

Texas carries out state killing of Jamaal Howard, first since Christa Pike's failed execution

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Texas put Jamaal Howard to death Wednesday evening at the state prison in Huntsville, the first execution in the United States since Tennessee's failed attempt to kill Christa Pike on September 30. Howard, 46, was pronounced dead at 8:03 p.m. local time after receiving a lethal dose of pentobarbital—the same drug Tennessee injected into Pike twice and that failed to kill her.

Howard was 20 years old at the time of his crime. His lawyers presented substantial evidence that he is intellectually disabled, and doctors had diagnosed him with chronic schizophrenia for a quarter century. The US Supreme Court declined to intervene late Wednesday without comment, and Republican Governor Greg Abbott ignored a request from Howard's attorneys for a 30-day reprieve.

Howard's killing was the 30th execution in the US this year and the seventh in Texas, which has two more scheduled before year's end. Florida has carried out 16 executions in 2026, the most of any state.

In his final statement, Howard apologized to members of the victim's family watching through a window, feet from the gurney. "I wish that you accept my apology and I wish for your forgiveness," he said. "I'm sorry for what happened."

As the pentobarbital began to flow, according to the Associated Press, Howard took a couple of breaths and gasped, then made snoring sounds and coughed, the sounds growing quieter until all movement stopped. He was declared dead 19 minutes later. His sister, watching from an adjacent room, cried out repeatedly, "Get me out of here," and was helped from the room by corrections officers.

A Texas Department of Criminal Justice spokesperson described Howard as "chatty" on the 45-mile drive from death row to Huntsville. By contrast, his spiritual adviser Jeff Hood reported that Howard believed the warden would simply come and shoot him in the head—a sign he did not grasp what the state was about to do to him.

On May 12, 2000, Howard robbed a convenience store in Silsbee, a small town in Hardin County north of Beaumont, and shot the clerk, 42-year-old Vickie Swartout, once in the chest, killing her. He took \$114 and a carton of cigarettes. The

shooting was captured on surveillance video shown at trial. Howard was convicted of capital murder and sentenced to death less than a year later.

The crime that left Swartout dead, however, cannot be separated from the condition of the young man who committed it—a condition the courts refused to examine.

Before trial, the court held two competency hearings at the state's request. According to court records cited by the *Texas Tribune*, the jury deadlocked in the first. In the second, Howard was found fit after his own attorney failed to call the defense expert.

According to the Execution Intervention Project, which campaigned to halt the execution, Howard was shot in the head at age 17, three years before the robbery. Every doctor who examined him over the past 25 years diagnosed chronic schizophrenia, much of it documented by the Texas prison system itself, and he had been kept for decades on the maximum allowable dose of antipsychotic medication. He recently told a pen pal he was being executed because the victim had reached out and accidentally caught one of his bullets. He spent his days on death row with children's coloring books.

Court-appointed psychologist Dr. James Duncan estimated Howard's IQ at 65–70 in 2001, based on partial testing. Although Howard underwent two competency trials that year, his attorneys argued before his execution that no court had considered whether he was intellectually disabled under current clinical standards and therefore constitutionally barred from execution.

In *Atkins v. Virginia* (2002), the Supreme Court barred the execution of people with intellectual disability but left it to the states to decide who qualifies. Texas has repeatedly sought to narrow the definition. In *Moore v. Texas* (2017), the high court struck down the Texas Court of Criminal Appeals' (TCCA) reliance on nonclinical, stereotype-based factors.

On September 28, Howard's lawyers filed a new habeas application arguing that he was intellectually disabled. The TCCA dismissed it on October 5 on procedural grounds without ruling on his intellectual state. His attorneys then asked

the US Supreme Court to stay the execution and review that order.

