. It could have made a difference.
3. When we voted in the jury room at the beginning of deliberations, the vote was split. Approximately half of the jury voted for death, and the other half wanted to discuss it more before making a decision. I was on the side that wanted to discuss it more.

Initials: J. G.

4. The jury was split into a white-collar-like side and a blue-collar-like side. The blue collar-like side wanted to discuss it.
5. It was our goal that we had to be unanimous when choosing a death verdict. otherwise, the death penalty would not be in effect.
6. There was one juror, a sweet housewife, who did not want to give Mr. Ruiz the death penalty. Her concern was a moral dilemma rather than a concern that the criteria for the death penalty had been met. The other jurors and I reminded her that she ~~was~~ ~~wasn't~~ had agreed to impose the death penalty as the law required.
7. She was teary-eyed during this conversation.
7. I explained to her the evidence that he could be dangerous. At first, I did not necessarily think that Mr. Ruiz was a danger. He seemed like (continue to next page)

Initials: D. J.

- § like a thug & punk but didn't seem like a leader. The other jurors discussed the phone calls & letters as evidence that he was a danger. After listening to their opinions, I took in the evidence and had to agree. Mr. Ruiz behaved like an animal. He was a mad dog.
8. I also felt that the decision in the case was very important. There were a lot of cops in uniform who were there in the courtroom. In the back of my mind, I didn't want to send the message that a person could get life for killing a cop. I didn't want the cops to feel like they weren't going to be protected.
9. There were also a lot of gang members in the courtroom too. They had tattoos, and it was obvious who they were there for - Mr. Ruiz.

Initials: 

10. The women on the jury were scared of the gang members. ^{in the courtroom.} They were so scared that they told ~~me~~ the court, and the bailiffs walked them to their cars. I was concerned too. When I walked out of the courtroom and to my car, the gang members saw me. ~~I~~ I had a red corvette, and they saw me get into it. I should have brought a different car that didn't stick out.
11. Later, I was driving on the highway and saw a Mexican guy in a flashy car on the side of the highway. He ~~z~~ pulled out of the side of the road as I passed him, and it seemed like he was following me. I sped up and got off the exit very quickly. I was scared.

Initials: 

12. ~~12.~~ The other jurors and I made the best decision we could with the information at the time. I did, and still do, believe that our decision was the proper one. However, I would be okay with Mr. Ruiz's death sentence being ~~14.~~ commuted to life. It would take a weight off my shoulders.
13. Two law school students reached out to me previously. They did not ask me nearly as much as Mr. Ruiz's current legal team. If they would have asked me ~~the~~ about ~~the~~ the same information, I would have told them everything in this declaration.
- _____
- _____
- _____
- _____

Initials: 

My name is James Gage.

My date of birth is [REDACTED].

My address is [REDACTED].

I declare under penalty of perjury, and pursuant to 28 U.S.C. § 1746 and V.T.C.A. § 132.001, that the foregoing is true and correct.

Executed in Dallas County, State of Texas.

on the 12th day of AUGUST, 2022

James R. Gage
Declarant Signature

APPENDIX C

DECLARATION of BRENDA POPPER
PURSUANT TO 28 U.S.C. § 1746 and V.T.C.A. § 132.001

1. I served on Wesley Ruiz's jury. I understand he has an execution date. I think about his case from time to time. Serving on his jury was a duty I took very seriously because of the nature of the tragedy & the gravity of the decision we were entrusted to make.
2. I wanted to be sure of my decision. ~~My~~ My understanding based on what we were told was that if we found him guilty of murder, because the victim was a Corporal police officer, that Wesley should be sentenced to death. In fact, I thought ~~he~~ I had to sentence him to death. I was actually a "holdout" juror when we took the first vote. B.P.
3. I remember the state's expert AP Merrill testified about how Wes would be classified. B.P. ~~I understand~~ I thought Wes could escape if he was sentenced to life without parole. Had I known the actual classification rules, I might have changed my mind.
4. I grew up in Oak Cliff ~~where Wes was from~~. The area started to change when the demographics changed—integration & bussing, which my parents opposed. Wes was from West Dallas, which was even worse than Oak Cliff. B.P.

