

Charlie Brooks Jr. - the first execution by lethal injection.

Background.

Charlie Brooks Jr. was born on January 9th, 1942 to Mr. and Mrs. Charles Brooks Sr. His father held a well paying job at the Swift Meatpacking company in Fort Worth and gave his son a good upbringing with plenty of affection and attention, until his untimely death at the age of 55, when Charlie Jr. was 13. As a boy Charlie was considered bright and personable and became a football player and was a popular pupil at I.M. Terrell High School in Fort Worth, Tarrant County, Texas.

Sadly by his late teens Charlie was into drugs and petty crime. He was convicted of "simple burglary" in DeSoto Parish, Louisiana in September 1962 and was sentenced to three years. He was paroled in 1963 but this was revoked in 1965. He also served time in the United States Penitentiary at Leavenworth, for three counts of illegal possession of firearms in 1968 being discharged in 1975.

He married his high school sweetheart, Joyce, and fathered two sons by her, Derrick and Adrian, aged 21 and 20 respectively at the time of their father's execution.



The crime.

Charlie, and his friend Woody Loudres met up with Lourdes' live in girlfriend Marlene Smith on the morning of December 14, 1976 and she took them to the New Lincoln Motel in Tarrant County, where she and Lourdes were staying in Room 15. Here they used heroin, before embarking on a shoplifting spree in Fort Worth. However the car broke down so Charlie set off for assistance and came upon a used car lot, where he expressed interest in a vehicle and asked to test drive it. The dealership required a member of their staff to go out with a potential customer and their mechanic, 26 year old David Gregory (photographed with his wife and son, below) was asked to accompany Charlie. Charlie drove back with David to the broken down car and picked up Lourdes. They then drove back to Lourdes' motel having bound and gagged David and put him in the trunk. The used car was seen at the New Lincoln Motel a little later. David was removed from the trunk and forced at gunpoint into Room 17.

Lourdes had told the motel manager's wife, Emma Speers, that they had a man tied up and "we are going to have to kill him." Brooks pointed a revolver at her saying, "You're ignorant. If you say anything, I'll blow you and your daughter's brains out."

A few minutes later Emma heard a shot or shots. David was killed by a single shot to the face. A staff member got the license plate details of the car that Charlie and Lourdes had arrived in and both she and Emma called the police who arrived on scene at 6.24 pm. They quickly discovered David's body on the floor of Room 17.



Around 11 pm. Charlie and Lourdes met up with Phil Watson at the Flamingo Club in south Fort Worth. Lourdes asked Watson to drive them back to the New Lincoln Motel, but the manager wouldn't let them in so they went to Watson's home where they were later arrested.

Trial and appeals.

On December 3, 1977, Charlie, then 34 years of age, was convicted of the murder of David Gregory. Charlie was represented by two court-appointed counsel, William E. Burdoch and Glen E. Eakman. The jury found that the murder was committed "deliberately and with the reasonable expectation that the death of the deceased would result, and that there was a probability that Brooks who had previously been convicted of felonies four times, would commit criminal acts of violence that would constitute a continuing threat to society". Accordingly, as required by Texas law, the court imposed the death sentence.

Woody Loudres was similarly convicted and sentenced to death but his conviction was reversed on appeal. This allowed him to make a plea bargain with the State, by pleading guilty to non-capital murder for which he was sentenced to 40 years in prison. Loudres served only 11 years for his role in the murder before being paroled in 1989.

In 1979 the Court of Criminal Appeals of Texas affirmed Charlie's conviction and death sentence. While on death row Charlie had become a devout Muslim and fell for a 27 year old Fort Worth nurse, Vanessa Sapp, who had begun writing to him in prison.

Initially an execution date of December 7th, 1981 was set, but due to Charlie's attorneys filing further motions this date was pushed back by exactly one year when these motions were dismissed on October 28th, 1982 by federal judge, David Belew Jr., sitting in Fort Worth. Charlie then filed for a stay on November 15th, which was denied. This denial was challenged on December 2nd and again was denied.

