

The Execution

by

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It was to be the saddest day of my life, but in an instant, it became the craziest. If that sounds confusing, you aren't alone! It is 2 a.m., and as I sit in front of my computer reconstructing what happened a few hours ago for this morning's Dallas American newspaper, I am not sure where to begin. I've been my paper's official witness to several executions over the years at the state prison in Huntsville, and they all followed the processes documented in the Execution Procedures written by the Texas Department of Criminal Justice's Criminal Institution Division. But tonight, things went differently. The man to be executed was known to me; more than known. He was a friend, and at his request, I didn't sit with the other reporters - I sat in the convicted man's witness room as his invited guest. "Guest," what a strange term to use for the man who is about to sit behind a viewing window and watch the deadly poison flow into the arm of his friend. I've seen other people die and it's always sad. But this man wasn't about to die in a natural way. He was going to be "put down" much like a pet, and no one should die like that.

I entered the viewing room at 5:45 p.m., fifteen minutes before the process was to begin. I looked through the window and saw Enrico Martinez, strapped on a gurney about ten feet from me. Both arms were splayed at right angles to his body, with an IV tube inserted into each, and I could see drops of saline entering each tube. In a few minutes, one tube's saline drip would be replaced with the deadly flow of 100 milliliters of pentobarbital – five grams of the killer drug. In a back room, two individuals each controlled a switch, one of which would begin the deadly flow. Neither man would know if he had administered the poison, so theoretically, each would be able to sleep that night. The clock on the far wall of the execution room read 6:03. Under the clock stood one uniformed officer, and across the room was a second, but neither had a role in what was

about to play out, or so they thought. I wondered how they would sleep tonight. Aside from the guards, and my friend on the gurney, three other people were in the room. One was a chaplain, the second was a doctor who I didn't recognize, and the third man was the CID Director. 'That was interesting,' I thought. Often the CID Director appointed someone to fulfill the prison's execution room role, but tonight, it was the big man himself. He held a paper in his left hand, and I saw him glance up at the clock, give a quick look at the doctor, and then step forward. He raised the hand holding the paper, looked down at the offender, and then began to speak.

"Mister Martinez, by order of the State of Texas, you are about to be executed for the murder of Mister Geraldo Contraras as directed by a court judge per the unanimous recommendation of a jury of your peers. Do you have any last words you would like to say?"

And that was when the shit hit the fan. I saw Marty's mouth move slightly, but I couldn't hear anything. The CID Director leaned over the face of my condemned friend trying to hear what he was saying, and then he stood and motioned for the doctor to approach the gurney. The doctor briefly leaned over Marty, but after about thirty seconds, he stood and turned quickly to the CID man waving his hands.

"Stop, sir. You must stop the execution! You cannot continue!" The Director's face suddenly turned white and he instantly replied "Why?"

"We cannot execute this man in his current condition. Please, stop everything."

The CID man motioned to the two uniformed officers to close the curtains covering the windows of the witness rooms and they immediately ran to do as ordered. Within seconds, my view into the death chamber was gone. I was now standing, ear against the glass, trying to hear anything, but no luck. The audio system had also been shut down. I had never witnessed anything

like this before. I turned and tried to exit the witness room, but the door was locked from the outside. Then I remembered, all witnesses were locked into the viewing rooms until the execution was over, and shortly after, a prison representative would arrive, unlock the doors, and give everyone a handout summarizing what they had just witnessed. ‘Well,’ I thought – ‘I wonder what the handout I would shortly receive would say?’ I sat down in a chair near the door, and waited...and waited...and waited. Finally, I heard the door unlock and the man with the handout entered, looked at me, and gave me a piece of paper. “What happened in there?” I asked the guard.

“All I can tell you is what is written on what I just handed you. The execution was canceled due to a medical issue. That’s all I know, and even if I knew more, I probably wouldn’t be allowed to tell you. So, sir, if you will follow me, I’ll escort you out.”

I just stood there staring at the guard. “How does a man about to be killed have a medical problem?” I asked.

“Don’t know, sir. I’ve never heard of anything like this happening before, but I guess there is a first time for everything,” he said, shrugging his shoulders as he spoke. “So, if you will, please follow me and I’ll get you out of here.”

“You said there was a medical problem back in there,” I said motioning my head back towards the chamber. “Are they taking the inmate to a hospital or are they going to treat him here?” I asked.

