

# Texas executes prisoner despite doubts of his guilt, Idaho calls off lethal injection after failure to insert IV line

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Two executions were planned to take place in the US on Wednesday. The death sentence of Ivan Cantu was carried out in Texas despite compelling evidence of his innocence. In Idaho, the planned lethal injection of Thomas Creech was called off after the prison team tasked with killing him failed to insert an IV line to deliver the deadly chemicals. Both executions had faced widespread protests that had fallen on the deaf ears of governmental authorities and the courts.

## Texas

Ivan Cantu, 50, was executed for the murder of his cousin and his cousin's fiancée, James Mosqueda and Amy Kitchen. He was the first person put to death in Texas in 2024. Post-trial evidence raised questions about Cantu's guilt, persuading jurors from his original trial to ask Texas courts to reexamine his case.

Those advocating on Cantu's behalf had collected over 140,000 signatures to demand Collin County District Attorney Greg Willis to put a pause on his execution. His case had received support from media personality Kim Kardashian, actors Martin Sheen and Jane Fonda and Sister Helen Prejean, a leading opponent of the death penalty who was by his side when he was executed.

In his final statement, Cantu professed his innocence. His last words included the following:

I'd like to address the Kitchens and Mosqueda families. I want you to know that I never killed James and Amy ... if I knew who did, you would've been the first to know any information I would've had that would've helped to bring justice to James and Amy ... I want you all to know that I don't think

that this situation here will bring you closure ... I would especially like to thank [private investigator] Matt Duff for believing in me and digging deep and unraveling the case that he did to prove to the world that I do not belong on this gurney ... Warden I'm ready.

At 6:26 p.m. Cantu was injected with a lethal dose of the barbiturate pentobarbital in the death chamber in Huntsville. He was pronounced dead 21 minutes later.

A jury sentenced Cantu to death in 2001 for the 2000 murder of Mosqueda and Kitchen. His conviction was largely based on the testimony of Amy Boettcher and her brother, Jeff Boettcher. Amy Boettcher, Cantu's fiancée at the time, said that she disposed of Cantu's jeans supposedly bloodied during the murders in a trash can in Cantu's kitchen.

But in 2020, a police officer who went to Cantu's apartment shortly after the murders signed an affidavit saying she did not believe the jeans were in the apartment when she performed a welfare check at the request of Cantu's mother.

A particularly damning piece of exculpatory evidence involved a Rolex watch belong to Mosqueda. Amy Boettcher had testified that Cantu threw the Rolex out a car window as she and Cantu drove to a Dallas club after the murders. However, Cantu's legal team learned in 2019 that shortly after the murders, police had recovered the watch after finding it in Mosqueda's home and returning it to his family.

Cantu's defense argued that the Collin County District Attorney's office knowingly withheld evidence involving the Rolex watch and bloody jeans.

After Amy Boettcher's death in 2021, her brother called the Collin County DA's office to say he had lied about Cantu asking him to clean up after the murders to protect his

sister.

Jeff Calhoun, the jury foreman at Cantu's trial in 2001, said the Boettchers' testimony was the most convincing evidence pointing to Cantu's guilt. "I sat there and listened to the story play out for a month," Calhoun told the *Texas Tribune* prior to Cantu's execution. "I made a decision and signed a document that said, "Yes, the death penalty is in order here." Two other jurors asked for Cantu to receive a new trial.

In April 2023, a Republican state district judge withdrew his court order for Cantu's execution, but the Court of Criminal Appeals denied Cantu's appeal four months later. The day before his execution, both the state's highest criminal court and the 5th Circuit Court of Appeals denied the condemned inmate's last-minute request for a stay of execution. The Texas Board of Pardons and Paroles unanimously denied Cantu's clemency application.

Republican Governor Greg Abbott, an ardent death penalty supporter, allowed the execution to proceed. Since the US Supreme Court reinstated the death penalty in 1976, 586 people have been executed in Texas, far more than in any other US state.

## Idaho

Also on Wednesday, Idaho authorities were unable to carry out the execution of Thomas Creech, 73, due to their inability to insert an IV line.

Creech has been convicted of five murders in three states—Idaho, Oregon and California—and is a suspect in at least 11 other killings. He claimed at one point to have killed as many as 50 people. He received the death penalty for the 1981 murder of fellow inmate David Jensen. He has been on death row for 50 years, longer than any other prisoner in Idaho.

The US Supreme Court denied Creech's last-minute request for a stay of execution, with Associate Justice Elena Kagan issuing the decision Wednesday morning. The Idaho Supreme Court had earlier denied Creech's appeals. In his petition to the nation's high court, Creech's attorneys argued that his due process rights were violated by the Idaho Supreme Court and that prosecutors lied during his clemency hearing. "There are strong reasons to suspect that at least some states have gone too far in limiting post-conviction review, thus calling for the Court's intervention," the petition stated.

Thousands of signatures have been gathered by death penalty opponents to stop Creech's execution. Idaho

Governor Brad Little, a Republican, said that he had "zero intention" of halting the execution. "His lawful and just sentence must be carried out as ordered by the court. Justice has been delayed long enough," Little said in a statement.

However, authorities at the state's maximum security prison south of Boise were unable to complete the execution. "The medical team could not establish an IV line, rendering the execution unable to proceed," prison officials said in a statement. The execution team attempted to establish IV access eight times in multiple places, and at one point left the death chamber for additional supplies.

When it was determined they would be unable to insert the IV line to inject the lethal drugs, the execution was called off. The death warrant will now expire and state officials will plan next steps, according to the Idaho Department of Correction (IDOC). Creech would have been the first person executed in Idaho in 12 years.

After the failed execution, Creech's attorneys filed a new motion in US District Court for a stay, stating: "Given the badly botched execution attempt this morning, which proves IDOC's inability to carry out a humane and constitutional execution, undersigned counsel preemptively seek an emergency stay of execution to prevent any further attempts today."

"We are angered but not surprised that the State of Idaho botched the execution of Thomas Creech today," Federal Defender Services of Idaho said in a statement. "This is what happens when unknown individuals with unknown training are assigned to carry out an execution."

In 2022, Alabama was forced to call off the lethal injections of two inmates after failing to successfully locate inmates' veins. One of these prisoners, Kenneth Smith, was subsequently executed January 25 by nitrogen suffocation and suffering a ghastly death. His spiritual adviser, Rev. Jeff Hood, told CNN afterward, "When they turned the nitrogen on, he began to convulse. He popped up on the gurney over and over and over again. He shook the whole gurney."

State authorities have devised new, untested methods and revived old ones in an effort to keep their killing machines in operation. Last year, Idaho legislators passed a law authorizing executions by firing squad. They have yet to build a facility or devised a protocol for such executions.



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