

# Nathaniel Woods, 44, who never killed anyone, executed in Alabama

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The state of Alabama executed Nathaniel Woods, 44, Thursday evening. His execution came nearly 16 years after three Birmingham police officers were shot and killed. Woods was sentenced to death for the 2004 killings despite the fact that he did not fire any shots on what has come to be known as the “Deadliest Day” in the Birmingham Police Department’s history.

Capital punishment, which is banned in the vast majority of the modern industrialized world, is still legal in 29 of 50 US states, the US federal government and the US military. The death penalty is horrific in its own right, a barbarous practice rooted in vengeance and retribution that has nothing to do with rehabilitation, has been proven not to deter crime and does not provide “closure” to the victims of crime.

In Woods’ case, the injustice of the ultimate punishment is compounded by the fact that he did not pull the trigger that ended the lives of officers Carlos Owen, Harley A. Chisholm III and Charles R. Bennett. This reality was never disputed by the prosecution in Woods case. By witness accounts, Woods actually ran from the cops who were in the process of arresting him and taking him into custody for an outstanding misdemeanor warrant at a drug house in Birmingham. The man who shot the officers, Kerry M. Spencer, is on death row awaiting execution and has since said that Woods is “100 percent innocent.”

Michael Collins, another officer at the scene that day, testified at trial that Woods had come out of the house with his hands up and said to the police: “I give up. I give up. Just don’t spray me with that mace,” before Spencer started shooting. However, Collins later changed his testimony from earlier statements to include a claim that Woods had threatened the officers before they were killed.

Numerous public figures and celebrities, including

Martin Luther King III, O.J. Simpson and Kim Kardashian, protested the execution. More than 75,000 opponents of the execution signed petitions to Alabama Governor Kay Ivey to stop it. Woods’ sister, Pamela Woods, told Newsweek that her brother’s impending execution was “a modern day lynching.”

Woods’ conviction and sentence were affirmed by the Alabama Court of Criminal Appeals and the Alabama Supreme Court. Governor Ivey, a Republican, declined to commute his sentence. The US Supreme Court issued a temporary stay of execution Thursday night but lifted it before Woods’ execution warrant expired, allowing it to proceed.

The *Birmingham News* reported on the grisly scene at William C. Holman Correctional Facility’s execution chamber in Atmore on Thursday. After the curtains to the viewing room opened at 8:37 p.m. local time, the *News* wrote, “Woods sat up on the gurney and stared straight ahead to one of the three viewing rooms. As the warden left the room, Woods laid his head down. At 8:40 p.m., Woods sat back up and began mouthing words. His fists were clenched, while his right-hand index finger was stuck out in an apparent sign of his Islamic faith.”

Woods laid his head down at 8:43 p.m. as the lethal chemicals proceeded to flow. He moved his arms against the restraints. After an 8:45 p.m. consciousness check, his left arms jerked up against the restraint. No more movement was seen after that and Woods was pronounced dead at 9:01 p.m.

Alabama Attorney General Steve Marshall urged Ivey not to be persuaded by Woods’ supporters. He wrote, “Although Woods was not the shooter, he was hardly an innocent bystander.” He cited the testimony of Marquita McClure, Woods’ girlfriend at the time, who told detectives that she had heard Woods and Spencer

talking about killing police before the shootings.

However, McClure later told a pretrial hearing that she “made that up,” according to a 2003 AP report. “I told y’all what you wanted to hear,” she said. The *Appeal* reported that Woods’ attorneys argued in an appeal that police had threatened her with parole violations if she refused to testify against him. Woods’ pro bono attorney Lauren Faraino said McClure’s testimony had been pivotal in Woods’ conviction.

Faraino told *Newsweek*, “When I became involved, I realized just how deeply this had been messed up by his prior counsel.” She said that Woods’ court-appointed trial attorney, who had never tried a capital case before his, rejected a plea deal by the state which would have seen him sentenced to between 20 and 25 years for a non-capital offense. But they had advised him that he could not be sentenced to death because he was not the trigger man.

“Well, that is incorrect. In Alabama, even if you’re not the trigger man, you can be sentenced to death on the theory of complicity which is exactly how they convicted Nate,” Faraino said. She also described other instances of incompetence by his trial attorneys, including missing deadlines so that strong legal claims had been procedurally barred.

As Woods was awaiting trial, the judge allowed evidence entered into trial that evidence from deputies that had found a drawing of a bullet-riddled police car in his cell and song lyrics about killing such as, “Haven’t you ever heard of a killa I drop pigs like Kerry Spencer.”



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