

# Florida executes Andrew Lukehart, eighth victim of DeSantis death machine in 2026

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4 June 2026

The state of Florida executed Andrew Richard Lukehart, 53, on Tuesday evening, June 2, by lethal injection at Florida State Prison near Starke. Lukehart was the eighth person put to death in Florida this year and the 36th executed under Gov. Ron DeSantis, who has presided over the most aggressive expansion of capital punishment in the state's modern history.

When the curtain of the execution chamber rose at 6 p.m., Lukehart was already strapped to a gurney with an IV in his arm. A priest sat at the foot of the table to pray over him. Asked by a warden if he had a final statement, he raised his head toward those gathered in the front row of the viewing area and said, "I'm sorry." He then added, "Father, forgive them, for they know not what they do," words attributed to Jesus Christ at his crucifixion.

Lukehart lost consciousness almost immediately after the lethal drugs began flowing. A warden shook him and shouted his name; there was no reaction. He was pronounced dead at 6:19 p.m.

Lukehart was convicted of first-degree murder and aggravated child abuse in Duval County for the February 25, 1996, death of Gabrielle Hanshaw, the five-month-old daughter of his girlfriend, Misty Rhue. On the afternoon of the killing, Rhue took her two-year-old, who had been ill, to a bedroom for a nap. Lukehart was left to care for Gabrielle in another room.

At approximately 5 p.m., Rhue heard her car start in the driveway and looked out to see Lukehart driving away. She could not find the baby. About 30 minutes later, Lukehart called from a convenience store and told Rhue to call 911, claiming the baby had been kidnapped. That evening, Lukehart was found without shirt or shoes in rural Clay County, his car abandoned nearby with the engine running.

During questioning the following day, Lukehart told a Clay County Sheriff's lieutenant that he had dropped Gabrielle on her head and then shaken her and that the baby had died at Rhue's residence. He said he had panicked, left the house and thrown the baby's body into a pond, where law enforcement recovered the infant's body.

At trial in February 1997, Lukehart chose to testify in his own defense. He described how, while changing Gabrielle's diaper on the floor, the baby repeatedly pushed up on her elbows. He testified that he forcefully and repeatedly pushed her head and neck onto the floor, using what he described as "quite a bit" of force, "until the last time I did it she just stopped moving." He said he tried mouth-to-mouth resuscitation and, when the baby did not revive, panicked and drove to a rural area, also accidentally hitting her head on the car door as he got out. He acknowledged at trial that he did not intend to kill Gabrielle but was responsible for her death.

The jury recommended death by a vote of 9 to 3, a fact that would take on constitutional significance as his appeals extended across nearly three decades.

## A childhood defined by abuse and neglect

The crime for which Lukehart was executed cannot be separated from the life that produced him. The evidence presented at the penalty phase, and developed through years of subsequent litigation, describes an individual who had been systematically destroyed long before he ever came before a judge.

Lukehart's father was an alcoholic who physically and emotionally abused him and his sister, until Lukehart was at least four or five years old. When he was approximately 10, an uncle who had been his primary supporter and confidant died. Around the same time, another uncle began sexually abusing him. When he was 17 or 18, his sister Jennifer was killed in a car accident, a loss that left him nearly suicidal.

Lukehart showed signs of psychological disturbance from childhood. His parents, unaware of the sexual abuse and unable to grasp the full extent of his problems, sent him sporadically to counseling. By the time he was 16, counseling records described him as "clearly a disturbed individual" and noted that family dynamics had contributed significantly to his emotional deterioration. In ninth grade, a teacher reported fearing he would harm himself. His father gave him his first drink of alcohol at age 4; by 13, he was drinking heavily. He began using marijuana at age 8.

A forensic psychologist, Dr. Harry Krop, evaluated Lukehart after the crime and testified at the penalty phase that he remained a "seriously disturbed individual." Dr. Krop diagnosed him with intermittent explosive disorder, substance abuse—especially alcohol—post-traumatic stress disorder arising from childhood sexual abuse, and a personality disorder with antisocial, immature and borderline features. He further testified that Lukehart's IQ of 79 placed him in the borderline range of intellectual disability.

In Dr. Krop's assessment, Lukehart acted violently that day because he could not cope with trying and failing to care for a crying infant, and whatever he did to stop her crying seemed only to escalate the situation.

Three of the 12 jurors who voted on Lukehart's sentence agreed that this history was sufficient to spare his life. Under Florida law as it existed at the time of his trial, that was not enough.

## Three decades of appeals

Lukehart was convicted in 1997. His death sentence was affirmed by the Florida Supreme Court on direct appeal in 2000 and became final in 2001. What followed was nearly a quarter-century of post-conviction litigation that wound through state and federal courts without ever producing the relief his attorneys argued the law required.

In June 2002, Lukehart filed an initial postconviction motion raising 17

claims. After an evidentiary hearing in 2009, the circuit court denied all of them. On appeal, and on a concurrent petition for habeas corpus, the Florida Supreme Court in 2011 affirmed the denial. In December 2011, Lukehart filed a successive postconviction motion on three claims related to medication he had been taking involuntarily during trial, arguing that trial counsel was ineffective for failing to investigate the drugs' effects. The circuit court denied these claims without a hearing; the Florida Supreme Court affirmed this in 2012.