There was frantic activity to obtain a further stay for Charlie but neither the United States Supreme Court nor Governor William Clements were willing to give him one. The Supreme Court voted 6 to 3 to reject his petition. In New Orleans, the United States Court of Appeals for the Fifth Circuit refused to issue a stay. On the Monday afternoon the Texas Board of Pardons and Paroles recommended, by a vote of 2 to 1, that the execution proceed.

Charlie was visited by his niece, Berry Mitchell and his spiritual advisors, Akbar Shabaaz and Larry Sherrief, on the Monday.

Charlie's final appeal was rejected at 11.55 pm., just 14 minutes before the execution began. Outside the Walls Unit there were demonstrations, mostly in favor of the execution. A large group of students from the Sam Houston State university waved placards with messages such as "Lethal injection too easy. Let's bring back the hangman's noose," and "Kill 'em in plain view." There were also a small number of anti death penalty protestors.

Execution.

Charlie's execution would be the first ever, anywhere, by lethal injection, which Texas had elected to use to replace the electric chair. It was set for just after midnight, in the first few minutes of Tuesday December 7th, 1982 at the Walls Unit in Huntsville and would use three drugs, sodium thiopental, Pavulon and potassium chloride.

Charlie was visited by Dr. Ralph Gray, the medical director of the Texas Department of Corrections, on the Monday afternoon, who examined his arms to see that his veins were acceptable for injection.

A last meal consisting of a T- bone steak, French fries, ketchup, Worcestershire sauce, biscuits, peach cobbler and iced tea was served on Monday evening. Around 11.30 pm. Charlie mounted

the white sheeted gurney and was strapped down. His right arm was strapped out on a side board with a catheter inserted so that an IV could be set up, allowing a saline solution to pass into his body.

There were about 20 witnesses in the death chamber, three allowed to be invited by Charlie, including his death row girlfriend Vanessa Sapp and his spiritual advisors, Akbar Shabaaz and Larry Amin Sherrief, who told reporters that Charlie had come to recognize that his execution "is the Lord's will, and he will abide by it." Joyce Brooks and Charlie's two sons and his brother were present at the Walls Unit but were not permitted to witness the execution.

Just after midnight Charlie was brought into the execution room strapped to a gurney and the catheter in his right arm was hooked up to a tube running into the executioner's room behind the chamber. He was wearing gold pants, black shoes and a light brown shirt, opened to the waist. Warden Jack Pursley asked Charlie if he wished to make a final statement to which he replied : "Yes, I do. I love you. (to Vanessa Sapp) Asdadu an la ilah illa Allah, Asdadu an la ilah illa Allah, Asdadu anna Muhammadan Rasul Allah, Asdadu anna Muhammadan Rasul Allah. I bear witness that there is no God but Allah. I bear witness that Muhammad is the messenger of Allah. Inna li-Allah wa-inna ilayhi rajiun. Verily unto Allah do we belong, Verily unto him do we return. Be strong." (again to Vanessa Sapp, whom Charlie focused on in his final moments.)

