

## Broken – A Witness to the Execution

By Christine Towery

I.

For those intimately involved in a capital murder case, the suffering is immense and unceasing. My heart truly aches for the victim and their families. These families are promised justice but receive decades of pain. The testimonies of these families underscore that the execution doesn't help their pain. It doesn't solve anything. For these families, there is no vindication. A great number of the victim's families change their minds about the death penalty as they face the decades of appeals.

As for those who have no real tie to the victim, the criminal and their family, they have their own pain to overcome. I watched someone transform from a hideous and angry drug addicted murderer into a wise and compassionate human being—my brother, Robbie. I'm not saying he deserved to be set free, what he did was wrong and there had to be consequences. However, I do firmly believe that murder in response to murder is not the answer.

Some think I want sympathy. I really do not. Many have suffered worse than I. However, I do hope that my stories and the recording of my brother's metamorphosis on death row evoke compassion, understanding and awareness. Maybe we should pay closer attention to the ones we love. Maybe we should be braver and do whatever it takes to change their errant course. Maybe we need to be there more for each other.

II.

My son, Christian, and I stood together, the guards unwavering against the enemy. In reality, I think we were all simply trying to stay upright. I didn't really want anyone to touch me. All I wanted to do was get closer to the window so that when the curtains were drawn, my face would be pressed against the glass.

*Just like last night. We would push our faces and hands against the glass. We would cry through this together. I would lock onto Robbie's penitent eyes and stay fixated on them until it was over. I would carry him through this. He would only see the eyes of someone who loved him.*

I didn't want him to see anyone else. I knew it would hurt if he saw Christian. I didn't want him to see past me to the vultures awaiting their prey.

*If I move now, will a body guard restrain me? If I wait...until just the right moment...can I make my move? Oh God, what if they take me out for breaking my stance? What if I miss this? Why am I so afraid to take a risk and just see what happens? I am a coward.*

I could not remember anything that was said last night before the final farewell. I mentally retraced every step. I recalled getting out of the car, the crunch of the pebbles under my feet as I crossed the parking lot, seeing my sister sobbing on her boyfriend's shoulder, filling out the forms, walking in the room, and then... nothing. Nothing except the last vision of Robbie's tormented and twisted face as our hands touched the glass and we cried together for the last time.

*That face will haunt me for the rest of my days.*

Since we weren't able to share a last meal with Robbie, we had driven for miles to find a restaurant where we could share the same exact same meal at the same exact time. We lifted our glasses and said "potato, potato, potato" at the appointed hour. I looked at the full moon and wondered whether or not I would survive the next day. Would my heart stop beating with his?

*Beautiful moon, will you grace me with courage when the dawn comes?*

The night passed too swiftly, too hastily for my crumbling heart. When I went down for coffee the next morning, one of Robbie's attorneys was sitting at a table. She had lost the war to save his life and I hugged her.

*I must console everyone who is suffering today. That's my job.*

Consoling our family, Robbie's attorneys, and everyone who felt the immensity of this day was my salvation.

*Would being here today lift even a small amount of guilt from my heart? I let Robbie down so many times before. Is reprieve my true motivator? I am selfish.*

All of the absences over the past twenty years washed over me.

*How did we get here?*

After an hour and a half of waiting in an office, we were escorted to the Death House. The door opened, and to my left, a glass enclosed room with drawn curtains obscured the view of the execution chamber.

*Like the curtains from The Wizard of Oz.*

There were bleacher stands--I guess you'd call them that, serving the sole purpose of elevating everyone just enough to have a clear view of the upcoming event. Our family entered first but I watched the rest of the spectators reflected off the glass as they filed in later.

The entire room was about the size of a living room with a very peculiar wall that separated "them" from "us".

*Why was that wall there? Why the division?*

Personal body guards were assigned to each of us. I reasoned that it was a way to protect us from "the others". God forbid these "others" would not only have to observe this unholy spectacle, but also bare witness to the collateral damage. I hated them for being there.

