

Texas executes Robert Pruett, who insisted on innocence in prison guard's murder

The man convicted in a 1999 prison guard's murder always said he was framed by corrupt guards and inmates. After rounds of DNA testing that were deemed inconclusive, he was executed Thursday night.

By Jolie McCullough Oct. 12, 2017 7 PM

Robert Pruett, seen here in a 2013 interview, was sentenced to death in 2002 for the murder of correctional officer Daniel Nagle.



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Robert Pruett was executed in Huntsville Thursday night, completing the death sentence he received more than 15 years ago in the 1999 murder of prison guard Daniel Nagle.

Nagle was 37 when he was repeatedly stabbed with a makeshift knife in a Beeville prison. His body was found in a pool of blood next to a torn-up disciplinary report he had written against Pruett.

Pruett, 20 at the time, had already been in prison for years, convicted as an accomplice and sentenced to 99 years in a murder his father committed when he was 15. Prosecutors argued Pruett killed Nagle because of the report, but Pruett consistently and adamantly insisted on his innocence. He argued he was framed by corrupt guards and inmates about whom Nagle was writing a "lengthy grievance," according to a recent court filing.

In his last words, Pruett expressed his love for the friends who witnessed his execution.

"I've hurt a lot of people, and a lot of people have hurt me ... One day, there won't be a need to hurt people," 38-year-old Pruett said in his final statement, strapped to a gurney in Texas' death chamber.

His last appeals were denied by the U.S. Supreme Court within an hour of his scheduled execution, and at 6:17 p.m. he was injected with a lethal dose of pentobarbital. He was pronounced dead 29 minutes later after chanting and shouting obscenities, the Associated Press reported. Several of Pruett's friends, as well as the wife and in-laws of Nagle, were expected to attend the execution. Family of Ray Yarbrough, the man Pruett's father killed, were also listed as witnesses.

Nagle's sister, Nora Oyler, issued a statement through the Texas Department of Criminal Justice, saying she and other family members still miss Daniel every day.

"The execution will in no way minimize our loss," she said. "We have chosen to spend this time together and away from the coverage so that we can celebrate Daniel's life and not the tragedy of his death."

Pruett's 2002 conviction in Nagle's murder was primarily based on eyewitness testimony from inmates, which his lawyers have argued is unreliable. He fought for years to test crime scene evidence for DNA in an attempt to prove his innocence. Courts twice ordered testing on clothes, the report and the weapon, but results were ruled inconclusive. In April, the Texas Court of Criminal Appeals said the results would not have affected his conviction, setting the path for a new execution date.

Jack Choate, executive director of the Special Prosecution Unit, which prosecutes crimes in Texas prisons, said that after all of the court reviews, he didn't see "room" for an innocence claim, mentioning how Pruett admitted on cross-examination he had asked an inmate to testify that he had cut his hand the day of the murder. Pruett's blood on a prison shirt, he testified, was because of an injury he got lifting weights.

"I think when people look at the whole picture ... you can see what the jury saw and review that, and it makes for a very compelling case against Mr. Pruett," Choate told The Texas Tribune on Monday.

But Pruett's lawyers fought his execution until the last hour. In his final appeal, he sued in federal court, claiming recent refusals by the trial court and prosecution to proceed with further DNA testing violated his due process rights.

The DNA evidence that was tested and deemed inconclusive by Texas' high appellate court needs more examination, Pruett argued in court filings, because a partial female profile had been found on the murder weapon in its latest examination. He argued further testing could identify a culprit, but the state argued the weapon was likely contaminated by people on the defense team and journalists who have handled it without gloves since the trial.

"The prosecution and the state courts have stood in the way of identifying the actual murderer," wrote Pruett's attorney, David Dow, in his filing.

Three levels of federal courts denied this request, with the U.S. Supreme Court issuing its denial around 5:15 p.m.

While Pruett awaited his execution, the prison guard community remembered Nagle. Nagle was the Beeville president of Texas' prison guard union, and he uttered his last public words when he went to Austin the same month of his murder to speak of dangerous understaffing in prisons, saying somebody was going to have to die before the state realized it had a problem, according to Lance Lowry, president of the union's Huntsville chapter.

Lowry said the ratio of prisoners to guards is still dangerously low today, and it was one of the causes of Nagle's death.

"He died alone ... he was killed in a room full of inmates," he said. "Unfortunately, I expect to see more Daniel Nagles in the future here, and that scares me."

TDCJ issued a statement after the execution saying Pruett was deserving of the death penalty and that Nagle's sacrifice would never be forgotten.

"Pruett ... was removed from society after being convicted of murder only to kill again within the confines of TDCJ ... We hope tonight's execution provides some closure for [Nagle's] family."