

Florida's killing of the aged and infirm: Executive power and the machinery of state vengeance

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In the span of three weeks, the state of Florida has executed two 74-year-old men and is preparing to kill an 80-year-old at the end of the month, each in turn becoming the oldest person put to death in the state's modern history.

Dusty Ray Spencer died on June 25 and Dennis Sochor on July 14; both were 74. Dominick Occhicone is scheduled to die July 28 at age 80. Combined, the three men had spent more than 110 years on death row, years marked by the physical and mental deterioration that comes with age and decades of incarceration.

All three suffered serious medical conditions: cirrhosis, heart disease and cognitive decline in Spencer's case, and kidney and prostate ailments so severe that Occhicone reportedly needs help showering. Sochor, an Army veteran with a documented history of childhood abuse, mental illness and a suicide attempt, suffered from liver disease that his attorneys argued placed him at heightened risk of experiencing the sensation of drowning during lethal injection. The US Supreme Court rejected the claim, and Florida's courts had refused even to consider its merits, ruling it procedurally untimely.

None of this has given the state pause. These executions are acts of retribution and vengeance carried out against men whose bodies were already failing them, by a state whose governor has made the speed and frequency of executions a matter of record-keeping and personal pride.

All three men were condemned by non-unanimous juries. Spencer and Occhicone were each sentenced on 7-5 votes, with five jurors voting to spare their lives—margins that could not legally produce a death sentence in any state today, including Florida itself. Sochor's jury split 10-2. Florida is one of only two states, along with Alabama, that still permits non-unanimous death recommendations. After the US Supreme Court struck down the state's capital sentencing scheme in *Hurst v. Florida* in 2016, Florida briefly required unanimity, but in 2023 DeSantis signed legislation lowering the threshold to 8-4, the lowest such requirement for any death penalty state in the country.

The scheduling and execution of the death sentences for these three men is made possible by a peculiarity of Florida law: the governor holds almost singular authority over the machinery of death. He alone decides when death warrants are signed and executions scheduled, a power exercised by courts in most other death penalty states. He also chairs the clemency board that is the

only body empowered to halt an execution once it is set in motion, and the entire process unfolds behind a legally constructed wall of secrecy shielding the drugs, the suppliers and the personnel involved. The details of this arrangement, and what it reveals about the concentration of executive power in the hands of Governor Ron DeSantis, are worth returning to. First, the three men themselves.

Spencer, a Marine Corps veteran, was sentenced to death in 1992 for stabbing his wife, Karen Spencer, to death in front of her teenage son in Orange County. He spent 34 years on death row. By the time of his execution, his attorneys said, he suffered from cirrhosis of the liver, portal hypertension and cognitive decline. They argued that executing a "sick old man" who posed no danger to anyone amounted to cruel and unusual punishment. The courts disagreed. Spencer was pronounced dead at 6:10 p.m. on June 25 at Florida State Prison near Starke.

Three weeks later, on July 14, Sochor was executed at the same prison for the 1982 rape and murder of 18-year-old Patricia Gifford. Convicted in 1987, he had spent 39 years on death row. He was pronounced dead at 6:16 p.m., surpassing Spencer's record for age at execution by little more than a week.

Now Occhicone, convicted in the 1986 murders of his ex-girlfriend's parents, awaits execution on July 28 after nearly four decades on death row. At 80, he would become only the second octogenarian executed in the United States in the modern era, after Walter Leroy Moody Jr., who was 83 when Alabama executed him in 2018. An attorney with Florida's Capital Collateral Regional Counsel acknowledged that advanced age alone provides no legal basis for halting an execution, only a claim of incapacity or a medical condition that would make lethal injection itself unconstitutionally cruel. The bar has been set deliberately so high as to be out of reach for virtually any condemned inmate.

None of this has slowed DeSantis' drive to kill. He has signed 32 death warrants since taking office in 2019, including a record 19 executions in 2025, more than all other states combined. No Florida governor has granted clemency to a death row prisoner since 1976. The same office that unilaterally sets an execution in motion also presides over the only process that could stop it, a conflation of power that grossly violates the US traditional separation of powers.