Initials: BP

5. ~~My~~ My younger cousin was murdered before Wes's trial. It was drug related. I think it probably wouldn't have happened if drugs weren't involved. They never found the guy who shot my ~~Son~~ cousin. BP

6. My sister was raped and kidnapped many years ago, before Wes's trial. It was a carjacking - a group of four men in a car bumped into her car & she got out to exchange insurance information. They tortured her while driving and then left her in ^{MOUNTAIN CREEK} ~~Mountain Creek~~ where she found a truck driver to help her. The ~~best~~ main guy of the 4 men was a Raymond Maya, I believe he's Hispanic & was involved in a ~~business~~ business to smuggle in illegal aliens into the country. He I believe was apprehended after a high speed chase and fired at officers, in Cochise. BP

My name is Brenda Propper

My date of birth [REDACTED]

My address is [REDACTED]

I declare under penalty of perjury, and pursuant to 28 U.S.C. § 1746 and V.T.C.A. § 132.001, that the foregoing is true and correct.

Executed in Dallas County, State of Texas.

on the 11 day of August.

Brenda Propper

Declarant Signature

Initials: BP

APPENDIX D

TO: Shawn Nolan, Chief, Capital Habeas Unit
Federal Community Defender Office
601 Walnut St., Suite 545 West
Philadelphia, PA 19106

FROM: Dr. Christina Leza, Ph.D.,
Linguistic Anthropologist
Associate Professor of Anthropology, Colorado College

RE: Expert Evaluation of Racial Bias in Wesley Ruiz Capital Trial, Juror Declarations
January 12, 2023

Introduction

I was provided with the declarations of two white jurors who served on the jury that sentenced Mr. Wesley Ruiz to death—J.G., who served as the foreman, and Juror B.P. I have been asked to review the juror declarations to determine if racial bias and negative racial stereotypes influenced jury deliberations. Mr. Ruiz is Hispanic, as is apparent from his last name.¹

Foreman J.G. and Juror B.P.'s anti-Hispanic bias is blatant. Foreman J.G. characterized Mr. Ruiz as an “animal” and a “mad dog,” and Juror B.P. made inferences about Mr. Ruiz based on the racial demographics of his neighborhood. There is no question that any decision by the jury that required an appraisal of this Hispanic defendant's likelihood to commit acts of violence in the future was tainted by racism. There is also no question that racial bias featured in the jury's decision to sentence Mr. Ruiz to death.

I have extensive training in the field of linguistic anthropology, an interdisciplinary study that examines how language shapes culture, social relationships, and persons, and the ways in which the use of language is a cultural practice. Linguistic anthropology examines the link between language and culture. It is at the intersection of linguistics and anthropology. I have both a master's degree and a Ph.D. in linguistic anthropology, and am currently employed as an associate professor in the Department of Anthropology at Colorado College. My research areas include linguistic anthropology, racism and language, and the U.S.-Mexico border. The courses I

¹ Mr. Ruiz is Mexican and White. In this report, I use the terminology “Hispanic” to include individuals like Mr. Ruiz.

regularly teach include Language and Culture, The Language of Racism, Language Socialization, and Introduction to Linguistics.