Lukehart then turned to federal court. The district court denied his federal habeas petition but granted a certificate of appealability on one issue. On appeal, the US Court of Appeals for the Eleventh Circuit expanded the certificate to include his claim that trial counsel was ineffective at the penalty phase for failing to mitigate the state's evidence of his prior conviction for felony child abuse. In September 2022, the Eleventh Circuit affirmed the district court's denial, ruling that his confessions and statements to police had been made either spontaneously or after he knowingly and voluntarily waived his Miranda rights.

DeSantis signed Lukehart's death warrant on May 1, 2026. The Florida Supreme Court denied his final state appeals on May 28. The US Supreme Court denied his final federal appeal on June 1, the day before his execution.

The constitutional claims his attorneys pressed in those final weeks were substantial. Lukehart's kidneys had been deteriorating since 2023, and on January 24, 2026, he collapsed on death row. Medical records showed his kidneys were approaching failure and that he was dangerously close to requiring dialysis. An anesthesiologist who reviewed his records concluded that Florida's current lethal injection protocol created what the attorney described as an "extremely high likelihood" that Lukehart would experience a prolonged and agonizing death, because his failing kidneys could not filter the execution drugs from his bloodstream at a normal rate. This, his attorneys argued, created a substantial risk of cruel and unusual punishment in violation of the Eighth Amendment. The courts were not moved.

The second major claim involved due process. Florida is the only state in the country that permits its governor to personally and secretly select individuals for execution and set a date without any advance notice to the defendant or defense counsel. The gap between the signing of Lukehart's death warrant on May 1 and his execution on June 2 was 32 days. Florida law permits warrant a gap of up to 180 days; most capital punishment states require 60 to 90 days or more to allow for meaningful investigation, expert consultation and judicial review. Lukehart's attorneys argued that forcing them to investigate decades-old claims and prepare complex constitutional challenges under impossible deadlines—while simultaneously litigating the case through multiple courts—denied their client any meaningful opportunity to seek relief. The courts held otherwise.

The question of Lukehart's non-unanimous death sentence also hung over the proceedings. Three jurors voted for life imprisonment. Under Florida's sentencing laws at the time of his trial, a judge could nonetheless impose death. That scheme has been ruled unconstitutional on two separate occasions, but Florida's legislature has reinstated modified versions each time, in explicit anticipation that the courts would eventually uphold it. Floridians for Alternatives to the Death Penalty noted in a pre-execution statement that in every other state in the nation, a 9-to-3 jury recommendation would have resulted in a sentence of life without parole.

Lukehart's execution is the eighth carried out in Florida this year and is inseparable from the systematic acceleration of capital punishment that DeSantis has made a centerpiece of his political tenure. In 2025, DeSantis oversaw 19 executions—the most in a single year in Florida's modern history, more than double the previous record of eight set in 1984 and matched in 2014. After carrying out no executions in 2020, 2021 or 2022,

Florida executed six people in 2023, one in 2024 and then surged to 19 in 2025. The state currently has more than 250 inmates on death row.

The pace of Florida executions has been matched by legislative changes designed to lower the legal barriers to carrying out death sentences. In 2023, DeSantis signed legislation reducing the jury threshold for a death sentence recommendation from unanimous to 8 of 12 jurors—one of the lowest standards in the country. Under the previous system, a single holdout juror could block a death sentence. Under the new law, prosecutors need the agreement of only two-thirds of the panel to send a defendant to death row.

Florida's death penalty surge does not operate in isolation. It functions as both a model for and an expression of the Trump administration's national death penalty program. On his first day in office, Trump signed an executive order titled "Restoring the Death Penalty and Protecting Public Safety," directing the attorney general to pursue capital punishment "for all crimes of a severity demanding its use" and specifically targeting the murders of law enforcement officers and capital crimes committed by undocumented immigrants

In April 2026, Acting Attorney General Todd Blanche released a 48-page DOJ report, "Restoring and Strengthening the Federal Death Penalty," directing the Federal Bureau of Prisons to expand execution methods to include firing squads, electrocution and gas asphyxiation—methods not used at the federal level in generations—while reinstating the single-drug pentobarbital lethal injection protocol used during Trump's first term.

During that first term, between July 2020 and January 2021, the Trump administration executed 13 federal prisoners, more than the federal government had put to death over the previous three decades combined and more than all 50 states together in 2020. The final days of that administration saw three executions in the span of a week: Lisa Montgomery on January 13, Corey Johnson on January 14, and Dustin Higgs on January 16. Both Johnson and Higgs were likely intellectually disabled; the Supreme Court, with its 6-to-3 ultra-conservative majority, allowed their executions to proceed without ordering proper judicial hearings on their eligibility for the death penalty.

As the WSWS has documented across months and years of coverage of the American death penalty's relentless advance, the common thread in case after case is the same: defendants shaped by poverty, abuse, neglect and untreated illness; legal proceedings their attorneys say failed to adequately present that history to the juries that decided whether they would live or die; and a political establishment that has made the demonstration of the state's capacity to kill a tool of social intimidation directed at the working class.



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