

Executions in Florida and Texas: Condemned prisoners maintain their innocence

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The states of Texas and Florida carried out executions Thursday evening, April 30, within 35 minutes of each other, putting to death James Broadnax, 37, and James Ernest Hitchcock, 70. The twin executions came as the US death penalty machinery continues its accelerating pace under right-wing governors in the South, and as the Supreme Court, the same institution that cleared both men's paths to the death chamber, moved simultaneously to gut the Voting Rights Act.

Broadnax was pronounced dead at 6:47 p.m. at the state penitentiary in Huntsville, Texas, 90 minutes after Hitchcock was pronounced dead at 6:12 p.m. at Florida State Prison near Starke. Broadnax was the third person executed in Texas this year and the 10th in the country. Hitchcock was Florida's sixth execution of 2026.

A half-century on Florida's death row

The execution of James Ernest "Erny" Hitchcock, 70, concluded nearly 50 years of litigation arising from the July 31, 1976, rape and murder of Cynthia Driggers, 13, at her home in Winter Garden, Florida. Hitchcock was the Cindy's uncle by marriage—she was his brother's wife's daughter—and was 20 years old, unemployed and on parole from a prior burglary conviction when the killing occurred.

Hitchcock was convicted of first-degree murder and sentenced to death in 1977. The 1987 US Supreme Court case *Hitchcock v. Dugger* found the Florida death penalty statute unconstitutional as applied because it had prevented jurors from weighing non-statutory mitigating evidence—a ruling that affected the cases of some 50 Florida death row prisoners at the time, including Hitchcock's. He was resentenced to death three additional times—in 1988, 1993 and 1996—despite appeals that exposed constitutional errors in the sentencing process.

Throughout his decades of incarceration, Hitchcock maintained that his brother, not he, had committed the murder, and that he had initially taken responsibility to protect his family. Courts consistently rejected this claim. Florida Gov.

Ron DeSantis signed Hitchcock's death warrant on March 31, and the Florida Supreme Court denied a final appeal on April 24.

Floridians for Alternatives to the Death Penalty said in a statement,

There are not adequate words to describe the tragedy of Cynthia Driggers' death and the pain felt by her family in the nearly fifty years since her murder. We grieve for them and what they experienced. But executing an innocent man has now created another irreversible tragedy—one entirely of the state's choosing.

For decades, Erny maintained that his brother Richard killed Cynthia. While he acknowledged and took legal responsibility for unlawful sexual contact that night, he consistently denied any role in her murder. Erny was not alone in his insistence of innocence. In 1996, multiple witnesses came forward, confirming that Richard got away with murder. And yet, not a single one of Erny's jurors ever heard this compelling evidence that Richard was responsible.

Hitchcock's case illustrates a different dimension of capital punishment's cruelties: the decades-long ordeal of appeals, resentencings and death warrants that constitute a kind of slow institutional torture, regardless of ultimate guilt. Born in Arkansas into abject rural poverty, the son of a cotton-picking family, he died strapped to a gurney at 70, the fourth-longest-serving death row prisoner in Florida's history.

Condemned inmate: "Texas got it wrong"

The execution of James Broadnax stands as one of the most disturbing in recent American history—a case dense with evidence of racial bias, an unreliable confession, and a co-

defendant who, on video and in a sworn affidavit, said he alone pulled the trigger.

Broadnax and his cousin, Demarius Cummings, were 19 years old in June 2008 when they traveled to Garland, Texas, intending to steal a car. The encounter turned fatal for Stephen Swan, 26, and Matthew Butler, 28, two Christian music producers shot and killed in the parking lot of Butler's recording studio. Cummings was sentenced to life without parole. Broadnax was sentenced to death.

At the time of his arrest, Broadnax confessed—and, while still under the influence of PCP-laced marijuana, gave two television jailhouse interviews in which he said he had pulled the trigger. He later recanted, stating that he had been high, suicidal and indifferent to whether he lived or died. His lawyers argued that he had been in a state of severe psychological distress and had no meaningful understanding of the consequences of what he was saying.

Then, in March 2026, with an execution date set, Cummings came forward. In a sworn affidavit and in a recorded video, Cummings said plainly: "I'm really gonna tell it like it's supposed to be told, that it was me, that I was the killer." He said he had persuaded Broadnax, who had no prior criminal record beyond a marijuana possession conviction, to take the fall because Broadnax faced less exposure under the law.

The confession was not made in isolation. Forensic DNA evidence corroborated it: Broadnax's DNA was not found on the murder weapon or on the victims, while Cummings' DNA was found on the gun and in the pocket of one of the victims.

The Texas Court of Criminal Appeals rejected the new evidence on April 7, without reviewing it on the merits, on the grounds that Broadnax's lawyers should have raised the claims in an earlier appeal, a procedural bar deployed to avoid confronting evidence of actual innocence. The Texas Board of Pardons and Paroles denied a 180-day reprieve. Gov. Greg Abbott, who in more than 11 years in office has halted precisely one imminent execution, said nothing. On the afternoon of April 30, the US Supreme Court rejected Broadnax's final appeals without comment.

The pattern of Broadnax's trial compounded the injustice. Prosecutors presented his rap lyrics during the sentencing phase to argue that he was a "future danger"—a violent predator whose artistic expression, wrenched from context, was offered as proof that he would kill again. His attorneys described the tactic as racially inflammatory, and prominent artists, including Travis Scott, T.I. and Killer Mike, filed briefs at the Supreme Court arguing that prosecutors had weaponized black artistic expression to secure a death sentence in his case.

The jury selection told a similar story. Broadnax's attorneys argued that the Dallas County District Attorney's office struck all eligible black jurors from the panel, using a spreadsheet that specifically identified the race and gender of potential jurors—a practice struck down by the Supreme Court's 1986 ruling in *Batson v. Kentucky* as a violation of the Equal Protection

Clause of the 14th Amendment. One black juror was reinstated; the resulting panel was 11 white and 1 black. The Supreme Court called these claims "meritless," citing Broadnax's failure to raise them earlier, a Catch-22 that defines much of modern American capital jurisprudence.

James Broadnax maintained his innocence to the end. "Texas got it wrong," he said in his final statement. "I'm innocent, the facts of my case should speak for itself period. Let this moment be what finally sparks the revolution that will be televised."

Florida and Texas: Engines of the death machine

The April 30 executions reflect the accelerating pace of capital punishment in the American South under right-wing state governments. DeSantis presided over a record 19 executions in Florida in 2025—more than any Florida governor since the death penalty's reinstatement in 1976. This year's sixth execution has followed a pattern in which four of the five previous Florida inmates put to death received their death sentences in the 1990s, raising persistent questions about the evolving standards of culpability and the quality of legal representation available to poor defendants.

Texas, historically the nation's most prolific executor, has continued killing under Abbott. With 33 executions scheduled across eight states in 2026, the machinery of capital punishment in the United States grinds on with assembly-line regularity, even as case after case reveals the deep structural failures—racial bias, coerced or impaired confessions, prosecutorial misconduct, inadequate defense—that send disproportionately poor defendants to death row.



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