I am the author of the book *Divided Peoples* published by the University of Arizona Press in 2019, and I have published my research in academic journals including the language-focused journal *Semiotica* and *Journal of the Southwest*. I have two book publications in progress. The first is *The Everyday Language of White Racism* by Jane H. Hill, Second Edition. Christina Leza, Barbra Meek, and Jacqueline Messing, eds. (Oxford: Wiley Blackwell). The second is *The Language of Racism and Antiracism* (Routledge), which I am currently drafting. In 2020, I conducted a linguistic analysis of political speech: A Linguistic Analysis of Cory Gardner's Speech. *Colorado Times Recorder*, November 1, 2020.² I also regularly present at conferences and am invited to deliver lectures, and include here a sampling of relevant topics:

- “Racial Discourses on U.S.-Mexico Region Indigenous Identities and Rights” Hispanic Linguistics Colloquium, Ohio State University Department of Spanish and Portuguese (November 2022, virtual)
- “Racializing Discourses of Indigeneity on the U.S.-Mexico Border” Society for Linguistic Anthropology Spring Conference, Boulder (April 2022)
- “Dangerous ‘Aliens’ and other Unassimilated Beings: The Discursive Construction of Latino Migrants and Multiculturalism as Terroristic” American Anthropological Association’s Annual Meeting, Minneapolis (November 2016)
- “Code-switching and Code-mixing in Borderland Hip Hop Discourse” Explorations in Ethnography, Language and Communication V, Manchester, UK (September 2014)
- “The Representation of Indigenous Lifeways in Grassroots Political Discourse” American Anthropological Association’s Annual Meeting, Montreal, QC, Canada (November 2011)
- “Navigating Indigeneity in the U.S.-Mexico Borderlands: Indigenous Activist Discourse and Borderlands Politics” American Anthropological Association’s Annual Meeting, New Orleans (November 2010)
- “The Latin American Indigenous Diaspora and Indigenous Rights Discourse” Diaspora in the Hispanic and Luso-Brazilian World: An Interdisciplinary Conference, Oxford, Miami University (November 2010)
- ‘Grassroots Indigenous Discourse on “the border,” Land, and Self’ Conference on Language, Interaction and Culture, Los Angeles, University of California (May 2008); also presented at Arizona Anthropology and Linguistics Symposium, Tucson, University of Arizona (May 2008)

² <https://coloradotimesrecorder.com/2020/11/a-linguistic-analysis-of-cory-gardners-speech/32318/>

Analysis

My analysis of the declarations in Mr. Ruiz's case begins with the racial demographics of Dallas County. I follow this by discussing relevant negative stereotypes of racial minorities, particularly overtly subhuman stereotypes of Hispanic men. I then analyze the declaration of Foreman J.G., and Juror B.P., and opine on whether racial bias influenced Mr. Ruiz's death verdict. I conclude that racial bias did influence the jury's decision to sentence Mr. Ruiz to death.

1. *Dallas County is predominantly Hispanic/Latino.*

The racial demographics of Dallas, Texas—where Mr. Ruiz's trial was held and where the jurors resided—helps contextualize Mr. Ruiz's trial. According to demographic reports around the time of Mr. Ruiz's trial, 42% of the Dallas population was Hispanic or Latino.³ At the same time, non-Hispanic white residents, historically the most populous racial group in the city, comprised only 28.6% of the Dallas population.⁴ “[T]he perception that one is in the racial minority of one's neighborhood elevates fear among whites.”⁵ And one of the predominating fears white people have about demographic change is that an increase in the number of persons of color in their communities—specifically Hispanic people—will lead to an increase in violent crime.⁶

The racial balance in Dallas is similar to Houston. Researchers observe that, “Over recent decades, the immigration of people of color from Latin America, Asia, and the Caribbean has dramatically changed the U.S. demographic makeup in a more diverse direction. Whites have become a statistical minority in large central cities such as New York, Chicago, Los Angeles, and Houston. At current birth and immigration rates, half the population will be Americans of color by the 2040s. Especially among white Americans . . . there is much fearful racist framing of these immigrants of color and related demographic changes.”⁷ Researchers have also observed that the “Latino population explosion, generated by immigration, has already created a number of visible fractures in the United States that seem to be shifting the racial terrain”⁸

³ <https://www.census.gov/quickfacts/fact/dashboard/dallascitytexas/RHI825221#RHI825221>

⁴ *Id.*

⁵ Ted Chiricos et. al., *Racial composition of Neighborhood and Fear of Crime*, 35 *Criminology* 107, 107 (1997)

⁶ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4221266/>

⁷ Feagin, Joe R. at 175. *The White Racial Frame: Centuries of Racial Framing and Counter-framing*. Third Edition. New York: Routledge (2020).

