

Two executions this week, in Texas and Utah, within six hours

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On Wednesday evening, August 7, Texas executed Arthur Lee Burton at the state penitentiary in Huntsville. Burton, 54, was convicted and sentenced to death for the July 1997 killing and attempted rape of Nancy Adleman, 48, a mother of three.

Just hours before the execution, the US Supreme Court declined, with no noted dissents, a defense request for a stay based on Burton's intellectual ability. Lower courts had previously rejected his request for a stay.

Burton was the third inmate put to death this year in Texas. According to Associated Press, the condemned man appeared nervous as he lay strapped to the gurney in the death chamber, with his right leg twitching under a white sheet that covered him from his chest to his feet.

When asked by the warden for his final words, Burton said, his voice cracking, "I want to say thank you to all the people who support me and pray for me."

He added, "To all the people I have hurt and caused pain, I wish we didn't have to be here at this moment, but I want you to know that I am sorry for putting y'all through this and my family. I'm not better than anyone. I hope that I ?nd peace and y'all can too."

Burton was injected with a single drug, the barbiturate pentobarbital, after 6 p.m. local time Wednesday. AP reported that he nodded to his brother Michael, who watching through a window to the chamber, and took four gasps as the sedative began taking effect, then appeared to yawn before his body stopped moving. He was pronounced dead at 6:47 p.m.

Police discovered Adleman's body in a shallow hole in a wooded area off the bayou where she had gone jogging. She had been beaten and strangled with her own shoelace. According to authorities, Burton confessed to killing Adleman, saying, "She asked me

why was I doing it and that I didn't have to do it," but he recanted this confession at trial.

A jury convicted Burton of capital murder and sentenced him to death. The sentence was reversed by the Texas Court of Criminal Appeals (TCCA), but he received another death sentence in 2002.

Numerous death row inmates have petitioned the Supreme Court for a review of the court's intellectual disability standards, the overwhelmingly majority unsuccessful. Burton's case was one of these.

In 2002, the Supreme Court ruled in *Atkins v. Virginia* that executing the mentally disabled is a violation of the Constitution's Eighth Amendment ban on "cruel and unusual punishment." However, in 2014 in *Hall v. Florida*, the high court rejected setting a specific IQ score requirement in determining intellectual disability. In 2017 and 2019 the Supreme Court criticized Texas court's application of *Atkins*.

In Burton's case, two clinical psychologists found that neuropsychological testing showed his intellectual ability to be significantly subaverage. He struggled academically, had to repeat both the second and eighth grades and was placed in special education.

In a petition before the TCCA, Burton's attorney wrote, "[T]he TCCA is unwilling to accept as a prima facie *Atkins* claim an un rebutted diagnosis of intellectual disability pursuant to the DSM-5-TR [Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition] and allow such a claim to proceed for further factual development and hearing." But the TCCA rejected Burton's intellectual disability claim.

Just six hours after Burton's execution, the state of Utah executed Taberon Dave Honie, its first execution since 2010, when Ronnie Lee Gardner died by firing squad.

Honie was convicted in 1999 for the July 1998

murder of Claudia Benn, his ex-girlfriend's mother. Benn was a substance abuse counselor for the Paiute Tribe.

After a day of heavy drinking and arguing with his girlfriend, Honie, then 22, broke into Benn's home in Cedar City and then slashed her in the throat and stabbed other parts of her body. There was also evidence that he abused one of Benn's two grandchildren who were both in the house at the time, according to court records.

In an appearance before the Utah Board of Pardons and Parole last month, Honie, now 48, said. "Yes, I'm a monster. The only thing that kept me going all these years, the only thing I know 100 percent, this would never happen if I was in my right mind ... I make no excuses."

In Honie's 25 years on death row, he earned his high school diploma and learned the plumbing trade.

The petition before the board asking for Honie's death sentence to be commuted to life in prison stated that Honie's traumatic childhood, brain damage, long-standing substance abuse and extreme intoxication all had a "synergistic effect," and affected his ability to control his judgment and behavior on the day he killed Benn.

"Honie also inherited generations of trauma from his parents, extended family, and his Hopi-Tewa community, which is referred to as intergenerational trauma," argued the commutation petition, which was rejected by the Board of Pardons.

Honie was raised with five siblings in First Mesa, a village on the Hopi Reservation in Northern Arizona. The family lived for nearly a decade without access to basic needs like running water or toilets. Honie and the other children were often left to fend for themselves, as their parents were always "absent, drinking and fighting," the petition stated.

Honie turned to alcohol and drugs at age 10, and later stealing to support his substance abuse. He received a formal diagnosis of depression in 2009 after various suicide attempts. Honie had been on death row for 25 years.

The Utah Department of Corrections did at least five run-throughs of the execution, preparing for scenarios of resistance by the condemned man and making sure they were skilled at inserting the IVs needed to inject the deadly chemicals to kill him. They had multiple

doses of pentobarbital on hand in case they were needed.

After Honie was led into the execution chamber at the Utah State Correctional Facility in Salt Lake City at about 11:30 p.m. Wednesday, he said, "If it needs to be done for them [the victim's family] to heal, let's do this."

Speaking to his fellow prisoners, he said, "If they tell you you can't change, don't listen to them. To all my brothers and sisters in here, continue to change. I love you all. Take care."

Honie was administered two doses of pentobarbital. According to witnesses, he then tapped his foot and mouthed, "I love you," to his family members in the witness room. It took about 17 minutes for him to die.

With Burton and Honie's executions, 12 men have now been executed in the US so far in 2024.



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