

Missouri death row inmate executed despite widespread calls to spare his life

Kate Randall
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On Tuesday evening, Missouri death row inmate Brian Dorsey was put to death at the Bonne Terre state prison for his conviction in the murders of his cousin and her husband in 2006. It was the first execution this year in Missouri and the fifth in the US.

His impending execution provoked widespread calls for clemency, including from members of his family, 72 prison employees, five jurors from his trial, three Republican state representatives, and former Missouri Supreme Court justice Michael Wolff, who originally upheld Dorsey's death sentence on appeal.

Dorsey's execution proceeded after the US Supreme Court declined to intervene and Missouri Governor Mike Parson denied a last-minute appeal for mercy. The Missouri Supreme Court denied his appeal in 2009. In a final statement handed out prior to the execution, the condemned prisoner said in part, "Words cannot hold the just weight of my guilt and shame." Prison officials pronounced Dorsey dead at 6:11 p.m. after he was injected with a lethal dose of pentobarbital.

Dorsey, 52, accepted responsibility for his crime and expressed deep remorse. He killed Sarah and Benjamin Bonnie, his cousin and her husband, during what was described in his clemency petition to the governor as a "drug-induced psychosis and alcohol-induced blackout," which his lawyers argued made him incapable of the deliberation required for a first-degree murder charge.

As with all executions in the US, Dorsey's state killing reveals the features of the brutal and arbitrary character of capital punishment, the conditions leading up to the crime and wider problems plaguing society.

According to court records, on December 23, 2006, Dorsey called his cousin for help because drug dealers were in his apartment demanding money he owed them. The Bonnies took them back to their home. Later that

night, Dorsey entered the couple's room with a shotgun and fatally shot them both at close range. He stole several items and took Sarah's car. Their bodies were discovered the next day by Sarah's parents, who found the couple's four-year-old daughter alone in the house.

Dorsey turned himself in and was charged with two counts of first-degree murder. On the advice of counsel, he pleaded guilty and was sentenced to death for each murder. He was represented by two attorneys appointed by the Missouri State Public Defender's office, each of whom was paid a flat fee of \$12,000 regardless of whether the case went to trial.

Dorsey received no guarantee that his guilty plea would guarantee him a life sentence and avoid the death penalty. His petition to the governor contended that this payment scheme disincentivized the work needed in a capital case, including adequately investigating the case.

"If they had they would have known what we know now," CNN quotes Megan Crane, one of Dorsey's current attorneys, "which was Brian had lifelong chronic depression, and that he had turned to self-medicating with alcohol and crack cocaine at this point because other treatments had failed. And he had a history of experiencing psychosis when withdrawing from crack, experienced paranoid and persecutory delusions and hallucinations."

Crane said that if his trial lawyers had properly investigated their client they could have used that information to negotiate a plea deal that avoided a death sentence. The flat-fee system for public defenders has since been discontinued in Missouri.

Denial of an adequate defense eventually led to Dorsey's trip to the death chamber, where his execution was shrouded in secrecy. While public hangings were once used by authorities as a means of

garnering support for the barbaric practice, state-sponsored executions have now become secretive affairs, in which authorities seek to block the media and the public from observing suffering on the part of the person being executed and thus minimize public revulsion. This is the case particularly in Missouri.

When approved witnesses entered the viewing area Tuesday, Dorsey was strapped to the gurney and the IV had already been set. The drug was injected via a tube running through the wall, so that witnesses could not see any of the staff administering it. Once the pentobarbital had been administered, guards closed the curtains. The curtains were reopened after prison authorities had confirmed Dorsey's death.

Dorsey's attorneys argued that the state's execution protocol carries a "substantial risk of serious, torturous, physical and psychological pain." First, an anesthetic is not required during the procedure, which means that if the execution team is unable to find a vein easily they can use a "cut down," which involves a deep cut into the flesh to find one.

It is not known whether a "cut down" was necessary in Dorsey's case and, if so, whether an anesthetic was used. Arin Brenner, a federal public defender now representing Dorsey, said he faced a higher-than-normal risk of needing a cutdown because he is obese, a diabetic and a former IV drug user.

Second, pentobarbital can induce pulmonary edema, when frothy fluid leaks into lung tissue and airways, literally drowning the individual. Autopsies on bodies of the executed have often shown this to be the case.

Rejecting calls to commute Dorsey's sentence to life in prison, Governor Parson stated in a press release, "The pain Dorsey brought to others can never be rectified, but carrying out Dorsey's sentence according to Missouri law and the Court's order will deliver justice and provide closure."

Dorsey's attorney Crane stated, "Governor Parson has chosen to ignore the wealth of information before him showing that Brian Dorsey is uniquely deserving of mercy. Brian has spent every day of his time in prison trying to make amends for his crime, and dozens of correctional officers have attested to his remorse, transformation, and commitment to service. Brian's unprecedented support, and his irrefutable evidence of redemption, are precisely the circumstances for which clemency is designed."

"Closure," a highly charged term which has gained traction in recent decades, is based on the notion that an execution can provide relief to victims and their families. It has no proven basis in law or psychology.

As Susan A. Bandes writes in "Closure in the Criminal Courtroom":

Closure is offered—often successfully—as an argument for imposing death sentences, trimming procedural protections, permitting victim impact statements, truncating appeals, denying clemency petitions, speeding up executions, televising executions, and granting the bereaved access to the execution chamber. More broadly, it has transformed the debate about the legitimacy of the capital system—recasting the imposition of the death penalty from a retributive act to an act of compassion for bereaved families.

As for the closure the governor says will result from putting Dorsey to death, this is doubtful to be forthcoming either for Dorsey's relatives or the victims' family, which in this case are one and the same.

In a video urging clemency for Dorsey, Claudia Boyce, cousin of both Dorsey and Sarah Bonnie, said, "I was for the executions, but after being through this, after seeing how it affects so many people, you don't even think about that until you've gone through it. I no longer believe."

Another of their cousins, Linda Stone, said, "If they do go ahead with the death penalty, it will be hard. It'll be terrible for me because he is like my son."

Pam Braunar, also Dorsey and Bonnie's cousin, said, "And I just hope that Governor Parson, that you can see your way to not let the system fail Brian again."



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