

Missouri and Georgia execute mentally disabled death row inmates

By Kate Randall
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Death row inmates with low IQs were executed in two US states this week. Missouri sent Paul Goodwin to his death in the early morning hours on Wednesday, while Robert Wayne Holsey died by lethal injection late Tuesday night in Georgia.

The execution of Paul Goodwin was scheduled for 12:01 a.m. Wednesday at the Missouri state prison in Bonne Terre. The US Supreme Court denied last-minute appeals on his behalf for a stay, and Missouri Governor Jay Nixon denied his clemency appeal just hours later. Goodwin's lethal injection began at 1:17 a.m. local time and he was pronounced dead at 1:25 a.m.

Goodwin, 48, was convicted and sentenced to death for the 1998 beating death of 63-year-old Joan Crotts in St. Louis County. Efforts to spare his life centered on his low IQ, placed at 73 by his attorney Jennifer Herndon, and claims that his execution would violate a 2002 U.S. Supreme Court ruling prohibiting the death penalty for mentally disabled prisoners.

Goodwin's sister, Mary Mifflin, wrote in a statement that the death penalty was "not a just punishment for his crime—an act that occurred out of passion, no premeditation, by a man with the mental capabilities of a child, not an adult." She called on Gov. Nixon to commute Goodwin's sentence to life behind bars.

Mifflin wrote that her brother was placed in special education classes as a child, but still failed several grades. She said that he relied on relatives or his girlfriend to perform basic tasks, such as buying groceries and paying bills. When his girlfriend died, Mifflin said, he turned to alcohol, which was a factor in the deadly attack on his victim.

Attorney Herndon told reporters, "From the beginning he's said, 'This is horrible.' But he's so impaired he doesn't really have the ability to show

remorse like a normal adult would show."

The Missouri attorney general's office responded to Goodwin's appeal before the Supreme Court by citing testimony at Goodwin's trial by a psychiatrist, who said that his IQ was low but not low enough for him to be considered mentally disabled. The high court's 2002 ruling left it up to the states to determine what constitutes mental disability.

The Supreme Court also denied a second appeal on Goodwin's behalf, which challenged Missouri's use of chemicals from unnamed compounding pharmacies in its executions.

The execution was the 10th carried out this year in Missouri, tying with Texas for the most executions in 2014. The denial of clemency by Nixon, a Democrat, comes in the wake of the Democratic governor's declaration of a state of emergency in Missouri, calling out the National Guard in response to protests over the police killing of unarmed teenager Michael Brown in August.

Just hours before Goodwin's execution, Robert Wayne Holsey was put to death in Georgia. Holsey, 49, was convicted and sentenced to die in 1997 for the 1995 shooting death of Baldwin County sheriff's deputy Will Robinson in the course of a convenience store robbery.

The Supreme Court refused to stay Holsey's execution despite evidence that he was intellectually disabled, including an IQ test score of 70 when he was 15 years old. His present legal team said he functioned at the level of a nine-year-old. Georgia law requires a defendant to prove his mental disability beyond a reasonable doubt, the strictest standard in the country and one not rooted in medical science.

Holsey's trial lawyer, Andy Prince, neglected to raise his client's intellectual disability at trial. It has also

come to light that Prince, an alcoholic, was drinking a quart of vodka a day during the trial. He was also facing a criminal investigation for stealing more than \$100,000 in client funds. Before Goodwin's trial ended, he was arrested and charged with brandishing a gun, threatening to shoot his black neighbors and yelling racial epithets at them. Prince, who died in 2011, was white; Holsey was black.

Brian Kammer, Holsey's current attorney, told the media, "Robert Wayne Holsey is an intellectually disabled African-American man who was represented at trial by a chronic alcoholic who was more concerned about avoiding his own criminal prosecution than defending his client against the death penalty."

Instead of arguing against the death penalty at the sentencing phase of Holsey's trial, Prince turned the case over to an inexperienced junior attorney who had never tried a capital case. After serving time in prison for his crimes, Prince testified at a 2006 court hearing that he "shouldn't have been representing anybody in any case" at the time of the Holsey trial.

The arguments of Holsey's present attorneys did not sway the high court justices, who denied a stay of execution. His execution at the Georgia state prison in Jackson was under way within about an hour of their decision. It was the second execution carried out in the state this year.

Moments before he was put to death, Holsey addressed his victim's father, saying, "Mr. Robinson, I'm sorry for taking your son's life that night. He didn't deserve to die like that." Prison authorities began administering Holsey's lethal injection at around 10:25 p.m. local time and he was declared dead at 10:51 p.m.

Thirty-five people have been executed in the US this year, including 10 each in Texas and Missouri, eight in Florida, three in Oklahoma, two in Georgia, and one each in Ohio and Florida. There are no more executions scheduled for 2014. US states are so far poised to execute 39 people in 2015 and six in 2016.

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