

# Texas carries out third execution of 2016

Kate Randall  
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Gustavo Julian Garcia, 43, was executed Tuesday night at the Walls Unit of the Texas State Penitentiary in Huntsville, Texas. He was the third death row inmate executed in the state this year, and the sixth in the United States as a whole.

Garcia yawned, gurgled, exhaled and began quietly snoring as the lethal dose of pentobarbital injected into his veins began taking effect, according to the Associated Press. Within 30 seconds, there was no movement. He was pronounced dead at 6:26 p.m. local time, 16 minutes after the lethal injection began.

Garcia was convicted and sentenced to death for the 1990 shooting death of Craig Turski, a liquor store clerk, during a robbery in Plano, Texas. Garcia spent more than half of his life on death row.

On February 10, the US Supreme Court denied a petition on Garcia's behalf for a stay of execution and a rehearing of his case before the high court. It is fitting that this was the last legal act of Supreme Court Justice Antonin Scalia, a fervent death penalty proponent, before his death on Saturday.

As with many death penalty cases coming before the Supreme Court, the ruling sealing Garcia's fate came without comment. "The application for stay of execution of sentence of death presented to Justice Scalia and by him referred to the Court is denied. The petition for rehearing is denied," the decision read.

Garcia's latest appeal to the Texas Court of Criminal Appeals was denied February 9. The Texas Board of Pardons and Paroles also rejected a clemency petition, and no further appeals were planned by Garcia's defense during the last days of his life, the Associated Press reported.

According to the Texas Attorney General's office, in December 1990, Garcia, then 18, and his friend Christopher Vargas, then 15, entered a liquor store in the Dallas suburb of Plano. Armed with a sawed-off shotgun, Garcia ordered Turski to give him money,

while Vargas stole beer.

Garcia shot Turski in the abdomen, and then, when Turski was able to escape from the store, Garcia pursued him and shot him in the head, killing him, according to Texas officials.

Garcia was arrested several weeks later when prosecutors say he killed another clerk, Gregory Martin, in a gas station robbery in Plano with the same shotgun used in the previous robbery. Garcia confessed to the two murders. He was never prosecuted for Martin's murder.

Garcia's attorneys argued in the federal court appeal that his legal counsel at trial and in earlier appeals failed to uncover and present details of their client's alcohol- and drug-influenced youth and his violent home environment, the *Daily Mail* reports. These factors, they argued, might have convinced jurors to spare him the death penalty.

The *Texas Tribune* reports that eight years into Garcia's death row sentence, it was brought to light by then-Texas Attorney General John Cornyn that psychologist Walter Quijano, who testified at Garcia's original trial, claimed that Hispanics were more likely to pose a future danger to society. According to court documents, Quijano said he believed this because Hispanics were overrepresented in the prison system.

Garcia, along with several other inmates whose death sentences had been influenced by Quijano's testimony, were granted new sentencing trials, but Garcia was sentenced to death again in 2001, according to the *Tribune*.

On Thanksgiving Day 1998, Garcia and five other inmates attempted an escape from the Huntsville prison. They surrendered when corrections officers opened fire on them as they attempted to scale two 10-foot-high prison fences.

According to the Death Penalty Information Center (DPIC), as of October 1, 2015, there were 2,959

prisoners on death rows across the US. Since the US Supreme Court reinstated the death penalty in 1976, 1,428 individuals have been put to death.

Texas has been responsible for 534 of these executions, more than a third of the total. Individuals put to death in the state have included those convicted of crimes committed as juveniles, the mentally impaired, and foreign nationals denied their consular rights. The state has execution dates set for at least nine other death row inmates in 2016, including three in March.

In Georgia on Wednesday, barring a last-minute reprieve, former sailor Travis Hittson will be executed for the murder of a fellow shipmate. According to DPIC, Hittson assisted his superior officer, Edward Vollmer, in the killing and dismemberment of Conway Utterbeck in 1992.

Prosecutors permitted Vollmer to plead guilty and received a life sentence with the possibility of parole, despite evidence that he was the more culpable of the two. Hittson was sentenced to death.

In their petition for clemency to the Georgia State Board of Pardons and Paroles, Hittson's attorneys wrote: "Mr. Hittson's lower rank, gullibility, alcoholism and desperation for approval made him peculiarly vulnerable to Edward Vollmer who, by all accounts, exercised an unnatural dominance and control over Mr. Hittson."

DPIC reports that Hittson's application for clemency has the support of other sailors who served with both Hittson and Vollmer, several jurors in the case, and an unnamed state prosecutor.



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