⁸ Bonilla-Silva, Eduardo at 182. *Racism Without Racists: Color-blind Racism and the Persistence of Racial Inequality in America*. Fifth Edition. Lanham: Rowman and Littlefield. (2018).

2. Negative Stereotypes of racial minorities in American Society

Overtly subhuman stereotypes are forms of dehumanization.⁹ This is because “[a]nimals are said to be wild by nature. Animals can be domesticated, but . . . they can never be human. When animals are wild, which is to say, uncontrolled by humans, they may be appropriately feared by humans, and are justifiable targets for human hunters.”¹⁰ Dehumanization thus plays a critical role in normalizing intergroup violence.¹¹ Historical scholarship has shown that “associations between humans and nonhuman animals have been used to justify slavery in the United States, the Jewish Holocaust of World War II, and widespread violence against immigrants around the world.”¹² When a group is dehumanized, they are morally excluded, and “anything that is done to someone who is morally excluded is permissible, no matter how heinous the action,” including the ultimate forms of violence: murder and genocide.¹³

Three archetypal examples help illustrate this point. First, dehumanization was a necessary precursor to the annihilation of Jewish persons by Nazis:

The Nazis were explicit about the status of their victims. They were Untermenschen — subhumans — and as such were excluded from the system of moral rights and obligations that bind humankind together. It's wrong to kill a person, but permissible to exterminate a rat. To the Nazis, all the Jews, Gypsies and others were rats: dangerous, disease-carrying rats.¹⁴

Similarly, “extremists who organized the Rwandan genocide called Tutsi cockroaches and snakes.”¹⁵ Finally, in America, the association of apes with Black persons is rooted in stereotypes that they are “innately lazy, aggressive, dim, hypersexual, and in need of benevolent

⁹ Trujillo, Matthew D. at 15. The Interplay Between Prejudice Against Latinos and Policy: A Social Psychological Perspective. *Harvard Journal of Hispanic Policy* 24 (2012).

¹⁰ Santa Ana, Otto at 203. “Like an animal I was treated”: Anti-immigrant Metaphor in U.S. Public Discourse. *Discourse & Society* 10(12):191-224 (1999).

¹¹ Goff, P.A., J.L. Eberhardt, M.J. Williams, and M.C. Jackson. Not Yet Human: Implicit Knowledge, Historical Dehumanization, and Contemporary Consequences. *Journal of Personality and Social Psychology* 293 (2008). DOI: 10.1037/0022-3514.94.2.292

¹² *Id.*

¹³ *Id.*

¹⁴ David Livingstone Smith, *Less than Human: Why We Demean, Enslave, and Exterminate Others* (2011); relevant excerpt available at <https://www.npr.org/2011/03/29/134956180/criminals-see-their-victims-as-less-than-human>

¹⁵ Aliza Luft, *Dehumanization and the Normalization of Violence: It's Not What You Think*, Social Science Research Counsel, available at <https://items.ssrc.org/insights/dehumanization-and-the-normalization-of-violence-its-not-what-you-think/>

control.”¹⁶ Not only did the dehumanization of Black persons facilitate their enslavement,¹⁷ but “Black defendants who were put to death were more likely to have apelike representations in the press.”¹⁸ “Black defendants are more likely to be portrayed as apelike in news coverage than White defendants and . . . this portrayal is associated with a higher probability of state-sponsored executions.”¹⁹

