

# US: Georgia executes oldest inmate on its death row

By Kate Randall  
4 February 2016

Brandon Astor Jones was executed at Georgia Diagnostic Prison in Jackson early Wednesday morning. He was the first person put to death in the state in 2016 and, at 72 years old, Georgia's oldest death row inmate.

Jones' execution had been scheduled for 7 p.m. Tuesday, but the condemned inmate was made to wait in a holding cell just steps from the death chamber for four hours for a ruling from the US Supreme Court on his appeal for a stay. The high court rejected the request at about 11 p.m.

It took more than an hour for prison authorities to prepare Jones for his lethal injection. According to a media witness, it appeared they had to insert an IV into his groin area, which is the protocol if prison personnel cannot find accessible veins in the inmate's arms.

Jones appeared to fight death. He closed his eyes within a minute of the warden leaving the execution chamber, but 6 minutes later his eyes popped open and he looked at a clock on the wall. He then appeared to look at the man who prosecuted him in 1979, former Cobb County District Attorney Tom Charron, who was sitting in the front row of the witness area. Jones was pronounced dead at 12:46 a.m.

The State Board of Pardons and Paroles turned down Jones' request to commute his sentence to life in prison Monday night. The ruling came just moments after he lost a request for a stay from the 11th Circuit Court of Appeals to delay his execution to allow a full panel of 11 judges, not just a panel of three that usually decides such cases, to hear his appeal.

Jones was challenging the Georgia law that keeps secret the name of the pharmacist who makes the pentobarbital to be used in his execution. Although a majority of the appeals court judges rejected his request for a stay, five of them sharply criticized the secrecy

law.

"Today Brandon Jones will be executed, possibly in violation of the Constitution," Judge Robin Rosenbaum wrote in one of the dissenting opinions. "He may also be cruelly and unusually punished in the process. But if he is, we will not know until it's too late—if ever."

The appellate court ruled last week that Jones did not have standing to revisit his claims that he had bad legal representation.

Jones was convicted for the murder of Roger Tackett, a 29-year-old convenience store manager, during a robbery in Cobb County in 1979. On June 17 of that year, a police officer driving a stranded motorist to use a pay phone outside the store noticed that the lights were on inside after normal hours and a car with an open driver's side door was parked out front.

After hearing gunshots, the officer entered the store and found Jones and his friend Van Roosevelt Solomon inside. According to the *Atlanta Journal Constitution*, Tackett was shot five times. Jones and Solomon were taken into custody.

Both men denied firing the fatal shot. They were both convicted and sentenced to death. Solomon was executed by electric chair in February 1985. Jones, however, was granted a new sentencing hearing by a federal judge in 1989 because jurors had violated protocol by bringing a bible into the deliberation room. Jones was resentenced to death in 1997.

Jones lingered on death row for nearly four decades. His lawyers argued before the Board of Pardons and Paroles: "He is profoundly remorseful for his actions. If spared, Mr. Jones can continue to serve as a mentor and grandfather to his many grandchildren and great-grandchildren."

Jones' attorneys also argued it was Solomon, not Jones, who fired the fatal shot, writing, "Jones stood by

in utter shock as the bullets seem to ricochet all around them in the crowded space.” His lawyers also said that the death penalty is so infrequently imposed for robbery-murders that the practice has “fallen into complete extinction.”

Jones’ attorneys also stressed their client’s age and that he has showed signs of dementia. He would have turned 73 on Valentine’s Day. He had also suffered mentally and emotionally from watching about 60 other inmates sent to their deaths during his decades on death row.

Psychologists described Jones as exhibiting a “lifelong pattern of behavior consistent with childhood-onset bipolar disorder.” He also showed signs of post-traumatic stress disorder (PTSD) rooted in “physical, sexual, and emotional trauma” from persistent childhood abuse at home and in a state reformatory where he was sent as a teenager.

Stephen Bright, president of the Southern Center for Human Rights, told the *Intercept*: “We have this very strange situation now in which these people sentenced to death a long time ago—and who managed to get through all the stages of review—are now being executed.” Bright said the defendants in these “zombie cases” almost certainly would not be sentenced to death if tried today.

There are at least four other prisoners on Georgia’s death row who have exhausted their regular state and federal appeals. On Monday, a Houston County, Georgia, judge signed an execution warrant for former sailor Travis Hitton for the murder of a fellow shipmate on an aircraft carrier in Pensacola, Florida. Hitton was convicted of killing Conway Utterback and ultimately dismembering his body in Houston County.

Last year Georgia executed five people, the largest number of executions carried out in the state over a 12-month period since 1987. This included the execution of Kelly Gissendaner, the first woman put to death in the state in 70 years.

To contact the WSWS and the  
Socialist Equality Party visit:

**<http://www.wsws.org>**