Oklahoma and Texas execute 2 men, bringing US total to 5 in 8 days

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Two men were put to death in the United States on Thursday, November 12. Oklahoma killed James Pavatt, a 73-year-old Air Force veteran, in the morning, one day after Veterans Day. That evening, Texas killed John Allen Rubio, 46, who had a long history of severe mental illness. Both died by lethal injection.

The state killings came exactly one week after Indiana, Alabama and Florida executed three men in a single day. Five people have now been put to death in eight days, bringing this year's total to 37. With five more scheduled, including the December 3 firing squad execution of Fort Hood shooter Nidal Hasan, the US is set to exceed 40 executions for the second consecutive year.

This wave of executions follows the November 3 midterm elections, in which the Democrats won control of both houses of Congress in a repudiation of Trump's policies on social inequality, war, the assault on immigrants and attacks on democratic rights. As with last week's three executions, a wide internet search turns up no comment from any Democratic official opposing Thursday's killings.

The silence is most telling in Texas, where Gina Hinojosa became the first Democrat elected governor since 1990. Hinojosa told CNN in October, "I personally do not support the death penalty," but added that as governor she would review each case individually and would not rule out executions.

On Monday, the Execution Intervention Project, led by Rev. Jeff Hood, called on Hinojosa to pledge 30-day reprieves for every condemned prisoner and to appoint parole board members who will recommend commutations. Her transition team did not respond to a press inquiry about the appeal, and she said nothing as Rubio went to his death.

Oklahoma

Pavatt was pronounced dead at 10:12 a.m. at the Oklahoma State Penitentiary in McAlester. It was the state's fourth execution this year and its 21st since Oklahoma resumed executions in 2021 under Republican Governor Kevin Stitt. Asked if he had any last words, Pavatt shook his head. No member of his family witnessed the killing.

Pavatt was convicted in 2003 of first-degree murder and conspiracy in the death of Rob Andrew, a 39-year-old Oklahoma City advertising executive. Andrew was shot twice with his own shotgun in his garage on November 20, 2001, as he arrived to pick up his two children for Thanksgiving. Pavatt, an insurance agent, was having an affair with Andrew's estranged wife, Brenda Andrew, whom he met at church. Prosecutors said the two plotted the murder to collect on an $800,000 life insurance policy. The pair fled to Mexico with the children and were arrested at the border in February 2002.

Pavatt admitted the affair but maintained his innocence to the end. "I am not guilty of shooting anyone," he told the Pardon and Parole Board on October 14, saying he had been manipulated by Brenda Andrew. The board voted 3-2 against clemency.

The state never established who fired the shots. In a final petition to the US Supreme Court, Pavatt's attorneys argued that prosecutors told his jury that he alone was the shooter, then told Brenda Andrew's jury a year later that she was. The jury foreman swore in an affidavit that this claim influenced his vote for death. The court refused a stay.

Brenda Andrew, the only woman on Oklahoma's death row, was convicted in a trial in which prosecutors put her sex life and even her underwear on display for the jury. The US Supreme Court last year ordered a review of her claim that this denied her a fair trial, but a lower court has again upheld her conviction and death sentence. Her appeal continues.

Pavatt served nearly 22 years in the Air Force, overseas and at Tinker Air Force Base near Oklahoma City, retiring as a master sergeant. About 100 veterans, among them a former Air Force chief of staff, signed a petition for clemency, noting that he had been responsible for some

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5,000 personnel and their families. They protested that his jury "heard essentially nothing about his service to his country, not even his final rank."

On Veterans Day, members of Veterans for Peace and Death Penalty Action joined the parade in Midwest City, home of Tinker, carrying signs announcing that Oklahoma would execute a veteran the next day. "We should not be executing veterans," said Abraham Bonowitz of Death Penalty Action. On Thursday morning, opponents held a vigil outside the governor's mansion. Stitt did nothing. Defense attorney Hunter Labovitz said the execution "dishonored" his client's service.

The Death Penalty Information Center reported this week that eight veterans had already been executed in 2026, with the country on pace to execute 11, surpassing last year's total of 10.

Republican Attorney General Gentner Drummond, who had pressed for the execution to go ahead, declared afterward, "Justice has been served."

Texas

Rubio was pronounced dead at 6:47 p.m. at the Huntsville Unit, 21 minutes after a lethal dose of pentobarbital began flowing. He was the eighth person executed by Texas this year. Witnesses said he took three breaths and made a snoring sound before all movement stopped. In his final statement he apologized to his wife's family and said, "I'm going to be with my kids in a little bit."

On March 11, 2003, in a squalid, windowless apartment in Brownsville, on the Mexican border, Rubio, then 22, and his common-law wife Angela Camacho stabbed and beheaded three children: Julissa Quesada, 3; John Esteban Rubio, 14 months; and Mary Jane Rubio, 2 months. Only the youngest was Rubio's biological child, but he raised all three as his own. He told police the children were possessed by the spirit of his dead grandmother.

The crime was horrific, but so was the destitution that preceded it. Child welfare authorities had removed the two older children in 2002 over Rubio's addiction to inhaling spray paint, returning them after he found work. He lost the job that December. By March, the rent was due and could not be paid, food stamps for one child were being cut off over a paperwork problem, and the couple was preparing to take the children to a homeless shelter. Rubio had prostituted himself to support the family.

His 2003 conviction was overturned in 2007 because Camacho's statements to police were improperly put before the jury. At a second trial in 2010, defense psychiatrists testified that he suffered from paranoid schizophrenia. The jury rejected his insanity plea after the prosecution's psychiatrist, Michael Welner, denied that he had a severe mental illness.

Rubio's final appeal charged that Welner gave false testimony about whether Rubio had received antipsychotic medication and shown signs of psychosis before trial. The Texas Court of Criminal Appeals dismissed it on November 5. A judge ruled in October that Rubio was competent to be executed, and the parole board unanimously denied clemency on November 10. Camacho is serving three life sentences.

Trial testimony depicted a childhood of unrelieved misery. Rubio's mother testified that she drank beer every day while pregnant with him, that he suffered hallucinations as a child, and that she steered him into prostitution at the age of 8. His stepfather beat him. He began using drugs early.

In post-conviction proceedings, a defense expert diagnosed partial fetal alcohol syndrome, pending further testing. Rubio's trial lawyers admitted they had dropped the inquiry in the mistaken belief that the diagnosis requires characteristic facial features. The courts held this to be reasonable strategy.

More than 4,100 people signed a Death Penalty Action petition to stop the execution. The group charged that Texas carries out death sentences by targeting "the poor, the mentally ill, and people of color." Opponents held an online vigil Wednesday night and called a protest outside the Huntsville Unit on Thursday.

In Brownsville, by contrast, the district attorney's office organized a candlelight vigil at the park built on the site of the demolished apartment building, handing out 150 candles as the crowd awaited word of Rubio's death. District Attorney Luis Saenz, who witnessed the execution, had declared, "There has to be some finality."

In a jailhouse interview with Houston radio station KPFT a month before his death, Rubio spoke of caressing his children and changing their diapers. "These same hands took their lives," he said, calling it a torment. He said he had adored them, and that his hallucinations had convinced him the world was ending.

Texas plans to execute Reinaldo Dennes on November 19, the same day Florida is scheduled to kill Thomas Overton. Hinojosa takes office on January 19.

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