In the case of Hispanic men, researchers have found that anti-Hispanic bias is strongly correlated with a history of Hispanic dehumanization in this country,²⁰ a desire for Hispanics to be punished by the State,²¹ and a history of hostility to Hispanics’ presence in this country.²² One deeply ingrained anti-Hispanic stereotype is that they are animalistic, or subhuman. Since at least the 1930s, Hispanics have been commonly depicted as savage and bloodthirsty.²³ For example, in the 1950s, Hispanics were commonly described by print media as infiltrating the United States in “swarms,” moving in “wolf packs,” and reproducing like “dogs.”²⁴ And as recently as the 1990s, a close examination of Los Angeles Times articles written between 1993 and 1994 revealed that “animals” was the dominant expression that characterized Hispanics.²⁵ Researchers found only two examples of a L.A. Times writer referring to someone other than a Hispanic immigrant as an animal, both about Black boxer Mike Tyson.²⁶

¹⁶ *Id.* at 293.

¹⁷ Reginald Oh, *Black Citizenship, Dehumanization, and the Fourteenth Amendment*, 12 ConLaw NOW 157, 159 (2021).

¹⁸ Goff, P.A., J.L. Eberhardt, M.J. Williams, and M.C. Jackson. Not Yet Human: Implicit Knowledge, Historical Dehumanization, and Contemporary Consequences. *Journal of Personality and Social Psychology* 293 (2008). DOI: 10.1037/0022-3514.94.2.292

¹⁹ *Id.* at 304.

²⁰ Trujillo, Matthew D. at 15. The Interplay Between Prejudice Against Latinos and Policy: A Social Psychological Perspective. *Harvard Journal of Hispanic Policy* 24 (2012).

²¹ Marshall, Shantal and Jennifer L. Eberhardt. The Function of Animal Associations: Latinos as Rats and Anti-immigrant Sentiment. Poster presented at the 12th Annual Meeting of the Society for Personality and Social Psychology, San Antonio, Texas; Trujillo, Matthew D. at 15. The Interplay Between Prejudice Against Latinos and Policy: A Social Psychological Perspective. *Harvard Journal of Hispanic Policy* 24 (2012).

²² Santa Ana, Otto at 203. “Like an animal I was treated”: Anti-immigrant Metaphor in U.S. Public Discourse. *Discourse & Society* 10(2):191-224 (1999).

²³ Steven W. Bender, Greasers and Gringos: Latinos, Law, and the American Imagination 118-121 (2003).

²⁴ *Id.*

²⁵ Santa Ana, Otto at 203. “Like an animal I was treated”: Anti-immigrant Metaphor in U.S. Public Discourse. *Discourse & Society* 10(2):191-224 (1999).

²⁶ *Id.*

3. Analysis of Racial Bias in Declaration Signed by J.G.- Foreman at Ruiz Trial

I reviewed the declaration from J.G., the white foreman at Mr. Ruiz's capital trial. There is no question that Foreman J.G.'s declaration reflects racial stereotypes, bias, and negative racial attitudes regarding Hispanic men that would feature in any decision requiring an appraisal of Mr. Ruiz's risk for committing violence, as well as the decision to sentence Mr. Ruiz to death. Specifically, on page 3 of his declaration, Foreman J.G. notes that he believed that "Mr. Ruiz behaved like an animal. He was a mad dog." These are blatant anti-Hispanic stereotypes and are overtly racist.

Jury foreman J.G.'s declaration also reveals his and other jurors' fearful perceptions of gang members in the courtroom and directly references his fear of an unidentifiable Mexican driver related to these perceptions. He states on pages 3 and 4:

9. There were also a lot of gang members in the courtroom too. They had tattoos, and it was obvious who they were there for – Mr. Ruiz . . .

10. The women on the jury were scared of the gang members in the courtroom. They were so scared that they told the court, and the baliffs [sic] walked them to their cars. I was concerned too. When I walked out of the courtroom and to my car, the gang members saw me. I had a red [C]orvette and they saw me get into it. I should have brought a different car that didn't stick out . . .

11. Later, I was driving on the highway and saw a Mexican guy in a flashy car on the side of the road as I passed him, and it seemed like he was following me. I sped up and got off the exit very quickly. I was scared.