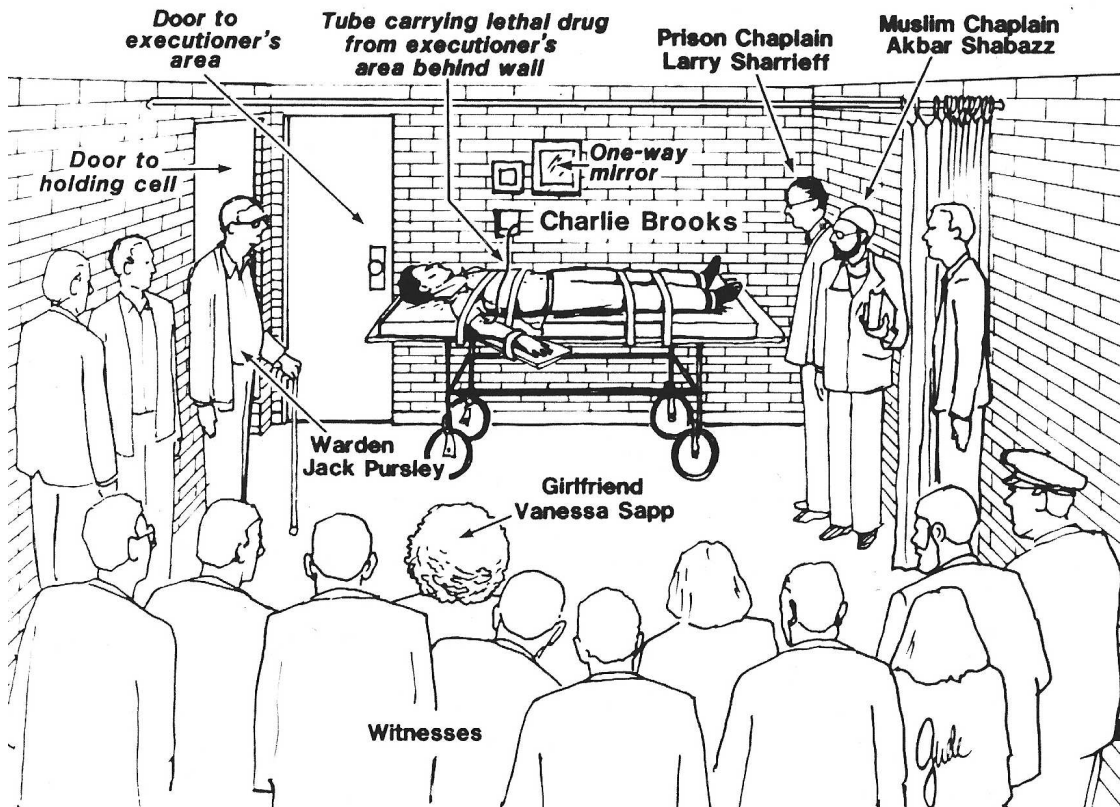
The lethal injection began at 12.09 am. and Charlie was pronounced dead by Dr. Bascom Bentley (Huntsville's prison doctor) and Dr. Ralph Gray at 12.16 am.

Some witnesses claimed that Charlie's death did not appear to be painless. Dick Reavis, a reporter for Texas Monthly, said, "He turned his head upward and yawned, then wheezed, and that was all," but another witness said he gasped and moved his stomach. However Larry Amin Sherrief told reporters that "I've never seen a person die so peacefully."

After autopsy Charlie was buried at Cedar Hill Memorial Park in Kennedale Texas.

David Gregory's mother, Norma Morrison, told reporters that Charlie deserved to die. She said that "I would like for the message to be strong and clear that if you kill someone you pay. He (Charlie) executed my son. I feel that if you can execute someone you should graciously accept your own execution." David's widow, Shirley, commented "I think he got the same thing that he dished out. I think it will be a lot better and a little easier now."

Below is an artist's impression of the execution and a picture of the death chamber at Huntsville as it was at the time.



The Death Chamber at Huntsville "The Walls" Prison Unit.



The Law of Parties in Texas.

Much has been made of the apparent unfairness of executing Charlie but not Lourdes. Former prosecutor Jack Strickland appealed for a stay for Charlie, because it could not be shown whether it was he or Lourdes who fired the fatal shot. However under the Texas Law of Parties, this really doesn't matter, provided that it could be shown that both men were actively involved. The relevant section of this law is set out below:

Under Section 7.02 of the Texas Penal Code, a person is criminally responsible for an offense committed by the conduct of another if "acting with intent to promote or assist the commission of the offense he solicits, encourages, directs, aids or attempts to aid the other persons to commit the offense" or "If, in the attempt to carry out a conspiracy to commit one felony, another felony is committed by one of the conspirators, all conspirators are guilty of the felony actually committed, though having no intent to commit it, if the offense was committed in furtherance of the unlawful purpose and was one that should have been anticipated as a result of the carrying out of the conspiracy."

Article 37.071(b)(2) of the Code of Criminal Procedures permits the infliction of the death penalty only if the jury believes beyond a reasonable doubt that the defendant "intended to kill the deceased or another or anticipated that a human life would be taken."