



August 27, 2024

Texas Governor Greg Abbott  
Office of the Governor  
PO Box 12428  
Austin, TX 78711-2428

Texas Board of Pardons and Paroles  
Clemency Section  
8610 Shoal Creek Boulevard  
Austin, TX 78757

Dear Governor Abbott and Honorable Members of the Board of Pardons and Paroles,

As advocates for people with Autism and their families, we urge you to grant clemency to Robert Roberson, a man who is scheduled for execution on October 17, 2024, despite compelling evidence that his daughter's death resulted from illness, not homicide. Mr. Roberson is an Autistic person. A lack of awareness and understanding about this developmental disability seems to have been unwittingly held against him and greatly contributed to his wrongful conviction and death sentence.

In 2002, Mr. Roberson brought his two-year-old daughter, Nikki, to the hospital following a series of health complications, including a chronic illness, a high fever, and a minor fall from a bed. Under her physician's direction, Mr. Roberson had been given medication later discovered to potentially suppress breathing in young children. Tragically, Nikki passed away. Unbeknownst to hospital staff and law enforcement, Mr. Roberson was Autistic. His mannerisms, misinterpreted as cold and unemotional, led to the dismissal of his account of Nikki's fall. This misjudgment was pivotal in the prosecution's case, which portrayed Mr. Roberson as having violently shaken and abused his daughter, despite the absence of prior abuse evidence and the medical examiner's misrepresented findings regarding Nikki's injuries. This tragic combination of misunderstanding Mr. Roberson's Autism and the prosecution's biased narrative culminated in his wrongful conviction.

In reality, Mr. Roberson's lack of emotional display was a product of his Autism. Similar misconceptions are a persistent problem contributing to wrongful convictions and excessive punishment for Autistic people who become entangled with the criminal justice system.

Autism is a lifelong neurodevelopmental condition that affects one's ability to communicate and relate to others. Autism is a developmental disorder, not a mental illness. Because Autism produces deficits in social and emotional processing, people who fall on the Autism spectrum may seem "odd," "calm," "nonchalant," "unemotional," "detached," or "uncaring" to the neurotypical public, particularly in times of stress.



These are the very terms trial witnesses used to describe Mr. Roberson's response to Nikki's death. Tragically, the jury was unaware of Mr. Roberson's Autism and did not hear from any qualified expert witness who could explain that his outward lack of emotional response masked intense distress. Instead, it took years after Mr. Roberson's trial before he was evaluated by a qualified neuropsychologist. When that evaluation finally took place, he was diagnosed with Autism Spectrum Disorder with pronounced impairments that have been evident his whole life.

Mr. Roberson's delayed diagnosis is all too common, particularly for people who grow up in poverty and with unstable family circumstances, as he did. Even so, his Autism diagnosis was consistent with his childhood identification as having "special needs," including receiving speech therapy for delayed speech and related impairments through Medicaid.

Through the work of organizations like ours, public awareness and understanding about Autism has improved considerably since Mr. Roberson's trial two decades ago. And as you now consider his clemency request, you have before you a wealth of evidence that was not available to the jury demonstrating that Nikki's death was not a crime. Mr. Roberson's outwardly detached demeanor can best be understood in the context of his Autism, which often manifests in ways that may be misinterpreted by those unfamiliar with the condition, including medical professionals.

Late diagnosis and misdiagnosis are not uncommon in the Autism community. A review of the court documents and testimony of medical professionals and detectives who interacted with Mr. Roberson, show several instances where an Autistic behavior could be misconstrued as odd, or worse, an indication of guilt. The prosecution's reliance on misjudgment and bias against Mr. Roberson's Autistic behavior, suggests a rush to judgment substantially influenced by criminalizing disability.

For the reasons articulated above, we lend our full support to Mr. Roberson's application for clemency and urge you to stop his execution.

Sincerely,

A handwritten signature in black ink that reads "Christopher S. Banks".

Christopher Banks  
President/Chief Executive Officer  
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A handwritten signature in black ink that reads "Jacquie Benestante".

Jacquie Benestante  
Executive Director  
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The following organizations also lend their full support to Mr. Roberson's application for clemency:

Autism Speaks

Coalition of Texans with Disabilities

Family to Family Network

Texans For Special Education Reform

Texas Parent to Parent

The Arc of Texas