“Don’t know,” the guard replied, “but if I had to guess, they’ll probably take him to the Huntsville main hospital. All we have here is a small emergency room. Any serious health issues are sent into town. You might try there if you want to find out more. I know that the doctor who was in the execution chamber works at that hospital.”

“Sounds like a good idea. I appreciate the info.” With that, I shook the guard’s hand and followed him to the parking lot. I knew where the hospital was, but I wasn’t optimistic about learning what had happened. After all, Marty was still a condemned prisoner. As I exited the prison grounds, my brain was racing ahead, and little did I know what I would learn, if anything at the hospital. I hate unknowns, and as I turned onto Interstate 30 towards town, I found myself in rush hour traffic, and what should have been a fifteen-minute drive to the hospital was going to take much longer. As I crawled along, I remembered my first meeting with Marty just over four years ago, and I smiled as I recollected that event.

I had entered the local tax office to pay my yearly property tax, signed in at the computer kiosk and received my ticket with the number P499 printed on it. I looked around for an empty seat, found one, and began my wait. The display screen on the front wall of the large room had the number P492 displayed, along with other numbers for different taxes and fees. I had six people ahead of me. ‘Oh, well, not too bad,’ I thought. I took out my cell phone and was just beginning to read the news when a large man sat down beside me, giving me a nice bump in the process. I looked over at this hulk of a human and decided not to say anything when he turned towards me. “I’m sorry for the bump,” he said. “These seats are too close together and I’m almost too large for them. Please excuse me sir,” he added with a smile. I returned the smile – “not a problem,” I responded, “and you are right about the size and close spacing of these seats.” I happened to glance down at his humongous hands, one of which held his ticket with a P500 printed on it. “Looks like you are right after me, but it shouldn’t take long. Paying property tax only takes about two or three minutes.”

He smiled, and then surprised me by holding out his right hand for a shake. “My name is Enrico Martinez,” he said with a smile across his face. I took his hand and we shook. “I’m Jason McDonald,” I replied.

“Jason McDonald? You aren’t the newspaper writer, are you?” he asked with a widening expression crossing his face.

“The one and the same,” I replied.

“I read your column all the time. You write some great stories, and I go out of my way to find your articles every time I get the paper.”

“A fan,” I responded. “Glad you enjoy my stuff.” Now that you know what I do, what keeps you busy?” I asked.

“I’m a fighter,” he replied

“A boxer?”

“Not exactly. I’m a cage fighter, you know, one of those people who gets locked into an octagon cage with another fighter for fifteen minutes, each of us trying to knock the other guy silly.”

“Wow,” I said. “I never met a cage fighter before. I’ve seen a couple of fights on TV, but never have gone to one. It looks awfully brutal.”

“Yea, it can be dangerous, and I spend most of my time working out and training in the gym with my instructor. I only fight about once a month, but believe me, it is a full-time job.”

“Hey, I have an idea. I’ve never written an article about cage fighting and I bet my readers would love to see one. Would you be interested in doing an interview with me so I can learn more and maybe write a story about you and what you do?”

“Really? A story about me in the newspaper? I’d love to do it!”

“How about after we get our taxes paid, we go down the street to the Mexican restaurant, have lunch and talk about this?”

“You’ve got me hooked,” he replied. “Imagine, me...in the newspaper.”

And that was the beginning of what turned out to be a wonderful friendship. I remember the article, for which I received many fan letters, and it was less than a year later, when Marty, as he asked me to call him, had me as the best man at his wedding.

I was so lost in my reverie that I almost missed my exit, and I was suddenly back to the reality of where I was going and why I was going there.

I followed the signs to the emergency entrance, luckily found a parking space, and briskly walked into a crowded area and saw four men dressed in prison police uniforms. ‘This must be the right place,’ I thought, as I looked around for a person who might be in charge. I saw one officer who had a few stars on his shoulder and headed for him.

“Sir,” I began. “My name is Jason McDonald from the Dallas American,” I said as I held out my hand containing a press business card. “I was a witness at the execution a short while ago,” I continued, as I pulled out my Prison Visitor permit and handed it to the officer. “And given the confusion that occurred, I want to see if I could learn more about what actually happened for the morning edition.”

After the officer scanned both my press credential and the Visitor pass, he gave me the answer I expected. “I’m sorry, Mister McDonald, there isn’t much I can tell you. I was called down to

the execution room to oversee transportation of the condemned man to the hospital after the abrupt cancellation. He is currently in the treatment area along with the doctor who canceled the procedure, and I have no idea what is going on.”