This is compounded by a 2022 law, signed by DeSantis,

exempting the Department of Corrections from disclosing which companies supply the lethal injection drugs or the identities of those who administer them. Florida is the only state using etomidate as its sedative, a drug introduced in 2017 after manufacturers refused to continue supplying midazolam, and one whose ability to reliably render a prisoner unconscious before the paralytic and fatal doses that follow has been repeatedly challenged in litigation. Justice Sonia Sotomayor has called the secrecy surrounding Florida's recent executions "troubling," describing a Catch-22 in which courts deny prisoners the very records that would let them prove their executions are unconstitutional, on the grounds that they lack the evidence those withheld records would supply.

Nor do the condemned find any meaningful check in the nation's highest court. The Supreme Court typically fields more than 150 capital case requests a year, granting review to only about 2 percent. It has not stayed a single execution since July 2024, denying more than 75 consecutive requests, while granting 90 percent of state requests to overturn stays issued by lower courts between 2017 and 2025. The arithmetic of the Court's own rules compounds the cruelty: four votes are required to hear a case, but five to halt an execution, meaning a prisoner's claims can be deemed worthy of the Court's formal consideration, even as he or she is put to death before they are heard.

The pattern is clear: an executive who signs death warrants at a record pace, chairs the body that could show mercy and refuses to disclose the protocol for each killing carried out. This is not incidental to the political moment. It mirrors, on the state level, the same expansive theory of unchecked executive authority now animating the Trump administration in Washington. Just as DeSantis has claimed near-total discretion over who lives and who dies on Florida's death row, insulated from judicial or legislative check, the Trump White House has asserted the authority to kill without due process, oversight or public accounting, whether the target is an immigrant or citizen on an American street or a boat full of fishermen in the Caribbean Sea.

Since September, the US military has struck more than 47 vessels in the Caribbean and eastern Pacific under the banner of a war on "narco-terrorists," killing well over 220 people without official declaration of a conflict or congressional authorization. The Trump administration has offered no evidence that those killed were drug traffickers. Reporting has found that the dead came overwhelmingly from poor fishing communities across Latin America and the Caribbean, with no connection to the drug trade established. In at least one instance, survivors of an initial strike were killed by a follow-up strike as they clung to wreckage—a second, deliberate killing that is illegal under any interpretation of the laws of war.

The same indifference to human life and due process runs through the administration's immigration crackdown. ICE and Customs and Border Protection agents have killed at least a dozen people since Trump's return to office, including US citizens Alex Pretti and Renee Nicole Good, both shot during operations in Minneapolis earlier this year, and the recent killings of Lorenzo Salgado Araujo in Houston and Joan Sebastián Durán Guerrero in Biddeford, Maine. At least six immigrants have died in ICE

custody so far in 2026 (likely an undercount), following a two-decade high of 32 such deaths last year. The bombing assault on Venezuela in January, abducting President Nicolas Maduro, and the war launched against Iran in February both assert the power of the fascistic Donald Trump to kill and plunder on his own authority.

This same disregard for human life runs through the reinvention of American execution methods now underway. Facing years of drug shortages, states have turned to nitrogen gas and firing squads as replacements for lethal injection. Alabama's 2024 execution of Kenneth Smith by nitrogen hypoxia, promised by the state to bring unconsciousness within seconds, instead left him shaking and writhing against his restraints for minutes, gasping and heaving inside the mask, according to multiple witnesses, while United Nations experts warned beforehand that the method risked constituting torture.

Idaho has since made the firing squad its default method, effective this month, and five states now authorize it. A federal judge in Alabama permanently blocked the state's use of nitrogen gas on another prisoner this June, finding the method unconstitutionally cruel, only for the condemned man to request the firing squad instead as his least-terrible remaining option. Lethal injection itself, meanwhile, has been found in autopsy studies to produce pulmonary edema, a buildup of fluid in the lungs, in roughly 80 percent of those examined, a physician-researcher who has studied the method describing the process as death by drowning in one's own blood.

What connects a 74-year-old man dying in a Starke death chamber, a fisherman incinerated by a Hellfire missile in the Caribbean, a young immigrant worker shot in his car in Maine and a man convulsing under a nitrogen mask in Alabama? These are not coincidences, but products of a social order that has abandoned even the pretense of due process, proportion or restraint in its exercise of violence, at home and abroad.

The concentration of unaccountable killing power in the hands of individual executives, whether a state governor signing death warrants on his own timetable or a president ordering extrajudicial strikes on migrants and fishermen, is the political expression of a ruling class that, confronting deepening social crisis, reaches ever more openly for methods of repression once considered unthinkable, indifferent to whether its victims are old, sick, unarmed or innocent of the charges leveled against them.



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