*Think positive, think positive, maybe there is some semblance of dignity in all of this and the wall obscures the devastation. Okay - I'll hold on to that thought for now.*

I knew someone was missing on the other side-- Nancy, the victim's sister. She had passed away and yet I felt such a need for her to be there with us to witness this final act. Nancy wanted the death penalty for my brother. As odd as it sounds, I never felt any malice towards her for that. I figured that I would feel the same way if I were in her position.

During the trial, I watched her endure the retelling of the gruesome details of her brother's death. My heart broke for her. She and I were both losing a brother, both suffering. The division of seats in the court felt impenetrable; but I knew I had to reach out to her. I finally gathered up the courage on the

elevator the day of sentencing to give Nancy a sympathy card. In it I wrote: "I'm so very sorry for your loss. Today I will lose my brother too."

Once the verdict of "death" was pronounced, our eyes locked across the room. In a dreamlike moment, the other bodies in the court room parted and we met in the middle, arms locked around each other while the tears flowed unabated. "I'm sorry for your loss," she whispered in my ear.

*Nancy, if you were here, we would hold hands and do this together. You would find your justice and I would find a friend in the enemy camp. I'm still so sorry you lost your brother. I'm still so grateful that we found peace in our mutual sorrow. I wish you were here.*

One side of the partition was for the brazen few who either wanted to or were forced to watch.

*Who the hell would make someone watch this?*

The other side was for the "family".

*Shouldn't it be the other way around? Shouldn't there be a bigger area for family. Hell, shouldn't there be more family here period?*

I was told that most family members do not attend these proceedings, yet there is nowhere else I could be at this very moment. Nothing, short of death, would have made me stay away.

*Nothing short of death – that's an absurd thought.*

The curtains began to draw back slowly. For twenty years this moment had loomed and now the storm had arrived.

*Jesus, sweet Jesus...how did we get here? Please God...please, please, please...help me. Breathe...just breathe...this IS going to happen. You have got to pull it together. You have got to be strong for him and Christian. GET YOURSELF TOGETHER, CHRISTINE. Open your eyes and be brave.*

I obeyed the command and when I opened my eyes, there lay Robbie, my baby brother. Strapped to a table with a sheet to cover the sight where the doctor had to insert a femoral line. His face was pale. He looked like a laboratory animal about to endure some sadistic procedure.

*This is barbarism at its finest.*

A voice began outlining what was to happen, who this person was, why we were all here, and so on. I wasn't listening. I was remembering the first funeral I ever attended when I was still a little girl. I thought the voice behind the purple curtain speaking about my dead grandmother was God. I knew God was there with me that day. Not today – I felt no presence here. Robbie turned his head and looked my way.

*Damn! He doesn't have on his glasses. He can't see me. I need to move closer...but I'm too afraid. I'm afraid they'll stop me. I'm afraid I'll faint. I am a coward.*

Last night Robbie was at peace, he seemed accepting and ready. Now something seemed very wrong.

*Oh my God, what happened to you, Robbie?*

I knew he had been hurt, because I had seen that look on his face once before. I was only 5 or 6. I looked down and my shoes barely reached the edge of the car seat cushion. Below me, lying on the floorboard, hands tied behind his back, and duct tape across his mouth, was my 3 year-old baby brother. Robbie was crying and looking up at me with beseeching eyes. I still can hear him begging for help in my head.

*Robbie – I want to help you. I really do. I’m afraid if I do she will hurt me too. I am so sorry Robbie! I am a coward.*

Now that same pleading look was there again. He was hurting.

*Who would do this to another human being? How do they sleep at night?*

Yet there I was again – helpless to save him.

*Maybe if you hadn’t been such a coward your whole life, you would’ve saved him long ago and this wouldn’t be happening. This is your fault.*

Before I could continue with my self condemnation, he spoke. He stared right at me and I listened.