“Do you know the doctor’s name?” I asked.

“I believe it’s Doctor Malone. He occasionally oversees executions at the prison. I am supposed to wait here for him to provide me his findings on the prisoner’s condition so I can report back to the CID Director. If you’d like, you can wait with me and we can both learn what is going on.”

“I appreciate your offer, sir, and I definitely will stay with you for however long it takes.” I chose not to mention my personal relationship with Marty, as that might interfere with his cooperative attitude. It was almost two hours later when Doctor Malone emerged from the treatment area, and after spying the starred officer, headed in our direction.

“Officer Samuels, I assume? At least, that was the name I was told to report to.”

“That’s me, Doctor Malone,” replied the officer. He then turned towards me. “This gentleman is Jason McDonald from the Dallas American newspaper, and he can hear what you need to tell me, and I’ll then decide on what is on or off the record. Is that okay with you?”

“You’re in charge, so whatever you decide is fine with me. Let’s go to my office upstairs and I’ll provide my diagnosis.”

“Sounds good to me,” replied Samuels, and with that, the three of us walked to the elevator and went to the second floor. Once inside Doctor Malone’s office, we all took a chair and the doctor began.

“As you know, I was in the execution room to oversee the process and ultimately record the time of death of the condemned man. Of course, that never happened. When the CID Director asked Mr. Martinez for his last words, he was unable to respond. I stepped forward and asked the most basic question to the prisoner – “What is your name?” and he couldn’t answer. Actually, he did answer – he said “I don’t know my name.” Then he said, “what is a ‘name?’” I then asked if he knew where he was, and he just shook his head ‘no.’ I noticed the dilation of his eyes, and his questioning expression initially led me to believe that a stroke had just happened. It was at this point that I halted the execution process, and that gentlemen, is why we are now here.”

“I have a question, Doctor Malone. As the prisoner was about to be put to death, what difference did it make if he had a stroke?”

“Well, Mister McDonald, the law states that a condemned person must be of sound mind to understand the punishment he, or she, is about to receive. That was obviously not the case tonight, so I had no choice but to halt the proceedings.”

“Well, did he have a stroke or not?” asked the police officer.

“In my opinion, he did not. We did a brain MRI and there was no indication of a stroke. We did other testing – bloodwork, an EEG and an EKG, and everything was coming up negative.”

“What was wrong with him then?” asked officer Samuel.

“The only other diagnosis that matched his symptoms and behavior is what is known as TGA. And, before you ask, TGA stands for Transient Global Amnesia. TGA is a rare condition where the brain temporarily forgets everything. It happens to about five people out of one-hundred-thousand; the cause is unknown; the condition lasts anywhere from a few hours to a day or two;

and then the person's brain goes back to normal functioning. TGA is what happened to your prisoner tonight, and why, according to the State, I had to stop the proceedings."

Officer Samuel and I sat stunned by what Doctor Malone had just said.

"When will he be released from the hospital?" Samuel asked.

"No earlier than tomorrow evening, but most likely in two days. We need to see the complete remission of the TGA, with no reoccurrence. FYI, most people who experience a TGA attack never have another one. Don't ask me why, but that is the history."

"Given what you've told me, the current Execution Warrant will expire before you release him from the hospital, so I'll recommend to the Warden that when he is released, we should send him back to the Polunsky holding prison, where he will reside until a new Execution Warrant is approved and a schedule set, at which time we start the entire process again. And, until you release him, I'll leave two guards behind."

"That is your decision. I just do the medical part of everything," responded Malone.

I looked over at Officer Samuel and asked the obvious question. "Sir, how much of what we just heard and discussed can I write about, and what is off the record? I need to do a story tonight for the morning paper, so I need an input from whoever can give it to me."

"I will speak with the Warden when we leave here, and I'll call you on the number on your business card. Is that okay with you?"

"That would be just fine," I replied. "I didn't expect to get any sleep tonight anyways." And with that, we stood, shook hands with Doctor Malone, and left the hospital.

It is now 2:45 a.m. and I just got off the phone with officer Samuel, and surprisingly, he gave me permission to use everything we learned at the hospital tonight in my story. I turned on the computer, and then sat back to plan the article, but instead, my brain thought of something else. It wanted to review how we got to this situation tonight first – why was my good friend, Enrico Martinez, sentenced to death, and it made sense to relive that story before I wrote a single word. I sat back, closed my eyes, and the horrors of the last two years sprung to life.

