

# Texas to execute three for crimes committed as juveniles

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If the state of Texas were a nation it would lead the world in executions of those convicted of crimes committed when they were younger than 18 years old. Of the 74 juvenile offenders presently on death row in the US, 26 of these condemned young men are in the “Lone Star State,” and 3 of them are scheduled to die by lethal injection by mid-September. Of the 777 inmates sent to their deaths since the US Supreme Court reinstated the death penalty in 1976, more than a third, or 268, were in Texas. Ten of these were juvenile offenders.

The three young men scheduled for execution in Texas are: Napoleon Beazley, May 28; T.J. Jones, August 8; and Toronto Patterson, August 28. Missouri also plans to execute juvenile offender Chris Simmons on June 5. These approaching executions have provoked a storm of protest, both in the US and internationally. In a May 15 statement, Amnesty International wrote that if these executions are carried out “Texas will have executed as many child offenders in a four-month period as Iran, the next worst perpetrator outside the USA, has carried out in the whole of the past decade.”

Capital punishment for juvenile offenders is prohibited by the International Covenant on Civil and Political Rights, the American Convention on Human Rights and the UN Convention on the Rights of the Child (CRC). Only the United States and Somalia have failed to ratify the CRC, while 191 nations have adopted it. On August 14, 2000 the UN Sub-Commission on the Promotion and Protection of Human Rights affirmed that the use of capital punishment against child offenders violates international law and called on all countries to stop the practice.

Napoleon Beazley—the young black man who will die next Tuesday evening, barring a last-minute stay—was 17 years old when he shot and killed John Luttig in Tyler, Texas on April 19, 1994 during a car-jacking. He is now 25 years old. The case has generated widespread attention

and outrage due to Napoleon’s age at the time of the crime and the circumstances surrounding his trial and subsequent appeal.

The case has also gained notoriety because the murder victim was a prominent east Texas oil man and the father of a politically powerful and conservative federal appeals judge in Virginia, J. Michael Luttig. During an appeal last August to the US Supreme Court, the high court voted to allow the execution to proceed after three of the court’s justices—Antonin Scalia, Clarence Thomas and David Souter—disqualified themselves because of professional and personal ties to Judge Luttig.

On May 17, Napoleon’s current lawyers filed a lawsuit on his behalf along with attorneys for two other Texas death row inmates, accusing the US District Court in Corpus Christi of violating the rights of the condemned men by appointing incompetent lawyers to handle their appeals. A federal judge threw out the case only hours after it was filed. Beazley’s attorneys are appealing to the Texas Board of Pardons and Paroles to commute his sentence to life in prison.

Prior to the events of April 19, 1994, Napoleon Beazley had never been arrested or involved in any juvenile or criminal proceedings. He was a well-liked teenager, elected president of his senior class in high school and involved in sports and community service. He reportedly became involved in the car-jacking scheme with two other young men as a lark. He has accepted responsibility for the murder, and refers to it as “an impulsive act, one I regretted instantly.” “There is no justification for what happened,” Napoleon commented, “I don’t blame anybody else for being here (on death row) but me.”

The drive by the state of Texas to pursue the death penalty in Napoleon Beazley’s case highlights both the barbarity of the practice of capital punishment as a whole and the biased and arbitrary manner in which it is meted out against the young and racial minorities—particularly in

Texas.

Under Texas law, in order to impose a death sentence the jury must consider the defendant's "future dangerousness," which is defined as "a probability that the defendant would commit criminal acts of violence that would constitute a continuing threat to society." At Napoleon's sentencing hearing numerous witnesses—including teachers, coaches, his high school principal, relatives and members of his church—testified to his good character and achievements.

Notwithstanding that the concept of "future dangerousness" is scientifically and medically impossible to determine on an individual basis, psychological "experts" are routinely trundled out at sentencing hearings in capital cases in Texas to assert this. Despite the preponderance of witnesses who testified to Napoleon's character, the most damaging witness at his sentencing hearing was one such expert who, according to the young man's attorneys, "has never testified for the defense in a capital trial, who had never found a defendant in a capital case NOT to be a future danger, and who did not personally interview Napoleon or review his life history."

This witness based his opinion in large part on testimony by Cedric and Donald Coleman—participants in the car-jacking who did not receive the death penalty—who claimed that Napoleon stated prior to the murder that "he wanted to feel what it was like to kill someone." The brothers now admit Napoleon never made this statement. Therefore, critical evidence used by the jury as the basis for handing down a death sentence had no basis in fact.

The selection and composition of the jury at Napoleon Beazley's murder trial also exposed blatant racial bias. The assembled jury was all-white, following the state's rejection of a number of prospective black jurors. The prosecution claimed that it rejected one such juror because a dozen years earlier he had been charged with driving while intoxicated (DWI). Although the man had been acquitted, the prosecutor argued that his experience might have made him biased against the state.

However this did not stop the prosecution from accepting a white juror who had actually been convicted of a DWI and had also recently been fined for public drunkenness. This same juror told a defense investigator two years after the trial, referring to Beazley, "the nigger got what he deserved." His wife further said that she would "find it difficult to believe that [her husband] could have set his prejudice aside and not let it influence him in

some way."

According to Napoleon's attorneys, another juror was a woman who was reportedly a long-time employee of one of the victim's business partners. She was also the president of the United Daughters of the Confederacy, who has flown the Confederate flag—a well-known symbol of racial oppression and segregation—at her home. None of this was revealed during jury selection.

Another indication of the prejudicial bias in the sentencing hearing was the prosecutor's statement to the jury arguing for the death penalty, in which he referred to the young black man as an "animal," whose "prey ... happened to be human beings"—a description with obvious racial overtones.

Of the close to 268 death row inmates who have been executed in Texas since the death penalty was reinstated, 80 percent were convicted of crimes involving white victims. None of them were whites convicted of killing blacks. Of the 26 condemned juvenile offenders on death row in Texas, 11 are African-American, 10 are Hispanics and 4 are white.

The execution of young men like Napoleon Beazley—convicted and sentenced to death for crimes committed when they were teenagers—is sanctioned in 22 of the 38 states that continue to practice capital punishment in the US. In addition to the appeal for clemency from the Texas Board of Pardons and Paroles, Beazley's lawyers are also petitioning the US Supreme Court to reconsider whether execution of juvenile offenders violates the Eighth Amendment to the US Constitution, which prohibits cruel and unusual punishment.

If Napoleon Beazley's execution is allowed to proceed next week it will be met with outrage the world over by death-penalty opponents and human rights groups, as well as revulsion among growing numbers within the US population who oppose the barbaric practice.



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