

# The brutal society: A week on America's death row

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Ohio death row inmate Billy Slagle, 44, hung himself at the Chillicothe Correctional Institution on Sunday, August 4, three days before his scheduled execution. Slagle had been convicted and sentenced to death for the 1987 murder of his 40-year-old neighbor, Mari Anne Pope.

The condemned inmate was found dead by prison officials at 5:30 a.m. and died an hour later. His suicide came only hours before he was set to go on around-the-clock watch beginning 72 hours before his execution. The Ohio Department of Rehabilitation and Correction is currently investigating how Slagle was able to obtain the materials to hang himself, but has released no details about the probe. Two corrections officers on duty at the time of the suicide were placed on paid leave August 8.

At the time of his suicide, Billy Slagle was unaware that his attorneys were preparing a last-minute appeal to file with the Ohio Supreme Court seeking a stay of execution. The attorneys had learned two days earlier that prosecutors had offered Slagle a plea deal of 30 years in prison before his 1988 trial, but that his attorneys at the time did not inform him of the offer. Cuyahoga County Prosecutor Timothy McGinty had said he would not oppose a request to stay the execution based on the new evidence.

Ohio Governor John Kasich and the state parole board had both rejected earlier appeals for a stay. The group Ohioans to Stop Executions issued a statement saying that Slagle's suicide shows that the death penalty is a "broken, arcane system that continues to allow unconscionable mistakes by lawyers involved." Ohio has executed 45 individuals since the US Supreme Court reinstated the death penalty in 1976. The state has 13 more executions scheduled between now and September 2015.

The state of Florida executed John Errol Ferguson on Monday, August 5. The US Supreme Court did not intervene to stop the execution of the 65-year-old diagnosed paranoid schizophrenic, who was convicted and sentenced to death for the murders of eight people in two separate incidents in 1977 and 1978 following his release from a state mental hospital.

Ferguson suffered more than four decades of mental illness, which began before his murder spree. He believed that he was the "Prince of God" and that he would rise up to save America from a communist plot upon his death. As the lethal chemicals were injected into his veins at the Florida State Prison in Bradford County, Ferguson mumbled, "Just want everyone to know that I am the Prince of God and I will rise again."

Ferguson's defense team appealed to the US Supreme Court that Ferguson's execution would violate the Eighth Amendment's ban on cruel and unusual punishment. In 2007, the high court justices ruled that a convicted killer must have a rational understanding of why he or she is being put to death and the ultimate impact of execution, i.e., death. The Supreme Court allowed the deadline for the execution to pass without a ruling.

In a written statement last Monday, defense attorney Christopher Handman stated: "We are gravely disappointed that the US Supreme Court denied John Ferguson's request to clarify the standard for evaluating an individual's competence to be executed and denied his request to invoke the Court's categorical bar on the execution of the insane." The American Bar Association, the National Alliance on Mental Illness and three Florida health organizations filed amicus briefs in support of Ferguson.

Florida Governor Rick Scott signed John Ferguson's death warrant last fall. His execution was originally set

for October 16, 2012, but legal proceedings at the state and federal level delayed the execution. In May, the US 11th Circuit Court of Appeals rejected his appeal, upholding a trial judge's ruling that Ferguson was competent to be executed. "That most people would characterize Ferguson's Prince-of-God belief, in the vernacular, as 'crazy,'" the court argued, "does not mean that someone who holds that belief is not competent to be executed."

In June, Governor Scott signed into law the "Timely Justice Act," aimed at fast-tracking executions in the state so that prisoners are executed within six months of the signing of their death warrants. Florida has executed 69 people since the reinstitution of the death penalty, the fourth highest number among US states carrying out capital punishment, following Texas, Virginia and Oklahoma. According to Death Penalty Focus, at least 60 people with mental illness or retardation have been executed in the United States since 1983.

In New Mexico on Wednesday, August 7, 11th District Court Judge Karen Townsend upheld the death sentences of Timothy Allen and Robert Fry, the only two condemned inmates remaining on death row in the state. The New Mexico Legislature abolished capital punishment in 2009, but stipulated that the ban on the death penalty applied only to future crimes and sentencing.

Timothy Allen, 52, was convicted of the December 1995 first-degree murder, kidnapping and rape of 17-year-old Sandra Phillips. Allen is currently incarcerated in the medical unit of the Central New Mexico Correctional Facility in Los Lunas.

According to court documents filed by defense attorney Melissa Hill, "Mr. Allen is under treatment by prison psychiatric staff for a constellation of severe symptoms of mental illness, including hearing voices." In her ruling upholding the death sentences, Judge Townsend said that Allen's attorneys should plan for an evidentiary hearing to discuss habeas proceedings.

Robert Fry, 40, was sentenced to death for the 2000 murder of 36-year-old Betty Lee. Fry is currently the sole prisoner on death row in the Penitentiary of New Mexico, near Santa Fe.

Although there is no execution date currently set for either Fry or Allen, Alex Tomlin, corrections department public affairs director, said there are several

holding cells in the prison where the men would likely spend their final days, including a death chamber where they would be put to death by lethal injection. Tomlin said the corrections department would hire a private contractor to perform the executions if they are ordered by the court.



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