*Can you see me Robbie? I’m here, Robbie. Can you see me? Oh God – without his glasses, he can’t see me. Consolation - maybe he can’t see the witnesses either.*

He apologized to the family of the deceased. He apologized to me.

*Oh please, do not apologize to me brother. I failed YOU. I didn’t do enough. I’m frozen in this spot right now when I should be taking the risk and getting closer to you. Please...please...accept my apology. I’m sorry I didn’t save you when we were young. I’m sorry I didn’t help you when I knew you were in trouble. I’m sorry I didn’t visit more. I’m sorry I didn’t write to you more often. I’m lazy and I’m a coward.*

I clutched my grandmother’s beautiful rosewood rosary tightly to my chest. I hoped that somehow it would shield my heart from this surreal occasion. I was so very wrong.

My brother had told us that his very last words would be “potato, potato, potato”, a reference to the patent for the sound of a Harley Davidson. I knew that when I heard those fateful words, it would be time; time for me to somehow come to terms with what was happening, time for me to lose my best friend and brother, and time for him to leave this horrible planet to ride his Harley into the clouds.

*Just keep talking Robbie...don’t say the words. Please don’t say those three words. Please. Please. Please. I can’t...I’m not ready...no, no, no....*

Of course, no one could hear my pleas. After a very brief pause, I watched him conjure up of whatever strength remained. With a tear rolling down his cheek he said it: “Potato, potato, potato”. I had planned on saying the Hail Mary, but the only thing that I could do was whisper over and over again, “I love you, I love you, I love you, I love you.”

The voice on the intercom was back, and for some reason, it educated the crowd on each step of the lethal injection protocol.

*This is utterly ridiculous.*

As the voice droned on, I watched my brother slowly turn his head.

*No! Look at me. I love you. I love you. I love you. ... Oh no – it is happening.*

He turned away; looked up, and gasped two times—sharp, hideous gasps for just one more breath of life.

*No, no, no, no.....*

Silence.

*Okay everyone...he is dead now. Why isn't anyone saying anything? What are we waiting for?*

It was 11:17 a.m. My brother, my “person”, had just been murdered in front of me. We all stood in silence for another ludicrous nine minutes before they officially pronounced him dead.

*Are you kidding me? You change to a one drug cocktail but operate and perform this atrocity under the guidelines and sequencing of the three-drug cocktail? Unbelievable. How can that which is already so incomprehensible become even more absurd? Believe it. It just did.*

The vultures exited first, their faces reflected in the glass surprised me. Maybe I had judged them too harshly. These “vultures” were in immense disbelief. I could tell that not one of them was leaving feeling better than when they walked in. Suddenly I felt such a profound compassion for each and every one of them. We all had just become members of a small population on this planet who had witnessed something no one should ever see. I knew that all of us would be scarred for the rest of our lives. My soul ached for us all.

The sunshine blinded me as I exited this living room-sized purgatory. I couldn't feel anything. I wasn't falling apart. I wasn't wailing. How exactly is someone supposed to act when something this horrific and bizarre happens? I was completely numb. I felt nothing.

*That didn't really just happen.*

III.

Whenever there is a murder, the focus should be on the suffering of the victim and their family. With all my heart I believe that they should be comforted and counseled throughout the trial. Sometimes a death sentence is an initial relief that provides a sense of justice. However, the continuum of appeals and court proceedings that follow for decades ensures that their bleeding wound never quite heals.

I also believe that there are other victims that go unnoticed and unreported in association with the murder. There are many who suffer in silence and pay the price for the criminal's acts. The family of the murderer.

My brother Robbie was arrested for the murder of Mark Jones in October of 1991. I know it plagued my mother. I remember wondering if she felt culpable; after all, her favorite thing to shout at him over the years was, “You will end up in prison for the rest of your life!” How could a mother say this to her child? Well, for that matter, how could a mother tell her children: “I wish you were never born!”, “I will kill you!”, and “I hate you!” over and over again.

