

# Executions by lethal injection in Texas and Virginia

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The states of Texas and Virginia each sent a condemned prisoner to his death Thursday night, both executed by lethal injection. Carlton “Akee” Turner died after 6:00 p.m. at the death chamber at the Huntsville prison near Dallas, Texas. Kent Jermaine Jackson was pronounced dead at 9:18 p.m. at the Greensville Correctional Center in Jarratt, Virginia.

Texas has executed 407 individuals since the US Supreme Court reinstated the death penalty in 1976, more than any other US state. Virginia is second only to Texas, having sent 101 to their deaths during this same period. Deaths in these states account for more than 45 percent of all executions in the US since 1976.

The state killings of Turner and Jackson are part of a new round of executions in the US following a 7-2 decision by the US Supreme Court in mid-April that ruled lethal injection—the exclusive method used by the 36 US states that practice capital punishment—does not violate the Constitution’s Eighth Amendment prohibition against “cruel and unusual punishment.” The decision came in response to a challenge by two Kentucky death row inmates.

Executions in the US had been on hold for seven months prior to the May 6 lethal injection of William Earl Lynd in Georgia. A total of 12 men have been executed since the high court’s April 16 decision, and a total of 22 more are scheduled to be put to death between now and the end of October in eight states: Texas, 15; Virginia, 2; Oklahoma, 2; and one each in Mississippi, Missouri, Alabama, Arkansas and South Dakota.

Carlton “Akee” Turner, 28, was convicted in the 1998 murders of his adoptive parents, Tonya and Carlton Turner Sr. After shooting them multiple times, he hid their bodies in the garage of their home until they were discovered after three days. He later

confessed to the crime, saying at trial that he killed his father in self-defense but could not explain why he had killed his mother.

The way was cleared for Turner’s execution following the rejection of a clemency petition by the Texas Board of Pardons and Paroles, and the US Supreme Court’s rejection of an appeal for a stay. Turner’s attorneys had argued before the high court that he should be entitled to a federally appointed and paid attorney to pursue his clemency.

Turner was only hours from execution last September 27 when he was issued a last-minute stay pending the outcome of the Kentucky lethal injection case. That stay was lifted following the April 21 decision by the Supreme Court, denying without comment the appeals of 11 death row inmates who challenged the constitutionality of the lethal injection procedure as practiced in their states.

The University of Texas School of Law Capital Punishment Clinic filed a petition for clemency on Turner’s behalf with the Texas Board of Pardons. It cited racial discrimination at his trial as well as aggravating factors in his childhood. The petition also contained affidavits from families and friends arguing that Turner’s death sentence should be commuted to life in prison.

Carlton Turner was adopted as an 11-month-old baby. The family moved frequently due to Carlton Sr.’s career in the military. The petition stated, “While Tony and Carlton presented the picture of a happy and well adjusted family, trouble started at an early age. Akee exhibited learning and behavioral problems as early as elementary school. These continued throughout his school years.

“His problems were only exacerbated by his father’s strict and abusive punishments. He suffered broken

fingers, cuts, bruises and a broken leg (after his father threw him to the ground when he was seven years old), and endured many trips to the hospital as a result of his father's punishment."

Maurice Levin, an attorney with the Capital Punishment Clinic, notes that it was an all-white jury that convicted Turner, who is African-American. He also points to anecdotal evidence that no blacks even made it to the questioning portion of jury selection.

Dallas County, site of the trial, has a long history of excluding blacks from juries in death penalty cases, as well as other judicial improprieties. There have been 12 prisoners exonerated in the county on the basis of DNA evidence, including those serving long sentences for murder, rape and other felonies. These wrongful convictions in one county amount to more than all those recorded in the entire state of Florida—a situation referred to by one Texas lawmaker as an "international embarrassment."

State authorities and death-penalty advocates regularly argue that executions provide "closure" to relatives of the victims. While in all cases it is highly dubious that a state-sanctioned killing can provide meaningful relief to the suffering of a victim's loved ones, in Turner's case this is complicated by the fact that the victims and the condemned are from the same family.

The petition noted: "Executions are held out as a talisman that will provide the victim with closure. This belief serves in part as a rationale for executions. But, in Mr. Turner's case, an 'eye for an eye' truly does leave a family blind, twice robbed of their own."

In her accompanying affidavit, Kelly Johnson, Tonya Turner's brother and Carlton Turner's uncle, wrote, "I do not wish to see my sister's only child executed. I believe in my heart that my sister would only have wanted Akee to receive the help that he needed to restore his mind to a sound state."

Tonya Turner's first cousin Krishell Coleman stated, "I don't think Carlton should be executed. I don't want him to be executed. Now that I know more of the details that led to the murders, I realize that he needs help. Killing him is just another murder. Nothing is going to bring my cousin back. Killing him will just hurt our family again, the way Tonya and Carlton's murders did."

The petition for clemency was rejected by the Texas

Board of Pardons, in keeping with their record of denying clemency for all but a tiny handful of petitioners.

In Virginia, last-minute efforts by attorneys for Kent Jermaine Jackson also failed to stop his lethal injection. Jackson was convicted in the brutal 2000 murder of 79-year-old Beulah Mae Kaiser. US District Judge Mark S. Davis, the 4th US Circuit Court of Appeals and the US Supreme Court all refused to issue a stay of execution. Virginia's Democratic Governor Timothy Kaine also denied his clemency petition.

Attorneys for Jackson, who is African-American, claim that his trial lawyer failed him by not objecting when the prosecutor excluded blacks from the jury pool. They argued as well that his Sixth Amendment rights—the guarantee that defendants be notified of the charges against them—were violated because he was not informed that he could face the death penalty.

Jackson's lead attorney, Andrew Protogyrou, also argued on appeal that Jackson should be able to join the case of another Virginia death row inmate who is challenging the constitutionality of the state's lethal injection procedure.

Protogyrou argued that Virginia's death-penalty protocol had the potential of inflicting severe pain, and that it differed from the Kentucky procedure ruled on by the US Supreme Court. He said that in up to 15 percent of executions in the state, the condemned prisoner did not die as a result of the first round of three toxic chemical injections, and had to be given another dose.

Carlton "Akee" Turner and Kent Jermaine Jackson became the 1,110th and 1,111th death row inmates sent to their deaths since the 1975 US Supreme Court ruling reinstating capital punishment.



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