

# Tennessee carries out state killing of Byron Black, an intellectually disabled man, amid concerns over a torturous execution

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The state of Tennessee proceeded with the execution of Byron Black, 69, on Tuesday, August 5, marking an escalation in the state and the nation's use of capital punishment. Black was a man of undisputed intellectual disability, with multiple mental and physical health problems. Authorities were also aware that Black faced the potential for a torturous death due to an implanted heart device, but his legal appeals failed to halt the execution.

Black's death adds to the grim tally of executions in 2025, a year characterized by an aggressive push from Republican governors and federal mandates under President Donald Trump to accelerate state-sanctioned killings. Twenty-eight men have been executed so far this year.

Byron Black was pronounced dead at 10:43 a.m. CT at Riverbend Maximum Security Institution in Nashville following a lethal injection. In a horrifying account, there were "visible and audible signs of distress," the *Tennessean* reported, with Black sighing heavily and groaning as the lethal drug pentobarbital flowed through his veins. Catherine Sweeney, a health reporter at WPLN who witnessed the execution, reported that Black said, "It's hurting so bad." His spiritual advisor replied, "I'm so sorry," she reported. All media witnesses reported hearing the exchange.

Black was convicted in 1989 for the fatal shootings of his girlfriend, Angela Clay, 29, and her two young daughters, Latoya, 9, and Lakeisha, 6, in Nashville in March 1988. Prosecutors alleged the murders stemmed from jealousy, as Black was reportedly enraged by Clay's plans to reconcile with her estranged husband, whom Black had previously shot. Black had been on work release from prison for this earlier shooting at the

time of the triple homicide.

## Warnings of a "grotesque spectacle"

Central to the controversy surrounding Black's execution was his implantable cardioverter-defibrillator (ICD), a device functioning as both a pacemaker and an emergency defibrillator, designed to revive the heart. His attorneys vehemently argued that failing to deactivate the device would lead to a "prolonged and torturous execution," as the ICD could repeatedly shock his heart in an attempt to restore a normal rhythm, even as the lethal chemicals worked to kill him. They warned of a "grotesque spectacle" that would cause "extreme pain and distress," in violation of the Eighth Amendment's ban on cruel and unusual punishment.

Despite an initial ruling by a Davidson County judge to require deactivation of the device at a hospital on the morning of the execution, this order was overturned.

State officials maintained that Black would be unconscious and feel no pain, a claim refuted by Black's legal team, who argued the drug might only render him unresponsive, not truly unconscious, a possibility that was tragically borne out on Tuesday. Ultimately, both the Tennessee Supreme Court and the US Supreme Court refused to intervene, dismissing concerns that Black faced a potentially torturous execution, clearing the path for the state to put him to death.

## Executing the intellectually disabled

Black consistently maintained his innocence; at the same time, he gave varied accounts of his whereabouts and involvement in the killings. Physical evidence, including ballistics and fingerprints, tied him to the crime. One thing is clear, however: the courts and state government were determined to see his execution through, regardless of his clear intellectual disability.

Black's attorneys presented at trial evidence of Black's cognitive impairment, frail health and reliance on others for basic tasks, such as dressing. He suffered from dementia, brain damage, kidney failure and congestive heart failure, often needing a wheelchair. His IQ scores never exceeded 70, and documentation from his childhood indicated a history of repeating grades at school and difficulty with simple chores.

The Supreme Court, in its 2002 *Atkins v. Virginia* decision, ruled that executing individuals with intellectual disabilities violates the Eighth Amendment. Though Tennessee lawmakers passed legislation in 2021 providing a path for death row prisoners to claim intellectual disability under current standards, and even the Davidson County District Attorney General conceded that Black met the criteria for an intellectual disability diagnosis and his sentence should be commuted to life, a judge rejected a new hearing on procedural grounds.

The courts concluded that because Black had received a hearing on the matter years prior he was not entitled to another, effectively sealing his fate based on a legal technicality rather than his current, recognized disability. Black's legal team states that if he were tried today, he would not be eligible for the death penalty. His execution marks him as the first intellectually disabled person executed by Tennessee in the modern era of the death penalty.

## An escalation of state killings

This year has seen an alarming uptick in executions across the US, with 27 individuals put to death before Black's execution and nine more scheduled for the

remainder of the year. This number already surpasses the 25 executions carried out in both 2024 and 2018, the two recent years with the highest totals, and if all scheduled executions proceed, the total of 37 deaths will be the most since 2014.

States carrying out death sentences this year include Alabama, Arizona, Florida, Indiana, Mississippi, Oklahoma, South Carolina, Tennessee and Texas. Florida, under Governor Ron DeSantis, has led the nation in executions, having conducted nine so far. The state recently passed legislation to allow non-unanimous jury recommendations for death sentences, lowering the threshold to 8-4, a clearly unconstitutional move.

This aggressive pace is a consequence of a political agenda driven by Republican governors and attorneys general and fueled by President Donald Trump's sweeping executive order, signed on his first day back in office, that explicitly urges prosecutors to seek the death penalty, particularly for crimes involving shooting of police or those committed by undocumented immigrants. It also calls for federal intervention to ensure states can acquire lethal injection drugs and actively seeks to overturn Supreme Court precedents that limit capital punishment, which include bans on executions of those convicted of crimes committed as juveniles and non-unanimous jury recommendations for the death penalty.



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