

May 25, 2022

Raoul Schonemann  
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University of Texas School of Law  
727 E. Dean Keeton St.  
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**Re: Ramiro Felix Gonzales (DOB: 11/5/1982)**

Dear Mr. Schonemann:

I am writing to summarize my thoughts and opinions in regard to the above-named individual who I recently had the occasion to reevaluate after many years.

### **Introduction**

I first had the occasion to evaluate Ramiro Gonzales and testify on behalf of the State in his original trial in Medina County, Texas in 2006. Following this trial, Mr. Gonzales was convicted of capital murder and sentenced to die by lethal injection. Since that time, he has been housed at the Polunsky Unit in Livingston, Texas on what is generally referred to in Texas as "Death Row."

I was contacted by your office in mid-2021 and asked if I would review certain documents regarding Mr. Gonzales's legal history, re-evaluate him, and reassess my prior determination as well as his current mental status. In connection with the 2021 evaluation, I was provided the following documents to review:

1. Trial transcripts: *State of Texas vs Ramiro Felix Gonzales*, No. 04-02-9091CR, 38<sup>th</sup> Judicial District, Medina County, Texas
  - a. Guilt-innocence phase conducted August 22-25, 2006
  - b. Penalty phase conducted August 29–September 6, 2006
2. Social history records including:
  - a. Pre-trial jail records from the following institutions:
    - i. Kerr County Detention Center
    - ii. Medina County Jail
  - b. School records from Bandera County schools
  - c. Prosecution and juvenile probation records from Bandera and Medina counties
  - d. Offense reports from prior offenses
3. Social history summaries
4. Declaration of Frederick Lee Ozuna
5. Records of incarceration in Texas Department of Criminal Justice from 2006 – present
6. Expert report of Dr. Katherine Porterfield, Ph.D.
7. Expert report of Dr. Michael F. Caldwell, Psy. D.
8. Newspaper reports of incident
9. Artwork of Ramiro Gonzales, 2016–2021
10. Articles regarding sex crimes statistics and frequency of reoffending

### **Summary of the case**

Ramiro Gonzales was two months and a few days past his 18<sup>th</sup> birthday—18 years and 71 days old—when he was involved in a drug-related abduction and murder in response to which he was later tried and convicted and sentenced to death by lethal injection.

### **Recent evaluation**

I re-evaluated Mr. Gonzales on Monday, September 20, 2021, at the Polunsky Unit of TDCJ in Livingston, Texas. When I arrived, Mr. Gonzales was already seated at a table in the small visitation room. He greeted me spontaneously and warmly

and stated he remembered me from the prior evaluation at the local jail and my testimony at the time of his punishment phase.

The evaluation began at approximately 10 a.m. and lasted about 3.5 hours. The evaluation was performed in a contact visitation room adjacent to the general visitation area in the Polunsky Unit. As a part of this examination, I performed a standard psychiatric evaluation with the formulation of a formal mental health status examination.

The results are as follows:

### **Family history**

Ramiro Gonzales is a 39-year-old single Hispanic male who gave his date of birth as November 5, 1982. He was born in Dilley, Texas but reared in the general area of Bandera, Texas.

Mr. Gonzales is from what can be best described as a dysfunctional family background. He actually identifies his maternal grandparents as his primary caregiver/parent figures. He had little relationship with his biological mother, Julia Gonzales Saldana, while growing up, and he has not had any contact with her for a number of years. When asked directly how long it has been, Mr. Gonzales stated that their last communication was more than 20 years ago. He has been incarcerated for many years and has never heard from her during any of that time. Mr. Gonzales reports never have lived with his mother Julia, and states that not only does he not have any contact with her now but he is unaware of her current whereabouts.

Mr. Gonzales's maternal grandfather, Ramiro Sr., is in his eighties and does occasionally visit Mr. Gonzales at the Polunsky Unit. Mr. Gonzales reported that his maternal grandmother, Frances, is in her seventies and states that the health of both grandparents "is declining."

Mr. Gonzales's biological father is named Jacinto Sanchez. Mr. Sanchez lives in the Castroville, Texas area. Mr. Gonzales reported that he first met his biological father in 2001 while they were both confined in a jail in Hondo, Texas. He does occasionally hear from Mr. Sanchez by written response.

Mr. Gonzales reported that he has a half-sister and a half-brother from his mother's side of the family. His half-sister lives in Dime Box, Texas, and his half-brother died of colon cancer in 2016. On his father's side of his family, Mr. Gonzales doesn't know how many half siblings he might have but believes there are at least four. He does not have contact with any of them.

As Mr. Gonzales reports, and as is obvious to me, he has had essentially very little family structure and support, and the only stability in his childhood was whatever attempts were made by his maternal grandparents. Mr. Gonzales described his extended family as dysfunctional and referred to his childhood as "confused." In his family, there is a history of substance abuse, physical abuse, and sexual abuse.