In my opinion, these statements by Foreman J.G. overtly stereotype Hispanic men as violent and dangerous. These statements also reveal how Hispanic racial bias can influence Foreman J.G.'s appraisal of the facts: a flashy car (e.g., a red Corvette) that is driven by someone who is non-Hispanic (that is, Foreman J.G.), is not suspicious to him, but when it is driven by a "Mexican guy," it holds prominence in his mind as a reason that he felt scared.

J.G.'s status as a foreman of the jury, and therefore one who occupied a special status and leadership role among the jury, is of significant note. Foreman J.G. indicated on page 2, that "[t]here was one juror, a sweet house-wife, who did not want to give Mr. Ruiz the death penalty." He indicates that he persuaded her to vote for death, by "explain[ing] to her the evidence that he could be dangerous." This is significant because it illustrates how Foreman J.G.'s personal bias against Hispanic men influenced others on the jury. In other words, Foreman

J.G.'s anti-Hispanic bias, combined with his leadership role, deprived Mr. Ruiz of a fair, impartial jury because his influence tainted jury proceedings with racism.

4. *Analysis of Racial Bias in Declaration Signed by Juror B.P.*

White juror B.P.'s declaration also contains overt anti-Hispanic attitudes. She highlights violent life events that personally affected her family before she served as a juror in Mr. Ruiz's trial. Juror B.P. states:

3. "I thought Wes could escape if he was sentenced to life without parole."

5. "My younger cousin was murdered before Wes's trial. It was drug related. I think it probably wouldn't have happened if drugs weren't involved. They never found the guy who shot my cousin.

6. "My sister was raped and kidnapped many years ago before Wes's trial . . . They tortured her while driving and then left her in Mountain Creek where she found a truck driver to help her. The main guy of the 4 men was a Raymond Maya, I believe he's Hispanic and was involved in a business to smuggle in illegal aliens into the country. He I believe was apprehended after a high speed chase and fired at officers, in Cockrell."

B.P. draws on shared understandings about the demographics of Dallas neighborhoods like Oak Cliff and Ruiz's neighborhood of West Dallas to convey racial views that shaped her perception of Ruiz.

4. "I grew up in Oak Cliff. The area started to change when the demographic changed – integration and bussing, which my parents opposed. Wes was from West Dallas, which was even worse than Oak Cliff.

Oak Cliff is now 69.3% Hispanic, 22.2% White, and 6.5% Black.²⁷ Rising Hispanic populations are assumed to increase the violence of a neighborhood. Researchers have found that "the relative size of the Hispanic population in a neighborhood is a significant contextual predictor of fear of crime."²⁸

B.P. refers to West Dallas as "even worse," presumably due to the higher number of Black residents and the status of White residents as a minority group in this area. West Dallas is 52.4% Hispanic, 28.2% Black, and 13.4% White.²⁹ While residents like B.P. may negatively view this demographic shift due to more positive experiences of her home neighborhood prior to

²⁷ <https://statisticalatlas.com/neighborhood/Texas/Dallas/Oak-Cliff/Race-and-Ethnicity>.

²⁸ David Eitle & John Taylor, *Are Hispanics the new 'Threat'? Minority group threat and fear of crime in Miami-Dade County*, 37 Soc. Sci. Rsch. 1102, 1112 (2008)

²⁹ <https://www.city-data.com/neighborhood/West-Dallas-Dallas-TX.html>.

this shift, many White American residents in a city such as Dallas have also observed this demographic shift and been affected by the framing of this shift in news media and everyday discussions about immigration and race in the U.S.³⁰

Directly after noting the demographics of Oak Cliff and Ruiz as coming from West Dallas, B.P. then describes significantly violent events affecting close loved ones, taking note of her understanding that the “main guy” who kidnapped and raped her sister was “Hispanic.” This is reminiscent of Foreman J.G. invoking racial fears about Hispanics with “tattoos” and “a Mexican guy in a flashy car.” In their study of mental healthcare provider perceptions on race in the care of clients, McMaster et al. observe “Multiple providers used geographical terms to refer to black and white clients,” such as “inner city,” “downtown,” and “suburbs.”³¹

