

Texas executes 11th inmate of 2015

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Juan Martin Garcia was executed at the Walls Unit of the Texas state prison in Huntsville Tuesday evening. Garcia, 35, received a lethal injection of pentobarbital after 6 p.m. local time and was pronounced dead by prison authorities at 6:26 p.m. local time.

Garcia was the 11th inmate put to death in Texas so far this year—more than any other US state. He was convicted and sentenced to death for a 1998 murder in Houston.

On Friday, the Texas Board of Pardons and Paroles rejected his appeal for clemency, allowing the execution to go forward. The US Supreme Court refused to hear Garcia's case in June 2014. He had no appeals pending in the days before his execution.

Court records indicate that on September 17, 1998, Garcia and an accomplice, Eleazar Mendoza, shot and killed Hugo Solano, a Mexican immigrant who had recently moved his family to Texas, robbing him of \$8 and shooting him in the head. Mendoza had his charge reduced to aggravated assault in exchange for testifying against Garcia and is serving a 55-year prison term.

Garcia was arrested in Houston in November 1998 after police pulled him over for a routine traffic stop and found a .25 caliber pistol in his possession. He was released but apprehended a few days after police tied the weapon to the September 17 murder.

Two other men were apprehended in connection with the murder. Gabriel Morales went to trial and was convicted of capital murder and sentenced to life. A fourth defendant, Raymond McBen, pleaded guilty to aggravated robbery and was sentenced to 30 years in prison. He was paroled in 2014.

The Texas Court of Criminal Appeals reaffirmed Garcia's sentence in October 2001, and writs of habeas corpus were unsuccessful in Texas and federal courts in August 2001 and September 2008, respectively. Garcia claimed that he was the recipient of deficient counsel, a victim of post-traumatic stress disorder and was

mentally retarded. Courts at all levels rejected his claims.

In an interview last month, Garcia told the Associated Press, "This is not a capital case." He said, "I got railroaded since I didn't take the stand [to testify at trial]." Garcia spoke to the AP on a phone inside a caged-in visitors' area outside Texas' death row.

Garcia admitted to fatally shooting Solano, but claimed it was Mendoza who came up with the idea to rob him. He also said Solano escalated the confrontation by resisting. Mendoza said that Garcia ordered Solano to surrender his money and then shot him when he refused.

"He punches me. First thing that came through my mind is that the dude is going to try to kill me," Garcia told AP. "He grabbed the gun with both of his hands and it discharged." Solano was shot four times in the head.

"My dad used to beat me," Garcia said. "When that guy hit me, I was high on drugs and the first person I saw was my dad. So I kept shooting."

"I never intended to kill him," Garcia told the *Houston Chronicle*. He also says he did not rob Solano of \$8—the aggravating factor that made the crime a capital offense. "I have no reason to lie," he said.

Garcia was 18 at the time of Solano's murder and had already lived a life dominated by violence at home and on the street. He had an extensive juvenile record beginning at age 12. Authorities at his Houston trial tied him to at least eight aggravated robberies and two attempted capital murders in the weeks before and after Solano's killing.

Of the 1,417 executions carried out in the US since the US Supreme Court reinstated the death penalty in 1976, more than a third of them, 529, have been in Texas, according to the Death Penalty Information Center. DPIC counts 271 inmates on death row in Texas, with eight of these condemned inmates

scheduled for execution through 2016.

Texas has executed six of the 16 women put to death in the US over the last three decades. These included Karla Faye Tucker in 1998, the first woman executed in Texas in 135 years. Her execution was followed by that of Betty Lou Beets, in 2000; Frances Newton, 2005; Kimberly McCarthy, 2013; and Suzanne Basso and Lisa Coleman, both in 2014.

There are currently six women on Texas' death row. None of them has execution dates, which are set after a prisoner has exhausted all appeals.

On Monday, the US Supreme Court rejected the appeals of five Texas death row prisoners, including one with an upcoming execution date. Licho Escamilla, 33, was convicted and sentenced to death for the 2001 shooting death of Dallas police officer Christopher James, and is scheduled to die by lethal injection on October 14.



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