Mr. Gonzales described his maternal grandparents as hard-working and caring, but stated that they were emotionally distant and rarely, if ever, demonstrated any true affection toward him during his formative years.

### **Educational background**

In regard to formal education, Mr. Gonzales reported that the highest grade of formal education obtained was seventh grade. He stated he stopped going to school when he got to eighth grade. He is literate and can read and write.

### **Prior legal history**

Mr. Gonzales's prior offense history as an adult involved theft, burglary, and forgery. He stated that he did receive a ten-year sentence in regard to that incident. He also has a prior conviction of unauthorized use of a motor vehicle.

In addition, he pled guilty to a sexual assault of Florence "Babo" Teich, which occurred after the capital murder of Bridget Townsend but before the discovery of her body, for which he was sentenced to two terms of life imprisonment.

## **Drug/alcohol history**

It is obvious that Mr. Gonzales had the greatest difficulty by far in this area. In fact, there is a relatively short-lived history in the free world, but it is clear that he developed substantial addictions to drugs as a teenager and that his life as a late adolescent revolved around drug-seeking behavior.

Mr. Gonzales stated that he only used marijuana sporadically until the death of a family member, an aunt. He reported that he began using marijuana at about age 11. During that time, he occasionally used alcohol. His aunt Loretta reportedly died in a motor vehicle incident when he was approximately 16 years old; after that event, he spiraled into regular (and, in short order, severe) drug addiction and dependency. Mr. Gonzales stated that Loretta was married to his uncle Johnny, who was a significant drug user. This association facilitated Mr. Gonzales's increasing drug use.

Following his aunt's death, Mr. Gonzales began to use methamphetamine on an increasing basis. He has also used cocaine, another stimulant drug, but his drug of choice was methamphetamine. He stated he would use methamphetamine as often as possible, and at times would remain on a "meth-high" for as many as seven to ten days. Mr. Gonzales acknowledged that his criminal behavior escalated during this period to support his drug habit.

At the time of the capital offense, Mr. Gonzales reported that he had been using methamphetamines "heavily" for eighteen months to two years. He summarized his drug history by acknowledging that when "strung out on meth, the only thing one can even recognize or acknowledge, at that moment, is the unrelenting desire to obtain more drugs at any cost."

## **Description of the crime of conviction**

Mr. Gonzales reported that he is on Death Row for the murder of a young woman by the name of Bridget Townsend. During our interview, he took full responsibility for the offense and displayed significant remorse for his actions.

Mr. Gonzales was able to describe the incident in detail. He reported that he had "issues" with the boyfriend of the victim, Joe Leal, whom he knew. According to

Mr. Gonzales, Mr. Leal was a known drug dealer, and Mr. Gonzales worked as a “middleman” for Mr. Leal to essentially bring him customers and business. Mr. Gonzales said that at the time of the offense he was “high” or “drugged up.” Mr. Gonzales stated that Mr. Leal owed him money, so he went to the house seeking to obtain the money and/or drugs.

During this incident, Mr. Gonzales stated that he did find and take a small amount of money and a few drugs from a closet. He reported that Ms. Townsend said she was going to tell Mr. Leal and/or call the police. According to Mr. Gonzales, he was already on probation and was afraid he would be discovered, “but [he] did not plan to kidnap anyone.” He really had no plans about to what to do at that point, but he took the young woman with him when he left Mr. Leal’s trailer. After taking her to an isolated part of the ranch on which his grandfather worked, he sexually assaulted and then fatally shot her. Mr. Gonzales said that during this entire episode he “really had no plan and didn’t know what to do with her.”

Mr. Gonzales adamantly maintained that he never went back to the area where her body was left, as a fellow jailhouse inmate claimed at trial. Apparently, the former inmate has since recanted that claim.

### **Current status**

Mr. Gonzales has developed significant insight into his earlier behaviors, particularly with respect to the role drugs played in his behavior as a teenager and his criminal offenses. He has come to understand the role drugs played in his life, and there is no doubt that he ended up in his current dilemma because of his florid history of substance abuse.

Mr. Gonzales expressed remorse for taking the life of this young woman, Bridget Townsend. Although he does not know exactly what he would tell the victim's mother, he wishes that he could speak to her and try to express his regret for his actions, which he tries to understand. He also wishes he had never been involved in drugs or any of this type of behavior in the first place.

**Marital history**

Although single and never married, Mr. Gonzales does have a daughter. At about 14 years of age, he was in a "relationship" with a woman who was about 19 or 20 years old at the time. She became pregnant and fled the Bandera area. Therefore, Mr. Gonzales has a daughter who is now 24 years of age and has her own daughter. At the time of my interview with Mr. Gonzales, the baby was about 4 months old and lived with her mother, his daughter, in San Antonio, Texas. Therefore, this 39-year-old man is actually a grandfather.

