

Court Again Finds Man Ineligible For Death Penalty Due To Intellectual Disability

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In 2017, the Supreme Court held in [Moore v. Texas, 581 U.S. \(2017\)](#), that the Texas Court of Criminal Appeals used a flawed analysis to determine that Bobby James Moore was not intellectually disabled, and thus eligible to receive the death penalty. In part, the flaw was that the Texas court focused on Moore's adaptive strengths instead of his adaptive deficits. On remand, the Texas court came to the same conclusion. The Court, in a per curiam opinion joined by six justices, reversed again, holding that there were too many instances in which, with small variations, [the Texas court] repeats the analysis we previously found wanting, and these same parts are critical to its ultimate conclusion[,] namely that the Texas court continued to emphasize Moore's adaptive strengths instead of focusing on his deficits. Chief Justice Roberts, who dissented in the prior decision, concurred this time, stating that since the Texas court repeated its improper reliance on evidence that did not pass muster under this Court's analysis last time[,] he joined the majority to reverse. Justice Alito, joined by Justices Thomas and Gorsuch, dissented, argued that the standard given by the Court in 2017 was too vague to help the Texas court, and objected to the Court's apparent fact-finding. A link to the opinion in *Moore v. Texas* is [here](#).

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