

South Carolina executes first prisoner in 13 years, rejecting new evidence that questions his guilt

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On Friday, September 20, South Carolina carried out its first execution in 13 years. Freddie Eugene Owens, 46, who had taken the name Khalil Divine Black Sun Allah in prison, was convicted and sentenced to death for armed robbery and the murder of convenience store cashier Irene Graves, 41, a single mother of three, in November 1997. Owens was only 19 at the time of the crime and had long asserted his innocence.

Owens was put to death days after a key witness for the prosecution issued a sworn statement saying he had lied at trial when he named Owens as the shooter in exchange for a deal with prosecutors to avoid the death penalty or a life sentence.

The South Carolina lethal injection was the first of five planned executions over the course of a week in the United States, including two on Tuesday, in Texas and Missouri, and two on Thursday, in Alabama and Oklahoma.

Owens was put to death in the state's death chamber at Broad River Correctional Institution in Columbia. When the curtain opened to the death chamber, witnesses saw the condemned inmate strapped to a gurney with his arms stretched to his sides.

The execution began at 6:35 p.m. local time. According to the Associated Press, after the lethal drug began to be injected, he appeared to mouth "bye" to his lawyer, who said "bye" to him in reply. "He began to lose consciousness after about a minute, then his eyes closed and he took several deep breaths, AP reported. "His breathing got shallower and his face twitched for another four or five minutes before the movements stopped." He was pronounced dead at 6:55 p.m.

On Wednesday, two days before the execution, Owens' lawyers filed a sworn statement from his

former friend and co-defendant, Steven Golden, who said that Owens was not at the store when Graves was killed. Golden said he was high on cocaine and police put pressure on him to name Owens as the shooter.

Prosecutors never found the weapon used and didn't present any forensic evidence at trial linking Owens to the crime. Prosecutors told the jury that they could convict him for murder if they believed he was present during the murder, and it was not necessary for them to prove that he had pulled the trigger.

"I thought the real shooter or his associate might kill me if I named [the real shooter] to police," Golden wrote in his statement. "I am still afraid of that. But Freddie was actually not there." He added, "I'm coming forward now because I know Freddie's execution date is September 20 and I don't want Freddie to be executed for something he didn't do. This has weighed heavily on my mind and I want to have a clear conscience." Golden was eventually sentenced to 28 years in prison after pleading guilty to voluntary manslaughter. The jury never heard about the deal.

Golden's statement did not sway the South Carolina Supreme Court, which ruled Thursday that the execution could move forward. Republican Governor Henry McMaster denied Owens' clemency petition shortly before the execution. The US Supreme Court also denied Owens' last-minute appeal for a stay, with Justice Sonya Sotomayor indicating she supported temporarily halting the execution.

In a statement released through a local activist on Friday before the execution, Owens' mother Dora Mason condemned the "grave injustice that has been perpetrated against my son" and the state's "unwillingness to consider new evidence."

Mason said, “I urge the people of South Carolina to consider the value of human life, the fallibility of our justice system, and the irreversible nature of capital punishment. I implore you to question the morality of taking a life in the name of justice, especially when doubt exists.”

“Freddie Owens did not kill Ms. Graves. His death tonight is a tragedy,” Gerald “Bo” King, his attorney, said in a statement. “[His] childhood was marked by suffering on a scale that is hard to comprehend. He spent his adulthood in prison for a crime that he did not commit. The legal errors, hidden deals and false evidence that made tonight possible should shame us all.”

Owens’ lawyers also said he had suffered brain damage from physical and sexual violence that he had endured while in juvenile prison.

Owens was the first person to be executed in 13 years as South Carolina struggled to obtain the drugs needed for lethal injections because pharmaceutical companies refused to sell them to the state if they could be publicly identified. There is still no transparency from the state on the name of the drug, or drugs, to be used in executions or their source. The state Supreme Court cleared the way for executions to resume this summer, after also adding options for the use of the firing squad and electric chair.

South Carolina now has five inmates on death row who have run out of appeals and whose executions can be scheduled five weeks apart. According to the Death Penalty Information Center, there are 35 inmates on death row in the state.

The execution of Freddie Owens began a week of executions in the US, which, barring any last-minute reprieves, will see four more men put to death:

On September 24:

- Travis James Mullis, 37, is scheduled to die by lethal injection at the Huntsville Unit in Texas. He was accused of sexually assaulting his three-month-old son and then stomping on his head and choking him. He was 21 years old at the time of the offense.

- Marcellus “Khaliifah” Williams, 55, is scheduled to be executed by lethal injection in Bonne Terre, Missouri. He has long maintained his innocence and there is no forensic evidence tying him to the crime of murdering journalist Felicia Gayle. He is set to die despite this lack of evidence, his claims of innocence,

and contamination of DNA evidence on the murder weapon by the prosecution that could rule him out as the perpetrator.

On September 26:

- Alan Eugene Miller, 59, is set to die by nitrogen hypoxia, or suffocation, at the Holman Correctional Facility in Atmore, Alabama. His execution was called off in September 2022 after the execution team unsuccessfully attempted to insert the IV lines necessary to inject the lethal chemicals.

- Oklahoma is set to execute Emmanuel Littlejohn in the death of a convenience store clerk in 1992, despite his arguments that he wasn’t the shooter.



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