

US Supreme Court clears way for execution of Florida inmate sentenced to death by nonunanimous jury

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The state of Florida on Wednesday carried out the execution of Louis Gaskin, 56, at the Union Correctional Institution in Raiford. The execution went forward after the US Supreme Court on Tuesday denied Gaskin's petition to stay his execution.

Before he was injected with the lethal drugs, Gaskin had final words, but they were difficult to understand, according to the *Daytona Beach News-Journal*. "Justice is not about the crime. It's not about the criminal. It's about the law," he said, appearing to reference the injustice of his death sentence. "Look at my case."

"Gaskin was restrained with leather straps on each wrist and a white sheet covered him," the *News-Journal* wrote. "IV tubes were taped along each arm in preparation for the lethal cocktail of drugs he was about to receive."

His body stopped moving at 6:07 p.m. after the sedative etomidate took effect, followed by the paralytic vecuronium bromide and potassium chloride to induce cardiac arrest. The leader of the execution team then pushed on Gaskin's shoulders and yelled, "Wake up!" but there was no reaction from the condemned inmate. He was pronounced dead at 6:15 p.m.

Gaskin was convicted of two counts of first-degree murder in 1990 and sentenced to death. Florida prosecutors charged Gaskin with killing Robert Sturmfels, 56, and Georgette Sturmfels, 55, as well as one count each of robbery and burglary. The jury that convicted him then voted 8-4 to recommend a death sentence and the judge accepted the sentence recommendation.

Current Florida law requires a unanimous jury vote to

impose a sentence of death. At the time of Gaskin's sentencing, however, a non-unanimous jury vote was allowed. Republican Governor Ron DeSantis is pushing for legislation that will once again allow a nonunanimous jury vote to send a person to the death chamber. The state Senate recently passed SB 450, which would allow death sentences by an 8-4 jury vote, in contradiction to US Supreme Court precedent.

The December 1989 murders of the Sturmfels were brutal, and Gaskin has admitted his guilt in the crimes. According to Florida court records, Gaskin shot Robert Sturmfels twice through a window of the couple's home, shot Georgette as she tried to leave the room, then shot Robert again. He then entered the home and shot them both in the head. He planned to give items he stole—which included household items, cash and jewelry—to his girlfriend for Christmas.

He then went to the home of Joseph and Noreen Rector, where he shot Joseph. However, the Rectors were able to get to a car and drive to the hospital. Joseph Rector survived but contracted Hepatitis C from blood he received as part of his treatment.

Gaskin quickly confessed to the crimes, according to local media at the time. "The guilt was always there," Gaskin told a psychologist before his trial. "The devil had more of a hold than God did. I knew that I was wrong. I wasn't insane."

In Gaskin's April 6 appeal for a stay from the Supreme Court, his attorney wrote:

Because the trial judge and the recommending jury were denied the mitigation (evidence) that was extant in Mr. Gaskin's case, the

recommending jury and the trial court never focused on the unique circumstances of Mr. Gaskin.

His deprivation, mental illness, and trauma he suffered was never heard, thus failing to meet the minimum constitutional requirements.

Gaskin argued that his constitutional rights were violated because the jury vote for a death sentence was not unanimous. He said that therefore he was “not included in the class of defendants who are subject to the death penalty,” and that including him in this class of defendants would constitute “cruel and unusual punishment.” Gaskin argued that the death penalty violated his rights under the Sixth, Eighth and Fourteenth Amendments to the US Constitution.

Before the final US Supreme Court ruling, in 2020, both the nation’s high court and the Florida Supreme Court had cleared the way for Gaskin’s death warrant to be signed. The state of Florida argued in response to Gaskin’s final petition that *Hurst v. Florida*, the US Supreme Court decision that struck down Florida’s capital sentencing statute that allowed non-unanimous jury death sentences, did not apply retroactively, and that there must be a “unanimous finding of an aggravating factor, not a unanimous recommendation of death.”

After a three-year lull in carrying out executions amid the COVID-19 pandemic, DeSantis has signed three death warrants so far in 2023. Donald Dillbeck, who was executed on February 23, denounced DeSantis in his last words, saying, “I know I hurt people when I was young. ... But I know Ron DeSantis has done a lot worse. He’s taken a lot from a lot of people. I speak for all men, women and children. He’s put his foot on our necks.”

Next set to be executed following Louis Gaskin is Darryl Barwick, on May 3, barring any last-minutes delays or stays.

DeSantis, who is expected to announce his candidacy for the Republican Party’s 2024 presidential nomination soon, is pushing for the Florida legislature to approve a measure making child rape subject to the death penalty. In a 5-4 decision in 2008, the US Supreme Court struck down a Louisiana law that allowed imposition of the death penalty for rape of a

child that did not involve a child’s death, saying such cases would amount to “cruel and unusual punishment.”

The Florida Senate Rules Committee approved a measure April 11 that directly contradicts the high court’s 2008 ruling. If passed, the bill would allow a jury, by a vote of at least 8-4, to recommend a death sentence for sexual battery on a child under age 12. The jury would need to find at least two aggravating factors to impose a death sentence, including for the assault to be “heinous, atrocious or cruel,” and that the victim be “especially vulnerable.”

Noreen Rector opposed Gaskin’s execution. “I would be satisfied if Louis remained in prison, without the possibility of release. I don’t believe the death penalty serves any purpose,” she said in a statement provided to the *News-Journal*. “What will really bother me is if this might, in some way, advance FL Gov. DeSantis in his presidential quest,” she said. “I find him and his views highly offensive and divisive.”

Rector added, “His signing this death warrant is not doing me any favor, it has only stirred up painful memories and has victimized me again. In my mind, if Gov. DeSantis was serious about law and order, he would be supporting gun control, not attacking the LGBT communities, banning books and rewriting history to make him and his followers feel good. He should be focused on climate change and protecting FL resources. Good luck my Florida friends, and RIP Louis.”

Before Gaskin’s execution, there were 298 people on death row in the state, according to the Florida Corrections Department website. Since the Supreme Court reinstated the death penalty in 1976, Florida has sent 101 people to their deaths, following behind only Texas, with 583 executions, Oklahoma, with 120, and Virginia, with 113.



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