

Virginia executes prisoner despite claim of intellectual disability

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The state of Virginia executed Alfredo Rolando Prieto on Thursday night, despite claims that he was intellectually disabled. The execution proceeded in advance of a ruling from the US Supreme Court on Prieto's appeal challenging Virginia's execution protocol.

Virginia authorities also ignored an injunction issued by the Inter-American Commission on Human Rights (IACHR) to halt the execution. The tribunal found significant evidence of Prieto's intellectual disability and that he has been denied a meaningful judicial determination of his eligibility for the death penalty.

Prieto, 49, was injected with a lethal three-drug combination, including the sedative pentobarbital, which Virginia had obtained from the Texas Department of Criminal Justice because another sedative it planned to use had expired. He was pronounced dead at 9:17 p.m. local time at the Greensville Correctional Center in Jarratt.

Prieto showed no emotion as he was strapped to the gurney, according to witnesses. Asked for his last words, he said, "I would like to say thanks to all my lawyers, all my supporters and all my family members," before mumbling, "Get this over with."

The condemned prisoner's attorney, Robert Lee, said after the execution, "The Justices of the Supreme Court of the United States were considering Mr. Prieto's request for a stay of execution, but the Virginia Department of Corrections went ahead with the execution without waiting for a decision from the Justices."

The El Salvador national was sentenced to death in Virginia in 2010 for the murder of Rachel Raver and her boyfriend Warren Fulton III, both 22, more than two decades earlier. Authorities allege that he has been linked to as many as six other killings in California and Virginia.

Prieto was on death row in California at the time of his conviction for the rape and murder of a 15-year-old girl, and was connected to the Virginia murders through DNA evidence. California authorities agreed to send him to Virginia in the belief, which was subsequently borne out, that Virginia was more likely to carry out his execution.

Earlier Thursday, the US Court of Appeals for the Fourth Circuit denied Prieto's challenge to the purity and safety of the pentobarbital planned for use in the execution. Virginia used the drug from a compounding pharmacy in Texas without any inquiry into its manufacture, purity or storage.

Prieto's attorneys had called on Virginia to halt the execution until Virginia officials disclosed information about the pentobarbital, including the name of the compounding pharmacy, which by Texas law is kept secret.

On Tuesday, the IACHR, a human rights tribunal for the Americas, issued "precautionary measures"—the equivalent of a preliminary injunction—on Prieto's impending execution.

IACHR pointed to significant evidence of Prieto's intellectual disability, including consistent limitations in his youth of conceptual skills related to language as well as limitations in developing social and practical skills. The body noted that tests allegedly placed his IQ score at approximately 68, which is in the bottom 1 percent of the population.

IACHR stated "the proposed beneficiary's efforts to receive a fair hearing on the issue of mental capacity have been 'consistently thwarted by the Virginia proceedings.'" The tribunal directed the United States to report within five days what steps it had taken to halt Prieto's execution. With the execution now carried out, no US response is expected.

Prieto was the first inmate executed in Virginia in nearly three years and the twenty-second executed across the US so far this year.

Oklahoma indefinitely suspends executions after drug mix-up

The Oklahoma Court of Criminal Appeals on Friday indefinitely stayed the executions of the state's three death row inmates with pending execution dates. The move

followed the last-minute stay of execution of Richard Glossip, who was only moments from being put to death when it was halted after prison authorities found they were not in possession of the proper drugs needed for the lethal injection.

Glossip—who has faced four dates with death halted by last-minute, temporary reprieves—was the key plaintiff in the June 2015 US Supreme Court case that upheld the legality of lethal injections utilizing the sedative midazolam. His attorneys have presented new evidence strongly pointing to his innocence.

In a remarkable demonstration of ineptitude, prison authorities in McAlester discovered only minutes before Glossip's scheduled execution that they did not have one of the drugs in their three-drug lethal injection protocol.

Instead of receiving the chemical potassium chloride, the third drug in the protocol used to induce cardiac arrest, they had received potassium acetate, used most widely in the treatment of diabetic ketoacidosis, and in tissue preservation and mummification.

The mix-up came despite the June 30 issuance of a new 34-page execution policy by the Oklahoma Department of Corrections.

Following the discovery that the wrong drug was on hand, Governor Mary Fallin issued a 37-day stay of execution for Glossip, rescheduling it for November 6. However, on Thursday, Oklahoma Attorney General Scott Pruitt filed a petition with the court of appeals for an indefinite stay of all scheduled executions.

Pruitt wrote in part, "The state owes it to the people of Oklahoma to ensure that, on their behalf, it can properly and lawfully administer the sentence of death imposed by juries for the most heinous crimes. ... They need to know, and all Oklahomans need to know with certainty, that the system is working as intended."

In other words, the state needs to get their execution protocol right so as not to tarnish the institution of capital punishment and to insure that the state killing machine eventually restarts operations.

Execution of likely innocent man planned in Missouri

On October 6, the state of Missouri plans to execute Kimber Edwards, 51, who was convicted of hiring Orthell Wilson to kill his ex-wife, Kimberly Cantrell, in St. Louis in 2000. Prosecutors claim Edwards had Cantrell killed to avoid paying child support.

Edwards has recanted his original confession, and Wilson,

who is serving a life sentence for Cantrell's murder, came forward earlier this year saying he killed her and framed Edwards to escape the death penalty. Edwards' attorney Jeremy Weis has asked the Missouri Supreme Court and Governor Jay Nixon to halt the execution.

Regarding Edwards' confession, Tricia Bushnell, legal director of the Midwest Innocence Project, said that an examination of murder convictions overturned by DNA evidence found false confessions in nearly two-thirds of those cases. Weis said his client has been diagnosed as autistic, a condition that may make people more susceptible to confess to crimes they have not committed.

Texas to execute mentally impaired prisoner

Also on October 6, Texas will execute Juan Martin Garcia, barring any unlikely last-minute reprieve. Garcia, 35, was convicted and sentenced to death for the 1998 murder of Hugo Solano during a botched stickup. Garcia's alleged accomplice, Eleazar Mendoza, had his charge reduced to aggravated assault in exchange for testifying against Garcia.

Garcia submitted a petition for writ of habeas corpus to the state in 2001 and filed a federal petition in 2008, but was unsuccessful on both counts. He argues that he was the recipient of deficient counsel, suffers from post-traumatic stress disorder as a result of his traumatic upbringing, and that he is intellectually disabled.

The US Supreme Court refused to hear his case on similar issues last year. Garcia has no outstanding appeals except a plea for clemency from the state Board of Pardons and Paroles or Texas Governor Greg Abbott.



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