How could she not feel culpable? Robbie's entire life was filled with abuse. This woman would storm into her sleeping children's' rooms and wake them by beating them. This was the woman who belittled a little boy for being a bed wetter (a well-known indication of child abuse, but we didn't know that

then). She hung his urine-soaked sheets out the front window so his friends could see. My mother was an expert in emasculation and humiliation.

When I was 17 years old, my mother slapped me and I ran out of the apartment. Robbie ran after me and grabbed me.

“Robbie – let me go – please – I will come back for you. I promise”

He just held on tighter. We were both shaking and he said words I will never forget.

“You can’t leave me alone with her”.

A few moments later, my mother caught up to us and pulled me back to the apartment by my hair.

*Jesus, Robbie, I was almost free.*

As my brother stood trial for murder, my mother’s health declined dramatically. At one point she lapsed into a coma and was in ICU for 3 weeks. I remember standing over her and being afraid. Not just mildly afraid – deathly afraid.

*What if she wakes up and is mad at me because I didn’t do what she wanted? Seriously – I’m thinking this and I’m a 30 year old woman. That’s messed up.*

Yet, when she awoke I said “I love you” and she said “I love you too”.

She was moved to an intermediate care unit for another 3 weeks. When the elevator door opened to the unit, it was like entering Hell. Countless sick people in wheel chairs were crying and moaning. She cried every day until I brought her home. Two weeks recovering in my house was all she needed and soon went back to living in her apartment. I still visited every day, did her laundry, and shopped for her. Everything seemed to be fine.

On April 6, 1992 I received a phone call from the dialysis center. My mother had not shown up for her appointment. Two days earlier, I had stopped by to drop off her laundry and as I moved towards the door I ran into what I can only describe as an invisible wall. Suddenly I was compelled to turn and walk back over to where she was sitting. I leaned in and hugged her and said “I love you Mom”. “I love you too” were the last words I would ever hear her say.

*Thank you God for giving me that opportunity.*

After hanging up with the dialysis center, I rushed to her apartment. Her car was not in the parking space. I went inside. She wasn’t there. On the table was the Sunday edition of *The Arizona Republic* dated April 5, 1992. *The Republic* had devoted two entire pages on the gruesome details of an execution by electric chair. The paper was opened to the story and her coffee cup still sat next to it.

*Odd.*

I proceeded to call all of her friends to see if they knew where she was. No one had seen her all weekend. I searched her apartment and found a crumpled up piece of newspaper by her recliner. It was a tiny article from *The Republic* indicating that the prosecution would be pursuing the death penalty in Robbie’s case.

*Oh no. This is very, very bad. Why didn’t you call me? Why didn’t you leave a note? Where are YOU?*

The police told me that since she was an adult, I couldn't report her missing for 48 hours if there was no sign of foul play. I spent the day driving all over Phoenix. I went to every parking lot of every restaurant, mall, bank, hair salon, and grocery store that she frequented. No sign.

The next day I called the police again and convinced them to begin their search. *The Arizona Republic* published an article on April 11<sup>th</sup> and Channel 12 news interviewed me around the same time. Over the course of the next 30 days I enlisted the services of the Maricopa County Sheriff's department and hired a private plane to fly for 4 hours searching for her.

Finally, I received some news from the La Paz County Sheriff. He called to tell me that he had found my mother on the side of the road near the Ehrenberg exit the night she disappeared. She had run out of gas. He asked her where she was going and she replied "I'm going home." He helped her to the gas station and watched her drive over the ramp to head west towards Phoenix. I asked him to fly over the area. He said he would and reported back that he had flown along Interstate 10 and had seen nothing.

Every day was torture. I tried to do my job but was consumed with the search for my mother. She was on dialysis and I knew that without it she would perish within four days.

*She must be dead.*

Still, there was a part of me that imagined she had gone to California and was comfortably receiving dialysis in some hospital, too deep in dementia to remember who she was. I was consumed with fear, grief, anger, frustration.

