

## **MURDER We Wrote: Texas and the Death Penalty**

Written by Ashura M.I.R. Bayyan  
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History was made in Texas on Wednesday, June 26, when 52-year old Kimberly Lagayle McCarthy became the 500<sup>th</sup> person executed in the state of Texas since the Supreme Court allowed capital punishment to resume in 1976.

### **MURDER CONVICTION**

McCarthy, who was originally sentenced in December 1998, was 36 years of age when she was found to have murdered her 71-year-old neighbor, Dorothy Booth, in Lancaster, Texas, on July 7, 1997.

McCarthy, a former nursing home therapist who had become addicted to crack-cocaine, was found to have severely beaten Booth, a retired psychology professor, with a candlestick and fatally stabbing her with a butcher's knife within Booth's South Dallas home after she agreed to give McCarthy a cup of sugar.

Booth was eventually found beaten and stabbed to death, and one of her fingers was severed, indicating a ring was forcibly removed, according to the Department of Criminal Justice. Evidence later showed McCarthy had pawned the stolen diamond ring the day of the crime. When she was arrested, McCarthy was found with Booth's credit cards and a large knife stained with her blood.

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During the punishment phase of McCarthy's trial, prosecutors told jurors that she also had killed two other women, both of them in their 80's. Both of those victims were related to or were close friends of her family. In addition, McCarthy had been convicted of forgery, theft of property and prostitution.

McCarthy had exhausted all of her appeals and had no further recourse to the federal courts, according to her attorney.

Inside the execution chamber, McCarthy was strapped down with leather belts and looked toward family and friends in the witness room to deliver a final statement. In her final words, McCarthy thanked her supporters, including her ex-husband, attorney and spiritual adviser.

"This is not a loss; this is a win," said McCarthy. "You know where I am going. I am going home to be with Jesus. Keep the faith. I love y'all."

The lethal injection of pentobarbital was injected at 6:17 p.m., and McCarthy was declared dead about 15 minutes later. McCarthy was pronounced dead at 7:37 p.m. ET at the Texas State Penitentiary in Huntsville, Texas, said Texas Department of Criminal Justice spokesman John Hurt.

### **FOR OR AGAINST**

Inside the execution chamber, where McCarthy was strapped down with leather belts and administered the lethal injection, several witnesses, family and friends were on hand to see the execution carried out.

After the execution, Booth's daughter Donna Aldred told reporters that her mother was "an incredible woman who was taken before her time."

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"After almost 16 years the finality of this event has allowed me to say goodbye to my mother," said Aldred. "We are grateful to see justice fulfilled."

The 500<sup>th</sup> milestone execution of McCarthy comes just a week after a life sentence given to long-time Texas inmate Jerry Hartfield was found invalid. Hartfield, an illiterate fifth-grade dropout with an IQ of 51, had already served 33 years behind bars before being taken off death row. Hartfield, who has maintained his own innocence in the murder, now faces either a retrial or his possible release after his 1977 murder conviction was overturned in 1980 due to an improper juror dismissal.

In contrast to supporters of the death penalty, there was much opposition outside the prison, where scores of death penalty protesters chanted, held up signs and gathered to protest the execution.

Kofi Taharka, National Chair of the National Black United Front, was in Huntsville to protest and posed the question of whether the state has the moral or legal right to take a man's life.

"No research effectively demonstrates whether capital punishment decreases, increases, or has no effect on the crime rate," said Taharka. "There are stark racial disparities in death sentencing and the majority defendants executed or currently on death row are lower class White, African American, or Hispanic. This must stop."

Reports show that in 82 percent of studies, the race of the victim was found to influence the likelihood of a person being charged with capital murder or receiving the death penalty. Moreover, those who were found to have murdered Whites were more likely to be sentenced to death than those who murdered Blacks.

In the presence of such statistics, death penalty opponents continue to question the importance of perpetuating a policy which they believe is both inherently biased and ineffective.

## **LONE STAR JUSTICE**

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Since 1923, the Texas Department of Criminal Justice has been in charge of executions for all Texas counties. In 1923, Texas changed its execution policy, requiring executions to be carried out in the electric chair at the Texas State Penitentiary at Huntsville, with the last one being held in 1964. Prior to that, hangings were the primary method used for carrying out executions.

After the death penalty was stopped in 1972, the Supreme Court decision in 1976 allowed for the death penalty to be once again imposed. The first execution in Texas after this decision didn't come for six more years, when in 1982 the state of Texas executed Charles Brooks, the first person to be judicially executed by lethal injection in the world, and the first African-American to be executed in the U.S. since 1967. Since resuming the death penalty in the United States in 1982, Texas has executed more inmates than any other state.

The re-institution of the death penalty in Texas came following a national four-year moratorium that was put in place after a case determined the death penalty was being applied inconsistently and without clear standards to guide the discretion of juries and judges.

After 2005, when Texas began allowing prison sentences of life without parole in capital cases, jurors have been more inclined to hand down that sentence instead of death.

Across the country there are roughly 3,000 inmates on death row, according to a quarterly report by the NAACP Legal Defense and Educational Fund.

As of December 2012, there are 61 women on death row in the United States, making up fewer than 2% of the 3,125 inmates sentenced to die, according to the Death Penalty Information Center.

Texas currently has the third-most people on death row with approximately 300, behind California with 727 and Florida with 413. Last year, Texas executed more people than it sentenced to death for the eighth straight year. Texas has led the nation in the number of executions since 1976, but the number of states carrying out capital punishment continues to drop. Four states; Texas, Oklahoma, Mississippi and Arizona, accounted for three quarters of all U.S. executions in 2012.

### DEATH PENALTY FUTURE

The question of whether capital punishment should be allowed is a policy decision determined by each state, and currently 32 states within the U.S. allow the death penalty. Since 1976, there have been over 1,300 executions in the U.S., and Texas has carried out nearly 40 percent of those, putting it in the lead nationally.

Many people who oppose the death penalty describe it as inhumane and incompatible with the decency of a contemporary society, while supporters of the death penalty call it a necessary method of dealing with the worst types of criminals.

A 2013 Gallup Poll found that support for the death penalty is at 63% among Americans, but that number has been decreasing since the high point in 1994 when 80% were in favor. The Death Penalty Information Center reports that the numbers of executions have dropped by more than half in the past 15 years. It also reports that each death penalty case in Texas could cost taxpayers about \$2.3 million once the extra legal, security and logistics costs are added. That is about three times the cost of imprisoning someone in a single cell at the highest security level for 40 years.

There are a number of variables that contribute to Texas having the highest number of executions. Texas is the second most populated state and it has a conservative tradition of serving tough justice for killers, being in favor of capital punishment. Whether a killer receives a death sentence can vary according to many factors, including the county where the crime occurs. The costs of prosecuting such cases and providing court-appointed lawyers are too high for some counties to absorb. Poor rural counties are less likely than large urban ones to seek the death penalty.

As it stands, the future of public support or opposition of the death penalty, tragedies such as the Newtown shooting, the Boston bombing, coupled with the positions of politicians who are death penalty supporters or opponents, will play a part in its future.