

13th US execution of 2025: Texas puts Moises Mendoza to death

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Moises Sandoval Mendoza was put to death Wednesday at the state prison in Huntsville, Texas. He was executed by lethal injection and was pronounced dead at 6:40 p.m. by prison authorities. He was the third person executed in Texas in 2025 and the 13th put to death in the US this year.

The US Supreme Court denied Mendoza's request for a stay of execution, clearing the way for his state killing. His attorneys had asked the high court to review a Texas Criminal Court of Appeals decision to deny a request that claimed Mendoza's counsel at trial was ineffective.

Mendoza, now 40, was convicted and sentenced to death for the 2004 kidnapping, sexual assault and murder of Rachel O'Neil Tolleson in March 2004 in Farmersville, Texas.

The crime that landed Mendoza on death row was particularly brutal. He entered Tolleson's home in Farmersville, northeast of Dallas, through a back door on the night of March 18, 2004. Leaving Tolleson's 6-month-old daughter, the two left in Mendoza's car to get cigarettes. Mendoza told police that after driving for a while, he began to choke Tolleson in his vehicle "for no reason," according to court documents.

Mendoza told police that he then drove to a field near his house, where he raped and choked her. He then "poked her throat" with a knife to make sure she was dead. After a few days he moved her body, wrapped in a tarp, to a more remote area and set her body on fire in a "dug-out pit."

"I don't know what happened to me at that moment," Mendoza wrote to his parents before his conviction and sentencing, according to the *Courier-Gazette* of McKinney, Texas. "I turned into the devil and after I did something that I thought was in a dream."

Death row in America is overwhelmingly populated

by the poor, the mentally incompetent, and those of African American, Latino or immigrant backgrounds. As is the case with so many of the individuals sentenced to death in the US, there was no consideration given to Mendoza's mental state, or any investigation of what in his background may have driven him to commit the brutal crime.

Mendoza stood trial in 2005. He had confessed to the Tolleson murder, so his conviction was all but assured. His trial attorneys' main task was to save him from a death sentence, but they failed in this miserably. In a supposed effort to humanize Mendoza, they called psychologist Mark Vigen as an expert witness to provide an explanation of why Mendoza carried out the murder and demonstrate what in his life might have mitigated his responsibility for the crime.

According to appeals filed by condemned inmate's current attorneys, however, Vigen testified instead that nothing could explain Mendoza's actions, and that he remained a dangerous man.

"The first opinion that defense counsel elicited from Vigen dehumanized Mendoza completely," the *Austin Chronicle* reports that his attorneys wrote in 2023. "Vigen told the jury that Mendoza lacks 'the internal compass that each of us has' and that he has 'no ... inner self' and 'no clear inner identity.'"

Vigen went on to testify that Mendoza chose "a depraved and disrespectful, aggressive, and drug-and-alcohol lifestyle in which ... empty sexuality was involved." His attorneys wrote, "It is difficult to comprehend how an opinion characterizing a defendant's life as 'depraved' could ever be helpful in a capital case."

The psychologist also described Mendoza as "immature" and "psychologically under-developed," and testified that Mendoza got angry when others

criticized him, as stated in court documents. Vigen also bolstered prosecutors' claims that Mendoza was very dangerous. The jury sentenced him to death.

Mendoza's family environment was violent, and his violent tendencies escalated during adolescence and young adulthood, leading to violent incidents, including threatening others with weapons and sexual assault, according to court documents. He argued in post-conviction proceedings that his actions could partially be explained by "attachment disorder," claiming he never formed a strong bond with his parents, particularly his father.

Mendoza's current attorneys argued that prosecutors presented false testimony during the sentencing phase of Mendoza's trial that his trial attorneys failed to challenge. This testimony came from a corrections officer who claimed that Mendoza attacked another inmate, Melvin Johnson, while in jail awaiting trial.

Mendoza's attorneys had collected two separate accounts of the fight from Johnson, who stated both times that he, not Mendoza, was the aggressor. In his most recent account he said that he attacked Mendoza to please guards at the jail.

"As I saw him [Mendoza] walking down the stairs, my cell door opened," Johnson told the attorneys. "I was shocked because a guard has to open my door and I was not supposed to be out with Mendoza. When my door opened with Mendoza out, I knew the guards wanted me to jump him, and that's what I did. I rushed out of my cell and attacked Mendoza. He immediately fell to the ground and covered up to protect himself. He never threw a punch." Johnson said he was given an extra tray of food that night for starting the fight.

The only remaining option for Mendoza to avoid execution would have been executive clemency from Republican Governor Greg Abbott, which he denied. The group Death Penalty Action initiated a petition campaign addressed to Abbott and the Texas Board of Pardons and Paroles, which garnered close to 6,000 signatures.

Death Penalty Action dispelled the assertion that granting clemency is "out of the governor's hands" if the Board of Pardons and Paroles does not recommend clemency. They wrote: "But the fact is that the governor appoints the members of the Board of Pardons and Paroles. He can choose to appoint members who will take valid claims and concerns more

seriously, instead of acting like rubber-stamping gatekeepers. He can still use his position of power and influence to enact justice in the State of Texas."

The group also called on people to email the governor's office and the Board of Pardons with a message that read in part: "Moises takes full responsibility for his crime and has expressed tremendous remorse. Now 21 years later, he is not the same person who committed the crime. He has [had] no disciplinary issues in prison since 2008—17 years... He is really the picture of what we want when it comes to rehabilitation and redemption."

But it is retribution and vengeance, not rehabilitation, that drives the death penalty system in Texas and 26 other US states that have capital punishment on the books, along with the federal government and the military. Texas has carried out 594 executions since the US Supreme Court reinstated the death penalty in 1976, accounting for more than a third of all executions in the US during this time.

Since 1976, the Texas Board of Pardons and Paroles has made clemency recommendations for death row prisoners facing imminent execution only six times, according to the Associated Press. Only two of these recommended were accepted by the governor in office: Henry Lee Lucas in 1998 (George W. Bush) and Thomas "Bart" Whitaker in 2018 (Abbott).



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