*And didn't this woman deserve a miserable death? Did I really did just say that?*

On May 5, 1992, the police showed up at my office. It had been exactly one month since she had disappeared. A friend held my hand as the police explained that snake hunters had found my mother's car and then her body in a wash outside of Ehrenberg. I remember feeling numb as the detective recounted the details.

I received the autopsy report on May 7, 1992. The body was decomposed to a point where I wouldn't get the answer to the question that still haunts me today.

*What the hell happened? Did she suffer?*

Several months later I retraced her path. When she went over the overpass to go west, there was a huge arrow sign pointing left at the end of the ramp. There were two paths. The first turn led back to the freeway. The second turn, near the arrow sign, led to the old Frontage Road that followed along the highway for about a mile before it veered into the desert.

*Oh my God – she saw the sign and took the old Frontage Road.*

The dirt road headed straight for some time and then suddenly dipped into a sandy wash. This is where her car got stuck. According to the police report, she had tried to extricate the car. The report also noted that there were photographs of her grandchildren laid out on the car seat and she had shrimp and a soda in the car too.

*Were you taking a road trip mom? Or was this your last meal?*

The car was in park, the keys were in the ignition in the on position, and the clock had stopped at 9:43 a.m. Apparently she either ran out of gas or the battery went dead. I imagined her sitting in the car throughout the night until the car went dead. When daybreak arrived, my frail and sickly mother put rocks in her pocket, some money, and decided to walk out.

*What were you thinking? Did you get lost, try to go home and get pissed off when you ended up in the desert?*

The report described my mother's last moments: "The remains were approximately 178.5 feet west of a 1977 Buick and approximately 253.9 feet east of the dirt access road...It appeared that after becoming stuck the deceased may have attempted to walk away from the vehicle before expiring." Her glasses were still on her face. Her earrings still hung from her ears. Her body had decomposed on top of her walking cane. Her clothes were intact but her pants were on backwards and soiled.

The report went on: "Tissue loss is present in many areas... live insects enter and exit the defects...the skin is diffusely desiccated and hardened to a leather-like appearance." My mother's mummified remains weighed 20 pounds.

I knew deep down that all of this was about Robbie.

*That didn't really just happen.*

IV.

"No matter how much I beat her, she never cries!" said my mother to a friend on the phone one day.

I still wonder who the person on the other end of the line was. Why didn't they help save us from the tyrant we called "Mom"?

My mom was right. I resolved at a very young age that no matter what she did I would NOT give her the satisfaction of knowing that she hurt me. I would sit in my chair watching *The Brady Bunch*, or *Lost in Space* trying to shut out the screaming and begging coming from Robbie or my sister's room. Sometimes my mother would start at one room and cycle through all three until everyone was bruised and sobbing. "No mommy! Please stop! No mommy! I'm sorry! I didn't do it! I swear! Please stop! I won't do it again! Please stop! Please!" I didn't even know that this wasn't normal until I finally told a friend in middle school.

*What? It's not like that at your house? Jesus.*

This stoic persona served me well throughout Robbie's ordeal: the trials, the visits, the news, the clemency hearing, and the last visit. I did not want my brother to think I was weak. I wanted to be "the eyes of love" for him.

One day I was sitting at the kitchen table speaking with one of the investigators from the law firm that handled my brother's case about what would happen on the "last day". I asked when I would be able to give him a hug—I had waited twenty years to hug him. I desperately wanted to hold him in my arms and comfort my baby brother.

"Oh, no....you won't be able to hug him. Arizona is one of the few states that do not allow contact visits before an execution," explained the investigator.



*What? Impossible. I have waited forever for this. Don't cry...*

"Can't they just chain him and secure him in a way where he cannot move so I can touch him?" I implored.

"Christine, I'm sorry, that won't happen."

With that statement, my walls began to crack and tears fell.