Mr. Gonzales reported that he is now involved in a "relationship" with a woman he met through a pen pal site. She lives in Australia.

**Military service**

None.

**Medical history**

He denies any significant medical problems.

**Current medication**

None.

**Religion**

Mr. Gonzales reported that he is not a member of any specific organized religious group. However, he does acknowledge that he is "spiritual" and follows a Judeo-Christian spirituality. One of the issues that he mentioned was his pending request that his "spiritual advisor be allowed to be with him and be in physical contact with him if he does face lethal injection."

### **Current mental status examination**

Mr. Gonzales is oriented to time, place, person, and recent events. His fund of general information is actually quite good considering his current incarcerated status. He is very aware of his current situation and he states that he is "attempting to keep up with everything from current events to any changes in the current legal proceedings."

Mood is normal and shows no evidence of significant depression. Affect is appropriate. Mr. Gonzales proved to be quite articulate, and was a more than adequate historian. He maintained excellent eye contact and spoke in a conversational tone. He was responsive to questions and appeared to make a concerted effort to answer my questions in detail. He frequently offered a detail explanation and spontaneously offered supporting information in regard to any opinion or statement offered.

His immediate, recent, and remote memory are all intact and quite good. There is no evidence of thought disorder. Throughout the interview, he denied and did not display any evidence of hallucinations, either auditory or visual, illusions or delusions.

Judgment, in the structured setting of the interview, is adequate. Insight is excellent. Intelligence is estimated as, at least, average. As Mr. Gonzales stated on several occasions, since 2006 and particularly during his confinement on the Polunsky Unit, he has "learned a lot."

Mr. Gonzales is able to both recognize and acknowledge that he has grown/matured both emotionally and intellectually. In his own words: "I'm not the same person I was when a late adolescent." At the end of the interview, he again stated "I'm not the same person nor at all like I was 15+ years ago."

Obviously, at 18 years old this young man was still in a formative stage. Over the years, he has fully matured into an adult with much better reasoning and coping skills and has developed the ability to think through cause-and-effect issues.

### **Diagnosis**

No diagnosis at present time.



## **Substance utilization**

Polydrug, but primarily methamphetamine (by history prior to incarceration).

## **Discussion and conclusion**

Mr. Gonzales's history of criminal behavior is obviously associated with his severe drug addiction/dependency which began when he was a teenager. At the time of this offense in 2001, he was only a few months past his 18th birthday, and his behavior was significantly affected by his self-medication in the form of drug use and resulting drug-seeking behavior.

## **Testimony at trial**

Upon request of the prosecution in this case, I reviewed investigative documents and interviewed Mr. Gonzales prior to his 2006 trial. I did not produce a written report at that time. Following my initial assessment of Mr. Gonzales and the records provided to me by the State, I testified during the penalty phase of his trial on September 1, 2006.

At the time of the trial, I testified that it was my opinion that he would pose a risk to continue to commit threats or acts of violence. I also testified that, "[I]n my opinion, certainly there is antisocial personality disorder present here." *State of Texas v. Ramiro Gonzales*, Trial Transcript Volume 41 at p. 70.

As I told the jury, "This is not a mental illness, but it's the way that person's personality is formed." Trial Transcript Vol. 41 at p. 69. I explained:

An antisocial person knows their conduct is wrong, but they either don't care or they have these self-serving reasons to obtain whatever their goal is ... so it certainly has nothing to do with not knowing what you are doing. It's just a pattern of behavior that is maladaptive. The person just acts that way because that's the way they are.

When questioned by the prosecution if there were "sadistic qualities" of the instant offense, I mentioned, among other things, that "[I]f you go back to view that person, knowing that they are out there and you go back to that scene, that ... has a psychosexual sadistic component to it." Trial Transcript Vol. 41 at p. 77. "[I]t would be unlikely that a person, in my opinion, who would commit that type

of act and that type of fashion... would volitionally just stop that behavior because they obviously derive some pleasure and some gratification from that. It would not be expected, based upon reasonable psychiatric probability, that they are just going to change that, after having done something like that." Trial Transcript Vol. 41 at p. 78.

The fact that he committed two sexual offenses, including the offense in which Babo Teich was a victim, constituted "a pattern of behavior [that] raises a question, at least, of some type of significant underlying psychosexual disorder. It raises the question of a sexual predator, like someone who is seeking a series of victims and who is praying upon women." Trial Transcript Vol. 41 at p. 82.

With regards to his potential for rehabilitation, I agreed with the prosecutor that records indicated that he denied that either offense had occurred, and such denials have "a negative impact on any attempt of rehabilitation or treatment." Trial Transcript Vol. 41 at p. 84.