The stay motion noted that the court agreed in June to hear *Guerrero v. Johnson*, another Texas case, on whether prisoners may raise intellectual disability claims under clinical standards adopted after their sentencing. “No court has ever decided whether Howard is intellectually disabled under the clinical standards that govern today,” the motion stated, citing a full-scale IQ of 74—within the margin of error recognized in *Hall v. Florida* (2014)—and trial testimony describing deficits in his adaptive functioning at ages 20 and 21. The state countered that he had not shown he met the requirements for such a claim.

The Supreme Court allowed Howard’s execution to proceed without waiting for its own ruling on whether prisoners can use updated clinical standards to obtain federal review of intellectual disability claims.

His lawyers also challenged the state’s pentobarbital supply after the Pike debacle. Texas obtains the drug from compounding pharmacies and extends its use dates after testing vials; the lawyers warned the drugs were “far past the original beyond-use dates.” The TCCA rejected two such filings without comment.

In *Roper v. Simmons* (2005), the Supreme Court barred the execution of people who were under 18 at the time of their crimes, citing their immaturity and capacity for change. Justice Anthony Kennedy acknowledged that “the qualities that distinguish juveniles from adults do not disappear when an individual turns 18,” but said “a line must be drawn.”

The Death Penalty Information Center’s (DPIC) April 2025 report, “Immature Minds in a ‘Maturing Society’: *Roper v. Simmons* at 20,” found that the evidence underpinning *Roper* has only grown stronger: the poor impulse control and risk-taking it cited persist among 18-, 19- and 20-year-olds. According to DPIC, 63 of the 129 executions since 2005 of people aged 18 to 20 at the time of their crimes (49 percent) took place in Texas.

The convergence of youth and intellectual impairment among the executed is not an aberration. A 2014 *Hastings Law Journal* study, “The Failure of Mitigation?” by Robert J. Smith, Sophie Cull and Zoë Robinson, examined 100 people executed in 2012 and 2013. It found that 87 percent had an intellectual impairment, were under 21 at the time of their crime, suffered from severe mental illness or had endured serious childhood trauma. The death penalty, supposedly reserved for the “worst of the worst,” falls overwhelmingly on the most damaged and vulnerable.

In 2025 alone, at least three people were executed who were both under 21 at the time of their crimes and showed evidence of intellectual disability.

Texas executed Blaine Milam, 18 at the time of his crime, in September. Experts found he met the criteria for intellectual disability, but the state hired a new expert who disagreed.

Alabama executed Demetrius Frazier, 19 at the time of his crime, in February. His trial lawyers presented no mitigation beyond his age despite evidence of diminished intellectual functioning, and he was condemned by a nonunanimous 10-2 jury. Florida executed Frank Walls, 19 at the time of his crime, in December. Despite IQ scores in the low 70s, his intellectual disability claim was blocked by procedural barriers.

New developments in the Pike case

Howard’s execution went ahead as the horrific consequences of Tennessee’s attempt to kill Pike continue to unfold. Her lawyers said they were told Monday night that the 50-year-old was brain-dead and that life support would be withdrawn. On Tuesday, she regained consciousness and began speaking. Her first words, according to attorney Randy Spivey, were, “Where am I, and who are you?”

Her attorneys report she has pneumonia and a blood clot, cannot swallow and cannot move her arms, which remain severely swollen. She has been kept shackled to her hospital bed, and medical staff requests to remove the restraints have been denied.

On Wednesday, Davidson County Chancellor I’Ashea Myles ordered the Tennessee Department of Correction to preserve all evidence from the failed execution—drugs, IV lines, syringes, waste, logs, witness accounts and communications—and to try to recover anything already discarded.

Governor Bill Lee, who denied Pike clemency before the attempt, has indefinitely postponed her execution but has not commuted her sentence. The state has made no promise it will not try again.

“We have to ask how much suffering is enough,” Spivey told reporters.

Pike was 18 when she committed her crime. Like Howard, she belongs to a category that the scientific evidence, and any genuinely humane society, would place beyond the reach of the executioner.



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