*Damn you Arizona! Damn the idiots in charge who make these ridiculous and inhumane decisions! Jesus Christ. The only contact he has had is when he is cuffed or strip searched before and after visits by the guards. That doesn't count and seriously makes no sense. This is really so wrong. Oh how I wish I had jumped over the rail when he was sentenced and hugged him. I had thought about it and was afraid. In retrospect, it would've been worth spending time in jail if I had known that that was my last opportunity. I was a coward.*

I had to find a way to touch him one last time. When arrangements were made with the Mortuary to cremate my brother, I realized that this was my chance. I asked the director if I could view the body before cremation.

"We might be able to arrange that for a small fee," said the director.

*You have GOT to be kidding me.*

"You are so kind! Please let me know if you can make that happen. I appreciate your compassion," I replied.

*Schmooze, schmooze, schmooze this man or you won't get what you want.*

The call came almost two weeks after the execution. I had a small window of opportunity to view the body. I called Jason to drive me back to Florence.

When we arrived, the director told me that he had washed the body for me and covered the areas dismantled by the autopsy.

*Autopsy? What the hell for? His death certificate reads cause of death "homicide" and his prison records say "death" under maximum end date, "execution" under most recent location and "inactive" under status, and (my favorite) "03/08/12" under last movement. Ridiculousness abounds.*

I sent Jason in first to ensure that anything that would make me faint was covered. He returned and sat down so I could go in by myself. I entered the chapel, full of empty pews, and Robbie lay before me on a gurney with a white sheet over his lower body. His arms were folded across his abdomen and a white towel covered his cranium.

*They took the top of your head off?*

Slowly, I approached. My brother was no longer behind a glass barrier. He wasn't shackled or in a metal box. He was OUT! In my dreams, he showed up at my house and I would help plan his escape to Mexico. There would be none of that today, but in a sense, he was finally free.

*He is out and I feel good? I mean – my heart feels full and joyful because he is out! This is insane! This feeling is insane...but I like it.*

I carefully extended my hand and touched his forearm. Cold. I leaned in to kiss his cheek. Cold. A line from *Romeo and Juliet* came to mind.

*"..and left no friendly drop to help me after?" Get over it Christine...this is what you wanted. Hug him. You can do this.*

I tried to kiss his cheek but he reeked of death. Yet I made myself do it. Over and over again. I started to cry and I noticed one tear landed on his forearm and stayed there. I watched it, wondering if his skin would absorb my sorrow. Another line, this time from a *Mumford and Sons* song.

*"I never meant you any harm, but your tears feel warm as they fall on my forearm." Why did that come to mind? Does he know I'm here or am I just losing it?*

I sat down.

*Take a break and then go back.*

As I sat on the pew staring, just staring.

*He is out! Take him home! Just roll that gurney out of here and take him home! Oh God – Weekend at Bernies – I'm really not okay.*

My mind entertained the possibilities. I could simply roll him out the doors, place his body in the car and bring him home. I half convinced myself I could do it until I remembered the exit. Too many sharp turns and then that ramp and stairs which we couldn't navigate with the stiff gurney and the weight it carried.

*Damnit! I cannot take him home. I am a coward.*

More tears. Bigger tears.

*How can I leave you now? You are OUT! Oh God.*

I got up several times and repeated my ritual. Kiss the cheek, lie over the body, cry on his arms, hug him and sit down again. I don't know how long I was in there repeating these steps. I didn't know how to leave. I would walk a few steps towards the door only to turn around and start my ceremony all over again.

*Arizona killed a man who was a good man! I know he wasn't before. I know he did horrible things but he was NOT THAT GUY anymore. Oh God, where are you now?*

I just couldn't leave him there. I wanted to be with him forever, even if it was in this room.

*Yes, I will stay here with you Robbie, forever.*

My ceremony continued until finally I couldn't take it anymore. I forced myself to leave. Somehow I managed to command my feet to continue their procession towards the door, through the lobby and to the car. I didn't say anything to anyone. Jason just followed.

*That didn't really just happen.*