In regard to sexual assault in particular, I testified: "There is a very high incidence of continued reoffending in those cases," Trial Transcript Vol. 41 at p. 86, and that "sexual assault has the highest Continuum of recidivism" and "sexual offenses are the hardest to treat" of all felony offenses. Trial Transcript Vol. 41 at p. 87. As I told the jury: "Those who have psychosexual disorders [...] Pedophiles, rapists, the people who have sexual related offenses have the most difficulty with treatment, and they have an extremely high rate of reoccurrence." When the prosecutor asked for data, I explained that "there is lots of data out there about the person who commits forcible rape and the likelihood that they will continue that. The percentages are way up in the eighty percentile or better." Trial Transcript Vol. 41 at p. 88.

Finally, I described Mr. Gonzales as "a man here who has demonstrated a tendency to want to control, to manipulate and to take advantage of certain other individuals. I don't see how one could believe that that's going to change in a prison." Trial Transcript Vol. 41 at p. 94.

### **Conclusions based on current evaluation**

At Mr. Gonzales's trial, I testified that his offense displayed sadistic tendencies, and opined that he posed a significant risk of future acts of violence. Regarding the likelihood of recidivism for sexual offenses, I testified that there is lots of data

out there about the person who commits forcible rape and the likelihood that they will continue that. The percentages are way up in the eighty percentile or better." Trial Transcript Vol. 41 at p. 88.

However, we now know this statistic to be inaccurate. A 2015 article traced the origins of the 80 percent sex offender recidivism rate to a "bare assertion" in a 1986 article in *Psychology Today*, authored by a counselor with no credentials in empirical research, that contained no citations or references to recidivism studies and was unsubstantiated by any data.<sup>1</sup> In fact, peer-reviewed statistical studies have shown that the actual recidivism rate for sex offenses is much lower; a 2018 comprehensive survey of longitudinal studies found recidivism rates below 20% after 25 years.<sup>2</sup> In particular, studies have consistently found substantially lower rates of sexual recidivism among juveniles or young offenders, such as Mr. Gonzales, than among older adult sex offenders.<sup>3</sup>

Furthermore, my review of the records provided to me by the prosecution revealed that, while in jail prior to trial, a fellow jail inmate, Frederick Lee Ozuna, claimed that Mr. Gonzales made statements to him about the offense and about returning to the crime scene several times to have sex with Townsend's deceased body. That was, to say the least, a significant piece of information regarding consideration of "future danger" at the time.

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<sup>1</sup> Ellman, I, and Ellman, T. (2015). "Frightening and High": The Supreme Courts Crucial Mistake About Sex Crime Statistics, *Constitutional Commentary* (30), 419. <https://scholarship.law.umm.edu/concomm/419>. See also David Feige, When Junk Science About Sex Offenders Infects the Supreme Court, *The New York Times* (Sept. 12, 2017), available at <https://nytimes.com/2017/09/12/opinion/when-junkscience-about-sex-offenders-infects-the-supreme-court.html> ("The 80 percent recidivism rate is an entirely invented number.")

<sup>2</sup> Hanson, R.K., Harris, A.J.R., Letourneau, E., Helmus, L.M., and Thornton, D. (2018). Reductions in risk based on time offense-free in the community: Once a sexual offender, not always a sexual offender. *Psychology, Public Policy, and Law* 24 (1) 48-63.

<sup>3</sup> Caldwell, M.F. (2007) Sexual offense adjudication and sexual recidivism among juvenile offenders. *Sexual Abuse*, 19 (2), 107-113; Caldwell, M.F. (2010). Study characteristics and recidivism base rates in juvenile sex offender recidivism. *International Journal of Offender Therapy and Comparative Criminology*, 54 (2), 197-212; Caldwell, M.F., (2016) . Quantifying the decline in juvenile sexual recidivism rates. *Psychology, public policy, and law*, 22 (4), 414-426.

However, Mr. Ozuna has since recanted those statements. He has sworn that his statements and trial testimony about them were false, and that Mr. Gonzales did not make statements like this to him. Furthermore, during our interview in September 2021, Mr. Gonzales vehemently denied that this occurred. Based on my assessment of Mr. Gonzales, I believe these denials are credible.

At the time of the commission of this offense Mr. Gonzales was barely 18 years old. With the passage of time and significant maturity he is now a significantly different person both mentally and emotionally. This represents a very positive change for the better.

At the current time, considering all of the evidence provided to me, my evaluation of Mr. Gonzales, and his current mental status, it is my opinion, to a reasonable psychiatric probability, that he **does not** pose a threat of future danger to society in regard to any predictable future acts of criminal violence.

I would be happy to answer any specific questions that might arise in regard to my assessment of this individual. If I can be a further assistance in this matter, please do not hesitate to contact me through my office address listed above.

A handwritten signature in black ink, appearing to read 'E. Gripon', written over a horizontal line. The signature is stylized and somewhat cursive.

Edward B. Gripon, M.D.