

Selendy & Gay Files Amicus Brief Challenging Texas Death Sentence

12/02/21

On November 18, 2021, Selendy & Gay filed an amicus brief on behalf of several organizations that advocate for victims of family violence, asking the U.S. Supreme Court to review a Texas state court decision sentencing Terence Tremaine Andrus to death. Last year, the Supreme Court lifted Mr. Andrus' death sentence because it found that his trial counsel had failed to investigate and present extensive evidence of his extreme childhood trauma, and remanded the case for the state court to determine whether that failure prejudiced Mr. Andrus.

The record before the Texas court showed that Mr. Andrus' childhood was filled with severe negative experiences, including extensive domestic violence and parental neglect. Expert testimony demonstrated that these traumas were linked to his psychological and behavioral problems in adulthood. The Texas court nonetheless found no prejudice and reinstated the sentence on the theory that, even if the jury had heard this mitigating evidence, there was no reasonable probability that even one juror would vote against the death penalty. In reaching this conclusion, the Texas court completely ignored many of Mr. Andrus' childhood experiences and minimized the significance of others, often based on scientifically discredited reasoning.

Mr. Andrus has asked the Supreme Court to review his case again, arguing that the Texas court refused to follow the Supreme Court's instructions on remand.

Our [amicus brief](#)—filed on behalf of the National Family Violence Law Center, the California Protective Parents Association, and the Domestic Violence Legal Empowerment & Appeals Project—explains that the Texas court's ruling conflicts with Supreme Court precedent and ignores well-established developmental psychology regarding childhood abuse, neglect, and household dysfunction, all of which can profoundly affect adult behavior.

As the brief underscores, not only is the case a matter of life and death for Mr. Andrus, but it also gives the Supreme Court a critical opportunity to ensure that lower courts appropriately weigh evidence of adverse childhood experiences and account for developmental psychology research when assessing criminal defendants' moral culpability.

The Selendy & Gay Team

The Selendy & Gay team on this matter included Caitlin Halligan, Lauren Zimmerman, Jeff Zalesin, and Joshua Bean.

Attorneys

- Lauren Zimmerman
- Jeff Zalesin

Practices

- Appellate
- Public Interest and Pro Bono