

# Texas executes two mentally impaired death row inmates, temporarily spares a third

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Texas has put to death far more people than any other US state that still practices capital punishment. The state is responsible for 583 of the 1,551 individuals executed since the US Supreme Court reinstated the death penalty in 1976.

So far in 2023, Texas has executed five condemned inmates, including two men over the past week. The state also provided a temporary reprieve to an obviously severely mentally disturbed prisoner who had been set to be executed in April.

On Thursday, March 9, Arthur Brown Jr. was put to death for the 1992 killings of four people in Houston, Texas. Brown, 52, maintained his innocence until he was injected with a lethal dose of the sedative pentobarbital at the state penitentiary in Huntsville. Brown was convicted and sentenced to die for killing Jose Tovar, 32; Frank Farias, 17; Jessica Quiñones, 19, who was 9 months pregnant; and Audrey Brown, 21; in what authorities said was a drug robbery gone horribly wrong.

According to prison officials, as Brown lay strapped to a gurney in the execution chamber, staring at the ceiling, he said, “What is occurring here tonight is not justice, it’s murder of an innocent man for a murder that occurred in 1992.

“My co-defendant was executed in 2006 and if I’m innocent he was innocent and they killed an innocent man, and the state doesn’t want the truth to come out,” he added. “Tonight, Texas will kill a second innocent man for a murder that occurred in 1992. I have no further words.”

After the toxic chemical began to flow at 6:20 p.m., Brown took two deep breaths, gasped and then began snoring, according to the local NBC affiliate. All movement stopped after six more snores. He was pronounced dead at 6:37 p.m.

The US Supreme Court declined an appeal from Brown’s attorneys to halt the execution earlier Thursday. They had argued that Brown should be exempt from execution because he was intellectually disabled.

In their petition to the Supreme Court, Brown’s attorneys wrote, “Mr. Brown’s intellectual limitations were known to his friends and family. ... Individuals that knew Mr. Brown over the course of his life have described him as consistently ‘slow.’” The attorneys provided evidence showing that Brown had been in special education classes since he was a young child and was deemed “educable mentally retarded” in elementary school and that in third grade his IQ was measured at 70, generally indicating an intellectual disability.

In previous appeals rejected by lower courts, Brown’s defense argued that he was innocent and that a witness had implicated another suspect. Last week, the Texas Office of Capital and Forensic Writs called for the execution to be halted, arguing that Houston prosecutors hid evidence pointing to another suspect for decades.

They also said that Brown’s conviction was tainted by racial bias, saying a white juror has said since the trial that she knew immediately the black defendant was a “thug” and had no doubt he would kill again. On Tuesday, a Houston judge denied a request by Brown’s attorneys for DNA testing of evidence that they said could have exonerated their client.

On Tuesday, March 7, Gary Green, 51, was executed for the stabbing death of his estranged wife, Lovetta Armstead, and the drowning death of her daughter, six-year-old Jazzmen Montgomery, in Dallas in 2009. He was convicted and sentenced to death in 2010.

Like so many of those put to death in the brutal

capital punishment system in America, Green suffered from an intellectual disability. According to documents from the US Court of Appeals for the Fifth Circuit, Green checked himself into a mental hospital about a month before the murders, *Newsweek* reports. “He was diagnosed with major depressive disorder with psychotic features and prescribed a schizophrenia medication,” the magazine writes.

The court document stated, “The hospital determined that Green did not need to be committed and discharged him. Two days later, a different doctor diagnosed Green with bipolar disorder in an outpatient setting.” Green responded with disbelief and anger, according to court documents, to messages from Armstead that she loved him but needed to part ways with him, and that she wanted him to move out of their home immediately.

Green thought “Armstead and her children were involved in a plot against him,” the documents stated, adding, “During the confession, Green told police that he had heard voices in his head telling him to kill Armstead and her children, that he believed the family was plotting against him, and that he thought by killing the family he would ensure that they would all be reunited in heaven.”

The US Supreme Court ruled in 2002 that execution of the intellectually disabled is a violation of the Eighth Amendment’s ban against cruel and unusual punishment. The nation’s high court has made no such ruling in relation to execution of the mentally ill, a distinction that has allowed many individuals like Green to be sent to their deaths despite exhibiting severe mental illness.

During closing arguments, one of Green’s own attorneys told the jurors that the defense fully expected them to find Green guilty, and that the state had presented proof of his guilt that was “undeniable.” Green died at the state penitentiary in Huntsville at 7:07 p.m. Tuesday after several appeals were denied.

Also on Tuesday, a state district judge issued an order withdrawing the April 5 execution date for 39-year-old Andre Thomas. Thomas was sentenced to death for the fatal stabbing in 2004 in Sherman, Texas, of his estranged wife Laura Christine Boren, 20, their son Andre Lee, 4, and her 13-month-old daughter Leyha Marie Hughes.

Thomas cut out the hearts of the two children. He later told police that God had instructed him to commit

the killings, believing the three were demons.

In separate incidents in prison, Thomas gouged out both of his eyes. His attorneys say that after he gouged out the second eye, he ate it to ensure that the government would not hear his thoughts.

Judge Jim Fallon issued the order withdrawing the execution date after Thomas’ lawyers had requested additional time to prepare for a court hearing to review his competency. While the mentally ill are subject to the death penalty, the US Supreme Court ruled that a person must be competent to be executed.

Fallon’s order gives Thomas’ attorneys until July 5 to file their motion asking that their client’s competency be reviewed before his execution can proceed, after which the judge will decide whether the attorneys have presented sufficient evidence to go forward. If so, experts will be appointed to examine Thomas and the judge will decide whether the execution can be halted on grounds of mentally incompetency.

Thomas’ attorney Maurie Levin wrote in a statement, “Guiding this blind psychotic man to the gurney for execution offends our sense of humanity and serves no legitimate purpose.” Levin described Thomas as “one of the most mentally ill prisoners in Texas history,” adding that “he is not competent to be executed, lacking a rational understanding of the state’s reason for his execution.”

The American Bar Association passed a resolution in 2006 calling for exemption from the death penalty for those with severe mental illness. An almost identical resolution has been endorsed by the American Psychiatric Association, the American Psychological Association and the National Alliance for the Mentally Ill.

Despite these resolutions by legal and medical groups and advocates for the mentally ill, the 13 states most actively handing down and carrying out the ultimate punishment continue to send individuals with severe mental illness to their deaths, and the Supreme Court has not ruled such executions unconstitutional.



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