

US: Oklahoma executes two prisoners in one week

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14 January 2011

Oklahoma has executed two prisoners in the new year, both by lethal injection, using pentobarbital, a chemical typically used as an animal anesthetic.

On January 6, 39-year-old Billy Don Alverson was executed at the Oklahoma State Penitentiary in McAlester. On January 11, 38-year-old Jeffrey David Matthews was put to death at the same prison after an extended series of appeals and three stays to his execution in 2010.

Lethal injection consists of a three-drug combination. First, a prisoner is given a large intravenous dose of the barbiturate sodium thiopental, rendering them unconscious. The muscle relaxant pancuronium is then injected, causing paralysis of the muscles and lungs and inducing asphyxiation. Last, a prisoner is injected with potassium chloride, causing a massive heart attack.

Nationwide shortages of the first drug, sodium thiopental, have led to delays in the execution schedule. State legislatures have sought to import batches of the chemical, or, as in Oklahoma, substitute other drugs such as pentobarbital.

After Oklahoma approved the use of pentobarbital late last year, Matthews and two other death row prisoners challenged the policy as inhumane because if the drug failed to induce complete unconsciousness, the subsequent chemicals would cause excruciating pain, violating the Constitutional protection against “cruel and unusual punishment.” The 10th Circuit Court of Appeals rejected this challenge on December 14, and the next day death row inmate John David Duty was put to death with the new method. (See “Oklahoma prisoner executed with animal anesthetic”)

A group of local residents who believed Matthews was wrongfully convicted protested his execution Tuesday evening, and had appealed to outgoing Democratic Governor Brad Henry to stay the death

sentence. Henry had previously granted reprieves on June 17, July 20, and August 12 of last year. The final appeal included a request for a new trial based on evidence that had not been presented to the jurors during the first two trials.

Matthews was convicted of killing his great uncle, Otis Earl Short, during a 1994 robbery. He maintained his innocence from the day he was arrested until he was put to death.

As with countless other convictions of poor youth in the United States, the case against Matthews contained much questionable evidence. His main accuser in the case, co-defendant Tracy Dyer, recanted his testimony shortly after the trial. In a 1996 affidavit, Dyer stated he had been beaten by police, threatened with death, and ultimately coerced with promises of a lighter sentence in exchange for pointing the finger at Matthews. Dyer stated that Matthews had neither killed his uncle, nor participated in the burglary of the Shorts’s home.

Mike Mars, the McClain County deputy sheriff who arrested Matthews, in another affidavit, stated that he believed the case was a frame-up by other police on the force at the time, and that some of the evidence was planted. Mars stated that he was convinced that Matthews did not receive a fair trial.

“The McClain County Sheriff’s Office was very quick to target Matthews as a perpetrator of the offense, before there was any indication that he was a participant,” Mars stated. “The handling of the case by the police was sloppy. This was likely due, in part, to the immediate targeting of Matthews at the exclusion of other possible suspects.”

In addition, fingerprints were found at the crime scene that were not Matthews’ and were never identified. Moreover, Otis Earl Short’s widow, who was wounded in the attack, said that she did not

recognize her nephew's voice among those in the house.

McAlester News-Capital reporter Rachel Petersen, who witnessed the execution Tuesday night, described Matthews as peaceful and affectionate toward those present and was permitted to walk unshackled to the execution chamber. Other death row inmates clanged on the bars of their cells in farewell and Matthews was smiling and laughing while being strapped to the gurney.

Asked by the prison warden if he had any last words, Matthews said, "Let my mother know I love her... I just want to thank everyone for your support. I want to thank all my buddies on death row. I hear you banging." To the Short family he said, "I hate to see y'all in this situation, but I'm doing all right. I'm grateful... I want everyone to be fine and not having a sad day and go on and enjoy life." He added, laughing, "I think that Governor's phone's broke—he ain't called yet."

Five days before, Billy Don Alverson was put to death in the same execution chamber. Alverson had been convicted along with three other men in the 1995 beating death of Tulsa convenience store clerk Richard Yost. Alverson denied taking part in the beating. His last words were a message of apology to the Yost family. He told his family not to cry for him.

After the execution, Tulsa County District Attorney Tim Harris commented that the "ultimate punishment was delivered tonight. And the Yost family has waited a long time for justice. And in our criminal justice system, that has brought some more closure to one of the most heinous murders committed in Tulsa County. And that justice was meted out tonight with the execution of Billy Alverson."

Yost's widow released her own statement following the execution, saying that Alverson's death gave her no closure. "There are no winners tonight," she said, "each of us from both sides of the family have lost. It is a loss that no one will understand unless they have been in the same situation. I want to give my condolences to the Alverson family."

Oklahoma holds 84 prisoners on its death row; in the past two decades, the state has executed nearly 100 inmates, including five in the past year. Ten innocent people have been freed from the state's death row.

Currently the US holds more than 3,000 prisoners on

death row, and more than a dozen executions are already scheduled for 2011. Texas, where more than 330 people sit on death row, executes the most prisoners each year. At 697, California holds the highest number of death row inmates of any state, though it executes prisoners with far less frequency than Texas or Oklahoma.

This may change in 2011, however, after the federal Food and Drug Administration surreptitiously supplied batches of sodium thiopental to California and Arizona, where executions had been delayed due to shortages. FDA officials insist that the agency has no part in regulating chemicals intended to cause death. A January 13 *Washington Post* report cites an email written by an agency official to an Arizona prison official saying the FDA was obtaining a shipment of the drug to "be processed expeditiously to us as it was for the purpose of executions and not for use by the general public."



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