It was about seven months after Marty and I met that he married, Celia, and I was the best man at the wedding. And it was just a few months after the wedding that Celia was killed by a hit and run driver as she was leaving work at around 2 a.m. She was a bartender at one of the average hotels in town, and to her misfortune, was on the night shift. She had exited the hotel, and at the corner crosswalk, waited for a green light despite zero traffic. On green, she stepped into the street and was halfway across the road when a speeding vehicle appeared seemingly out of nowhere, ran into the intersection against a red light, and threw Celia into the air twenty feet down the street, and then ran over her splayed-out body even as the driver was slamming on the brakes. Her body was now caught underneath the car, and the driver, most likely intoxicated, backed the car over the body to shake it loose from the undercarriage, and then sped off without ever stopping. There were four traffic cameras at the intersection atop the traffic lights, and the entire incident was recorded. The driver kept on going towards his home a mile away. It must have dawned on him as he drove on, that he was in deep trouble, but it didn't take him long to come up with a plan. Before reaching home, he pulled into an alley between two apartment buildings, abandoned the car, and walked the rest of the way. Upon arriving, he went into the house, and called the Police Department.

“Police Department, Sergeant Kowalski speaking. Can I help you?”

“My name is Geraldo Contraras, and I’d like to report that my car was stolen tonight.” The officer then began asking the normal questions, and Contraras responded, providing the car’s make, model, year, color, VIN number, and license tag information. He said he didn’t know what time the car was taken, that he had parked close to the Tiki Bar, and left for home about one-half hour before closing, and that was when he discovered his car was gone. He also told the officer that he had to walk home and took a short-cut across a close-by park. The officer said that was all the information he needed for now, and someone would get back to him in the morning. After disconnecting, Geroldo smiled and thought how smart he was. Tomorrow, he would go back to the alley, ‘find’ his car, and tell the Police that he had located his vehicle and that all was now well, and they could cancel his report. What he didn’t know was, as he was just sitting there so proud of his plan, the Police Department was already working on the found body of Celia Martinez and he would soon hear from them again.

It was 7 a.m. when the police arrived unannounced at the Contraras residence, and they didn’t look too friendly. They had found his bloodied, and damaged car, had already reviewed the traffic light videos that had recorded the hit and run, and had confirmed that his car was the weapon which killed Celia Martinez. After questioning, they took Contraras down to police headquarters for more serious interrogation. “Obviously whoever stole my car was responsible for the death – certainly not me,” he tried to explain. They did not believe him and he was arrested for the killing.

I sat back up in my chair as I completed this horror story to myself. And then I remembered how this eventually played out. The Prosecutor was going to take Contraras to a Grand Jury and charge him with a second-degree felony, but for one small problem. Despite all the evidence about the car, the time of the accident, and the time that he had left the bar, photos from all the traffic lights that night could not positively identify the car’s driver. The Prosecutor could not prove,

beyond reasonable doubt, that Geraldo Contraras drove the car that killed Celia Martinez, so he dropped the case. I know all of this because Marty and I attended every court hearing prior to the planned Grand Jury, which did not happen. He walked away a free man, and Enrico, enraged beyond description, swore to me that somehow, Geroldo Contraras would pay. I took his intentions as those of a victim who was going to get even, no matter how long it took. And it didn't take long.

About a year ago, Marty called me at work. "Remember our friend Contraras, the guy who murdered my wife?"

"Of course I remember, Marty. How could I forget?"

"Well, guess what he is now doing for a living?" he asked.

"I have no idea. Why do you ask?" I already did not like the fact that we were now talking about the man who killed Celia, and my antennae went up.

"I'll tell you. Before he moved to Dallas, he was a cage fighter in California. When he moved here, he found something else to do for a living, but it didn't pay much, so he has gotten back into the business. I've spoken to my agent and, if possible, he is going to set up a match between the two of us. He doesn't know me which is just fine, and when we step into the cage together, it will be the last thing he does."

"Wait, Marty. Are you telling me that you are going to kill him in the ring? Is that what you are saying?"

“Killing is too kind a word. I will massacre him in front of ten thousand fans, and I don’t care what they do to me after they sweep him off the mat.”