5. *Impact of Racial Bias on the Juror’s Decision-Making at Mr. Ruiz’s Trial*

Studies on mock juror decision-making indicate that jurors are more likely to rely on racial stereotypes about defendants of color and judge them more harshly when they lack information about the defendant’s characteristics beyond race that enables them to make more judicious decisions.³² Race is particularly salient under such conditions.³³ Foreman J.G.’s declaration indicates he lacked critical information to make a more informed sentencing decision. He states early in his declaration:

2. It was obvious that Mr. Ruiz’s defense attorneys didn’t do a good job. They seemed like they didn’t care, and they didn’t give us a plausible alternative argument. If they gave us information on his state of mind, like information from a psychologist, we would have considered it in our decision. It could have made a difference.

³⁰ Bonilla-Silva, Eduardo. *Racism Without Racists: Color-blind Racism and the Persistence of Racial Inequality in America*. Fifth Edition. Lanham: Rowman and Littlefield. (2018).; Feagin, Joe R. 2020. *The White Racial Frame: Centuries of Racial Framing and Counter-framing*. Third Edition. New York: Routledge.

³¹ McMaster, K., Peeples, A., Schaffner, R., & Hack, S. at 7. Mental Healthcare Provider Perceptions of Race and Racial Disparity in the Care of Black and White Clients. *Journal of Behavioral Health Services & Research*. DOI 10.1007/s11414-019-09682-4 (2022).

³² Pfeifer, J. & Bernstein, D. 2003. Expressions of Modern Racism in Judgments of Others: The Role of Task and Target Specificity on Attributions of Guilt. *Social Behavior and Personality*. DOI 10.2224/sbp.2003.31.8.749; Mitchell, T.L., Haw, R.M., Pfeiffer, J.E., & Meissner, C.A. Racial Bias in Mock Juror Decision-Making: A Meta-Analytic Review of Defendant Treatment. *Law and Human Behavior* (2005). DOI: 10.1007/s10979-005-8122-9; Kleider, H.M., Knuycky, L.R., Cavrak, S.E. Deciding the Fate of Others: The Cognitive Underpinnings of Racially Biased Juror Decision Making. *The Journal of General Psychology* (2012); Maeder, E.M. & Burdett, J. The Combined Effect of Defendant Race and Alleged Gang Affiliation on Mock Juror Decision-Making. *Psychiatry, Psychology, and Law* (2013). <http://dx.doi.org/10.1080/13218719/2011/633330>

³³ Pfeifer, J. & Bernstein, D. at 3. Expressions of Modern Racism in Judgments of Others: The Role of Task and Target Specificity on Attributions of Guilt. *Social Behavior and Personality*. DOI 10.2224/sbp.2003.31.8.749 (2003).

Moreover, in a capital murder case involving interracial violence—a Hispanic defendant and a white police officer victim—accurate information about the security of the defendant’s confinement would be critically important in jurors’ choice between a sentence of life without parole or execution.

B.P.’s declaration indicates she was also influenced by testimony from the State’s expert A.P. Merillat. B.P. states:

3. I remember the state’s expert A.P. Merillat testified about how Wes would be classified. I thought Wes could escape if he was sentenced to life without parole. Had I known the actual classification rules, I might have changed my mind.

In sum, it is highly probable that racial bias significantly influenced the jury’s decision to sentence Mr. Ruiz to death. Characterizing Mr. Ruiz as an “animal” and as a “mad dog” was both blatantly racist and a classic example of the dehumanization that justifies intergroup violence. After reducing Mr. Ruiz to a dangerous, wild animal, the jury logically concluded that it needed to put him down. Thus, it is likely that their overt racial bias directly led to their decision to execute Mr. Ruiz.

Christina Leza

Dr. Christina Leza

Date: January 12, 2023