

Florida inmate denounces governor, screams “Murderers!” before lethal injection

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Florida put Eric Branch to death on Thursday after the US Supreme Court failed to halt his execution. Two lethal injections scheduled for the same day in other states did not go forward as planned.

In Alabama, the execution of Doyle Lee Hamm was called off after prison officials said they didn't have enough time to carry it out before the midnight deadline. In Texas, the governor granted clemency to Thomas Whitaker only minutes before he was set to die.

Eric Branch, 47, was convicted and sentenced to death in 1994 for the January 1993 murder of University of West Florida student Susan Morris. According to the *Pensacola News Journal*, after the victim's family members, prison officials and the media entered the execution chamber at Florida State Prison in Raiford at about 5:30 local time, a curtain was raised to reveal Branch restrained and covered by a white sheet.

Before the deadly chemicals were administered, Branch told corrections officers that Republican Governor Rick Scott, who signed his death warrant in January, should be the one to carry out his execution. Addressing those in the death chamber, according to witnesses, Branch said, “I've learned that you're good people and this is not what you should be doing,” Branch yelled, “Let them come down here and do it!” referring to Scott and Florida Attorney General Pam Bondi.

The team warden announced that the execution would begin, and an anonymous executioner began injecting the lethal mix of etomidate, bromide and potassium acetate through an IV line from behind a long curtain. Branch repeatedly yelled, “Murderers!” as he violently thrashed on the gurney, according to the PNJ.

A Florida Department of Corrections spokeswoman

claimed Branch's screams were not a reaction to the lethal injection drugs. He was pronounced dead at 6:05 p.m.

In the weeks leading up to his date with death, Branch's counsel argued that his execution was unconstitutional based on the argument that under a new Florida law, juries must recommend a death sentence unanimously. Branch's jury voted 10-2 to condemn him to death.

The new law, however, is only retroactive to 2002, eight years after Branch's conviction. The condemned inmate ultimately appealed to the US Supreme Court. Despite “friend of the court” briefs filed by a group of former judges, Florida Supreme Court justices and other professionals, the high court denied a stay of execution at 5:30 p.m., allowing the lethal injection to proceed.

Alabama

Doyle Lee Hamm, 61, was set to be executed in Alabama Thursday for the January 1987 murder of Cullman hotel clerk Patrick Cunningham. Less than half an hour before his death warrant expired at midnight, Alabama Department of Corrections Commissioner Jeff Dunn announced that the execution had been called off because “there wasn't enough time to ensure the execution could be conducted in a humane manner,” according to AL.com.

Recent appeals in Hamm's case centered on whether cancer had left him healthy enough to be executed without excessive suffering, which is banned by the Eighth Amendment to the US Constitution as “cruel

and unusual” punishment.

Hamm was scheduled to be put to death at 6 p.m. local time, but he was granted a temporary stay by the US Supreme Court just before that time. The stay was vacated by the court just after 9 p.m., clearing the way for the execution. However, at about 11:30 p.m., Commissioner Dunn announced that Hamm would not be executed that night because medical personnel would not be able to properly prepare him for execution before the midnight deadline.

Hamm’s longtime attorney Bernard Harcourt, a professor of law and political science at Columbia University, had argued in appeals that Hamm had cancer and his veins could not support the lethal injection. However, a federal judge in Birmingham ordered that the execution could proceed, provided the state used veins in Hamm’s lower extremities to inject the lethal chemicals.

Harcourt posted on Twitter Thursday night that “they probably couldn’t find a vein and had been poking on him for over 2½ hours, as I had told them since July! Unconscionable. Simply unconscionable.”

Early Friday morning, Harcourt called on Alabama Attorney General Steve Marshall, Governor Kay Ivey, her counsel, and Commissioner Dunn to resign over what he described as a “botched execution attempt.” “They should assume responsibility, or resign,” he said.

Alabama authorities must seek a new death warrant for Hamm.

Texas

In a rare occurrence for the state of Texas, Governor Greg Abbott, a Republican, spared the life of an inmate just minutes before he was scheduled to die by lethal injection. Thomas “Bart” Whitaker’s sentence was commuted to life in prison with no chance of parole for the fatal shootings of his mother and brother in Houston in 2003.

Whitaker’s father was also shot, but survived. He had led the fight for his son’s life to be spared, as he was his last living relative. Earlier Thursday, Kent Whitaker had traveled to Livingston to visit his son. “We touched hands through the glass and we said our goodbyes,” he

said. “This has been such an emotional thing.”

The seven-member Texas Board of Pardons and Paroles recommended unanimously Tuesday that Abbott commute the sentence. Abbott had the option of accepting the recommendation, rejecting it or doing nothing.

It was only the fourth time since Texas resumed executions in 1982 that the parole board had recommended clemency at the last minute. In the previous instances, then-Governor Rick Perry, also a Republican, accepted the board’s recommendation in one case and rejected the other two. Those individuals were put to death.

Since the US Supreme Court reinstated the death penalty in 1976, 1,469 people have been put to death in the US states that practice capital punishment. Texas has executed 548, far more than any other state.



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