“Marty, Marty, listen to me. I am your best friend and you must listen. You cannot do this. His life is not worth you losing yours. And besides, the referee will not let you kill him. It’s a losing proposition – you just can’t do it,” I was almost now screaming into the phone. Then I heard the ‘click,’ and that told me Marty wasn’t going to listen. I wondered what I should do? Go see him and try to convince him face-to-face, or do I just let things play out and hope that he would come to his senses? Do I see his manager and tell him not to arrange the fight, that it would be Marty’s last fight and both men would be out of a job and in deep legal trouble?

I tried calling Marty every day, but he wouldn’t answer. I went to see his manager and learned that the fight had already been booked and contracts signed. There was nothing he could do. As a last resort, I went to the Police and ‘suggested’ that the upcoming fight would be a grudge fight and that someone could get killed. “They’re always trying kill each other,” one officer said. “Don’t worry. The referee won’t let it get out of hand,” and with that I was dismissed. I bought a ticket in case things did get out of hand, not that I could do anything...but I just had to be there for my friend. He had been right about one thing. There were almost ten thousand screaming fans in attendance and the fights I witnessed were indeed brutal, but as the policeman had said, the referees did a good job at protecting each fighter.

Then after a short intermission, down the aisle came Marty, surrounded by his entourage and the screaming started again. I looked across the cage to the other entrance, and sure enough, I recognized Geraldo Contraras and his team heading towards the ring. Both men entered the cage with their handlers through opposite doors and Contraras began jumping around on his toes to help loosen up, but Marty didn’t move much. He just stood there, staring across the mat at the man

who had killed his wife, and I could almost feel the explosive hatred emanating from his body. The referee called both men and their handlers to the center of the cage and tried to explain some basic rules, after which he asked the two combatants to shake. Geraldo stuck out his right hand, but just briefly, and Marty leaned forward into his opponent's face. "Remember that night when you killed my wife and ran off leaving her dead in the street? I'm sure you do. And now it is your turn. Say your last prayer you shitter, because you are about to go to hell!"

The referee turned towards Marty and stuck his face almost nose to nose with him. "Fight and fight clean," he said loudly. "I don't want any bullshit stuff!" And with that he pushed both men to their corners and motioned for the handlers to exit the cage. When the two cage doors slammed shut, the two men stood facing one another, and in that instant, Geraldo Contraras knew who he was facing. Fear crossed his face and he looked frantically at the referee and signaled that he surrendered, but as he did, the bell sounded and his execution began. Martinez walked calmly across the cage mat, and without warning, swung a vicious kick into the crotch of his victim. As Contraras leaned over in pain, Martinez slugged him with a right cross that sent his opponent stumbling backwards to the cage. Another left and right and the condemned man fell, unconscious to the ground. Martinez leaned over and straddled the downed man, and began punching – left, right, left, right, left right. The face of Contraras was now unrecognizable, and he was too unconscious to motion a surrender. The referee jumped onto the back of the would-be killer and tried to drag him up off the body of his opponent. Martinez rose to his feet turned and faced the referee, and without warning delivered a stinging punch to his face, and the ref went down not knowing what hit him. Marty then turned back to the knocked-out Contraras and with two hands around his neck, lifted him off the mat, and began to slam the back of his head against one of the vertical cage poles. Bang! Bang! Bang! His head was now split open and his brains were almost

visible to the front row fans on that side of the cage. Police were frantically trying to unlock both cage doors to stop the murder taking place before their eyes. The crowd was screaming beyond imagination in panic, and the TV cameras' red lights were now off, and yet, Martinez wasn't finished. He stopped banging the now dead-man's head against the cage, and lifted him by the neck, high above the mat. His arms were straight up in the air, and the dangling body of his wife's killer hung limply down. At this point, the police got the doors open and grabbed Enrico Martinez, who dropped what was left of Geraldo Contraras, calmly stood in the arms of the officers, who now handcuffed his hands behind his back. Marty offered zero resistance – he was as calm as could be as he was led out of the cage. I looked at the man who had been my best friend as he passed, and he saw my stare, and I detected a small but satisfied smile cross his lips.

It was for this execution in the cage that Enrico Martinez was sentenced to his own execution by a judge who viewed the video of the fight and decided that my good friend Marty was an animal who did not deserve to live. And last night, he was supposed to die like an animal, and join Celia in Heaven, but it did not happen thanks to some crazy thing called TGA. I wonder if my readers will believe any of this? And then I began to type.

