

# Texas carries out sixth execution of the year

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9 April 2016

Pablo Lucio Vasquez, 38, was executed in Huntsville, Texas on Wednesday night, just hours after the United States Supreme Court refused to halt his execution. Vasquez was the sixth person put to death by the State of Texas and the 11th person executed in the United States since the beginning of the year.

Just prior to execution, according to the Associated Press, Vasquez was asked if he had any final words. He looked towards the victim's family and apologized. "This is the only way I can be forgiven," he said. "You got your justice right here."

Shortly after he was injected with pentobarbital, Vasquez lifted his head from the gurney and reported that he felt dizzy. A few moments later, he looked towards the window where his two sisters, a brother-in-law, and a cousin watched. "See you on the other side," he said. He soon lost consciousness, and 24 minutes after his injection he was pronounced dead.

On April 22, 1998, the mutilated body of 12-year-old David Cardenas was found in a shallow grave in the southern Texas town of Donna. Vasquez, who was 20 years old at the time, confessed to beating Cardenas to death. In his confession, he reported having heard voices that told him to kill Cardenas, then to decapitate him and drink his blood.

Vasquez's cousin, Andres Chapas, who was 15 years old at the time of the murder, confessed to helping Vasquez beat, mutilate, and bury Cardenas. Chapas pled guilty to murder and was sentenced to 35 years in prison.

Attorneys who represented Vasquez in the capital murder case appealed his conviction to the Texas Court of Criminal Appeals, saying that Vasquez had an intellectual disability; they pointed out that Vasquez had told detectives that he heard voices and that he believed he was acting upon direction from "the devil" both in the murder and in the subsequent acts of mutilating Cardenas and drinking his blood. His

attorneys disputed the state's argument that since Vasquez had taken a gold ring and a chain from Cardenas' body, the murder was premeditated and should carry a mandatory death sentence. They also maintained that his intellectual disabilities and obvious mental illness rendered the death penalty cruel and unusual.

Vasquez' attorney, James Keegan, also sought a reprieve from the US Supreme Court, arguing that his jury trial was unfair. The state had excluded jurors who opposed the death penalty or expressed discomfort judging someone in a capital murder case. Texas Attorney General Ken Paxton denied Keegan's claims, saying that Vasquez' defense did not properly demonstrate that any jurors had been unfairly excluded. The Supreme Court declined to grant Vasquez a reprieve.

The Supreme Court ruled in 2002 that it is cruel and unusual to execute individuals who are intellectually disabled. The court left it to the states to define intellectual disability; while most states have defined intellectual disability according to clinical diagnostic guidelines, some, like Texas, have created their own definitions. Of those states, Texas' definitions are the most arbitrary and permissive.

In 2015, Texas executed Robert Ladd, a man with an IQ of 67, even though clinical psychologists agree that an IQ of 70 constitutes intellectual disability. Ladd had been diagnosed with an intellectual disability at the age of 13. As an adult, he was assisted by a state agency that served the intellectually disabled. Nevertheless, the Texas Criminal Court of Appeals upheld his execution, saying that Ladd had "failed to satisfy his threshold burden on his claim of mental retardation."

Brian Stull, Ladd's attorney pointed out that any other state, including those with less lenient guidelines for establishing intellectual disability, would have refused to execute Ladd. He referred to a 2004 case in

which Texas' highest court set forth its definition of intellectual disability. The court had then made a comparison between the defendant and Lennie Smalls, an intellectually disabled character from John Steinbeck's novel *Of Mice and Men*.

As the date of Ladd's execution drew near, Stull remarked to *Think Progress*: "... the Texas courts insist on severely misjudging [Ladd's] intellectual capacity, relying on standards for gauging intelligence crafted from 'Of Mice and Men' and other sources that have nothing to do with science or medicine. Robert Ladd's fate shouldn't depend on a novella." The Supreme Court declined to grant Ladd a reprieve, just as it did Vasquez.

That the Supreme Court declined to stay the executions of either Ladd or Vasquez has demonstrated its commitment to upholding the government's ability to murder its citizens regardless of the circumstances.

Texas imposes the death penalty more frequently than any other state. Although the numbers of executions in the US fell in 2015, due in part to concerns about legally obtaining humane execution drugs, Texas has continued to stand out for the numbers of citizens it puts to death: 13 of the 28 people executed in the US in 2015 were executed in Texas.



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