

Missouri set to execute inmate despite evidence state lied about lethal injection drugs

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8 September 2014

The state of Missouri, under the governorship of Democrat Jay Nixon, is scheduled to execute Earl Ringo, Jr. on September 10. Mr. Ringo will be the 8th inmate in Missouri and the 28th in the United States to be executed this year.

The execution is set to proceed even after an investigation by St. Louis Public Radio revealed last week that the state of Missouri lied to the public and in court records about the combination of drugs it uses to kill death row inmates. Despite claiming that only a single drug, pentobarbital, was being used in executions, Missouri has for nearly a year also used a sedative called midazolam.

The report also found that the pharmacy that provided the Missouri with execution drugs is not licensed in the state, even though “under normal circumstances, selling a drug without a license could be a felony punishable by up to seven years in prison,” according to the report.

“This goes beyond hiding things. This is an issue of them deliberately misleading the (inmates), the lawyers, the courts and the general public,” Kathryn Parish, Earl Ringo’s lawyer, told Reuters.

Midazolam was involved in the recent “botched” executions of Dennis McGuire in Ohio in January, Clayton Lockett in Oklahoma in April, and of Joseph Wood in Arizona in July.

Dennis McGuire snorted and gasped for air for 26 minutes before dying. Clayton Lockett kicked, heaved and tried to pull himself off the death table before dying 43 minutes after he was lethally injected, while Joseph Wood gasped over 600 times before succumbing after two hours.

Parish said corrections officials “have insisted time and time again that the botched executions in Oklahoma, Arizona and Ohio have no relevance to what’s going on in Missouri because they are not using

the same drugs. That is an outright lie.”

Parish added that the use of the sedative could prevent Ringo from communicating the fact that he was in pain during the execution. She has filed a motion to stay the execution on the grounds that the use of the drug would constitute cruel and unusual punishment.

In June, 21 Oklahoma death row inmates filed a lawsuit against state officials alleging that the use of improvised drug cocktails is a violation of their 8th Amendment right to be free of “cruel and unusual punishment.” The suit correctly states that the use of untested compound drugs turns the inmate into a “captive and unwilling human subject” in a “biological experiment.”

Earl Ringo has been on death row for the last 16 years, convicted of the 1998 double murder of 22-year-old Joanna Baysinger and 45-year-old Dennis Poyser during a robbery, with his accomplice, Quentin Jones in Columbia, Missouri.

From the moment he was arrested, Ringo was cheated by the legal system. After his arrest, his sister hired an attorney for him but police did not allow the lawyer to see his client and Ringo was never informed that legal counsel had been acquired for him.

During an eight-hour-long interrogation, in which he denied involvement in the crime, Ringo was eventually pressured to waive his Miranda rights and make a videotaped confession.

During Ringo’s trial, his co-defendant testified against him to avoid the death penalty. Jones later claimed that he was taken from jail and threatened by police to testify against his co-defendant. Jones, who admitted killing Baysinger, received a life sentence.

Mr. Ringo’s defense was inept and ineffective. His attorney never investigated the circumstances in which his client confessed or under what circumstances the

attorney that came to assist him was turned away by law enforcement.

In his first appeal in 2000 to the state Supreme Court of Missouri, Ringo confronted the Court with this breach of his Sixth Amendment right to the assistance of counsel for his defense. The Court dismissed his complaint and declared that “[Ringo] never requested an attorney” so therefore he did not have to be informed that one had been hired for him. The court went on to claim “Ringo was informed of his Miranda rights, waived them—in writing, and confessed.” The court likewise concluded that “the record shows no coercion.”

In 1986, the United State Supreme Court in *Moran v. Burbine* rejected a claim that police refusal to inform a defendant of an attorney’s efforts to reach him affects the constitutionality of a Miranda waiver. The Court announced, “Events occurring outside of the presence of the suspect and entirely unknown to him surely can have no bearing on the capacity to comprehend and knowingly relinquish a constitutional right.”

A qualified attorney would certainly have counseled Ringo not to answer police interrogators’ questions, much less sign away his Miranda rights and confess to police. Just as shocking was the failure by the defense to fully inform the jury of their client’s troubled upbringing and mental health issues.

It was never revealed in court that Ringo tested positive on the Minnesota Multi-Phasic Personality Inventory to having post-traumatic stress disorder (PTSD) and that he was subsequently diagnosed with the illness by another psychiatrist.

The jury never heard the complete story of Ringo’s life growing up poverty-stricken in Detroit, Michigan. Shortly before his father died, when Earl was eight years old, his father told him that he was to look after his mother and three siblings and be the “man of the house.” After his father’s death, Ringo’s mother became involved with a known drug dealer and pimp who physically abused the children and raped and beat Earl’s mother.

Earl’s mother’s boyfriend forced his 13-year-old sister into prostitution and forced the boy, from the age of 10, to shoplift and steal for him. If Earl did not bring in the required \$100 a day he would be beaten. One time he was beaten so badly with an aluminum baseball bat that his head swelled to such an extent that he was

unable to attend school for two weeks.

The family moved from place to place, sometimes staying in drug houses and bordellos for days at a time when their mother would occasionally disappear and leave the children in the hands of strangers.

In a 2003 appeal to the Circuit Court of Boone County Missouri, Ringo raised that he was denied proper representation when his attorney refused to put psychiatrists on the stand who could relay facts about his life and his mental condition to arrive at a sound understanding of his actions and why they occurred.

The court denied his appeal, declaring, “Appellant bears a heavy burden to overcome the strong presumption that counsel provided competent assistance ... when counsel knows generally the facts that support a potential defense, the need for further investigation may be considerably diminished or eliminated altogether.”

The court then summed up his fate with one sentence: “The judgment [of death] is affirmed.”



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