

Nineteen US death row inmates executed so far this year

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Nineteen people have been put to death in the US since the beginning of the year, bringing to 702 the number of executions since the US Supreme Court reinstated the death penalty in 1976. Another five men are scheduled to be executed before the end of the month. The executions of two other men were halted by court rulings only hours before they were set to die.

Thomas Wayne Akens died by lethal injection on March 1 at the Greensville Correctional Center in Virginia. He confessed to a 1998 beating death, and fought any appeals of his death sentence. Akens' lawyers had been prepared to fight the death sentence in his case, citing his "chaotic, insecure childhood." The US Supreme Court rejected an appeal that had been filed against Akens' wishes and Governor Jim Gilmore denied him clemency.

Also on March 1, Robert Clayton was executed in Oklahoma, bringing to nine the number of death row inmates put to death in that state this year alone. Clayton had been granted a 30-day stay of execution earlier this year, halting a previously scheduled January 4 lethal injection. The stay had been granted to allow DNA testing of "misplaced" evidence in his case that suddenly turned up in the district attorney's office. That evidence failed to clear him in the 1985 murder of Rhonda Timmons.

Dennis Dowthitt died by lethal injection in Huntsville, Texas on March 7. Dowthitt was convicted of the 1980 rape and murder of 16-year-old Grace Purnhagen. Dowthitt's son Dennis, who was 16 at the time, was convicted of killing Grace's nine-year-old sister, Tiffany. The younger Dowthitt testified against his father in exchange for a 45-year prison term.

Dennis Dowthitt had contended that his son killed both girls. Defense attorney Helen Beardsley said the elder Dowthitt's lawyers in his 1992 murder trial failed

to introduce evidence during the penalty phase that he had been abused as a child and suffered mental illness. This evidence might have influenced the jury to sentence him to life in prison. Dowthitt was the fifth person executed in Texas this year. Since Texas resumed executions in 1982, 244 people have been put to death, more than in any other state.

Willie Fisher was executed in North Carolina on March 9 for the 1993 murder of his girlfriend, Angela Johnson. A Wake County Superior Court judge had put the execution on hold just three hours before the scheduled lethal injection, after Fisher's defense lawyers argued that Governor Mike Easley, who had denied clemency in the case, was incapable of making an impartial decision in a death penalty case. Easley formerly served as state attorney general and in that capacity oversaw the office that opposed death row appeals. The attorney general's office appealed to the North Carolina Supreme Court, which lifted the stay.

Fisher's lawyers also argued that he would have been given a life sentence if he had received adequate counsel at his original trial. David Tamer, the attorney who represented Fisher in his murder case, suffered from acute depression and an intestinal disorder and was disbarred last year after he was accused of embezzling money from several estates.

Death row inmate Gerald Bivins was put to death in Indiana on Wednesday, March 14. He had waived all appeals of his conviction in the 1991 murder of Rev. William Radcliffe. Bivins told the press that execution was a "way to escape the abuse and frustration ... spending my life in prison does not appeal to me. The only thing that can come out of it is anger and frustration." The condemned man's mother, Jeanne Bivins, 61, attempted suicide following the execution, but survived.

The five men scheduled to be put to death before the end of March are: Ronald Fluke, Oklahoma, March 27; Robert Massie, California, March 27; Tomas Ervin, Missouri, March 28; Michael Moore, Texas, March 28; and Philip Workman in Tennessee, March 30. Ronald Fluke and Robert Massie have both rejected any further appeals of their death sentences, and are considered “volunteers.”

Philip Workman's March 30 execution will be carried out unless Tennessee Governor Don Sundquist grants him clemency. Workman, 47, was convicted of the 1981 murder of a policeman outside a fast-food restaurant in Memphis following a robbery. The state's pardon board has unanimously recommended that the execution proceed, and the US Supreme Court on February 26 dismissed an appeal for a new hearing in the case.

Workman received a stay of execution in April 2000 due to revelations pointing to his innocence. The public defenders in Workman's case failed to procure expert assistance on ballistics evidence, which cast doubt on the possibility of Workman firing the fatal shot. A key witness also recanted his testimony, which had identified Workman as the shooter. Despite this new evidence, the 6th Circuit Court of Appeals in Cincinnati ruled in May 1999 that it was “discovered too late in the day for a new trial motion.” If Philip Workman is put to death it would be the first execution in Tennessee since the Eisenhower administration.

Two scheduled executions were halted earlier this month, both just hours before the men were scheduled to be put to death. On March 6, the Georgia Supreme Court, in a 4-3 decision, stopped the execution of inmate Ronald Keith Spivey four hours before he was set to die in the electric chair for the 1976 killing of a police officer. Spivey's lawyers had argued that Georgia's use of the electric chair for executions constitutes cruel and unusual punishment. The state legislature last year voted to use lethal injection for capital crimes committed after May 1, 2000, but the 135 inmates on the state's death row convicted for earlier crimes are still scheduled to be put to death in the electric chair. Only two states, Alabama and Nebraska, use electrocution as the sole means of execution.

The US Supreme Court ordered a stay of execution for Antonio Richardson, 26, less than two hours before

he was set to die by lethal injection in Missouri on March 7. Richardson was convicted of the 1991 rapes and murders of two sisters. He was only 16 at the time of crime, and is also considered to have borderline mental retardation, testing at an IQ of 70. There has been widespread protest over his impending execution. Those opposing it include the American Bar Association, the Children's Defense Fund, the American Civil Liberties Union, the Association for Retarded Citizens and Amnesty International, as well as the mother of the two victims.

The 8th Circuit Court of Appeals in St. Louis issued a stay in Richardson's case the afternoon before the planned midnight execution in response to several organizations' arguments that he should not be put to death because of his impaired mental capacity and his juvenile status at the time of the crime. The state of Missouri appealed the stay to the US Supreme Court, which voted to vacate the order at about 9 p.m. Shortly thereafter, the court then ordered its own stay of execution in response to another appeal by Richardson's attorneys.

In a related case due to come before the Supreme Court later this month, the court will determine if jurors considered Texas death row inmate Johnny Paul Penry's low mental capacity when they sentenced him to death. The high court has never ruled that execution of the mentally impaired or juvenile offenders is unconstitutional. Thirteen states prohibit the execution of people with mental retardation.

In Massachusetts on Tuesday the state House of Representatives defeated a bill to reinstate the death penalty by a vote of 92 to 60. In 1997 a similar bill was defeated by only a one vote margin. Governor Paul Cellucci, who has forcefully supported capital punishment in the past, took a far less active role in supporting the bill this time around. Opponents of the bill cited weakened public support for the death penalty, due in part to revelations of wrongful convictions of death row inmates.



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