

The Boy from Bed-Stuy: The Case for Sparing the Life of Shawn Rogers

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THE BOY FROM BED-STUY: THE CASE FOR SPARING THE
LIFE OF SHAWN ROGERS

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A Letter to the Reader

You are holding a book about a man the State of Florida intends to kill. I need you to know that before you go any further...because everything that follows is written in the hope that you will finish it and then do something about what you have read.

I met Shawn Rogers the way I meet most of the men I walk with: I wrote him. He wrote me back. One of the two letters that eventually made it into the record of his case...the letter to "Dr. Jeff"...is a letter to me. I have kept writing him. I have kept showing up. This book is part of that showing up.

I am not writing to you as an objective observer. I am writing to you as someone who believes Shawn Rogers should not be executed and who has read every word of his trial record trying to make that case as honestly as I can. You deserve to know that at the front. This book is an argument. It does not pretend otherwise.

I have read his letters. I have sat with the facts of his childhood, his brain, his crime and his character long enough to believe that a serious case can be made for his life...a case that does not depend on hiding what he did or softening what he said. What follows is that case.

Some of what follows will be hard. The worst passages of Shawn's trial testimony are reproduced here in full. The killing of Ricky Dean Martin is described without flinching. I have not written a sanitized book because a sanitized book would not be honest and a dishonest book has no moral standing to ask anyone for anything. What I have tried to write is an honest one and to trust that an honest account of Shawn Rogers' life is also, at the end, an account of a man who should not be executed.

If you come to that conclusion too, this book will have done its job. If you do not, I hope you will at least close it knowing more than you

knew...about him, about the systems that produced him and about what the State of Florida is preparing to do in our names.

The Rev. Dr. Jeff Hood

April 12, 2026

Foreword

This is not a book that asks you to forget what Shawn Rogers did. It cannot ask that and it will not try. On the evening of March 30, 2012, in a concrete cell at the Santa Rosa Correctional Institution, Shawn beat a man named Ricky Dean Martin so badly that nine days later Mr. Martin was declared brain dead and removed from life support. Ricky Martin had a family. He had a name and a face and a future and Shawn Rogers took all of it from him. Nothing in the pages that follow undoes that. Nothing can.

What this book asks is something different and, I think, harder. It asks you to hold two truths at once. The first truth is that Shawn Rogers committed an act of devastating violence and bears full moral responsibility for it. The second truth is that the State of Florida now intends to kill him for it and that this is not the only remaining option.

I want you to meet the human being the State of Florida wants to execute. Not the caricature read aloud at sentencing...the snarling gang member, the cold-blooded killer, the sociopath beyond reach. That man exists in the record and you will meet him too. But he is not the whole man. The whole man is a child whose mother handed him needles and a building she once tried to jump off of with him in her arms. The whole man is a fourteen-year-old in a psychiatric hospital being told for the first time that something might be wrong with his brain. The whole man is a person whose frontal lobe...the part of the human brain responsible for impulse control, judgment and the appreciation of consequences...is visibly damaged on a CT scan. The whole man is someone eight other inmates were willing to come into a courtroom and call a friend, a mentor, a humble soul.

If after meeting the whole man you still believe Florida should kill him, this book will not have changed your mind and I respect that. But I

do not believe most people, looking honestly at the whole record, can sustain that conclusion. The death penalty is supposed to be reserved for the worst of the worst...the most aggravated and least mitigated of murders. Shawn Rogers' case is many things, but it is not the least mitigated. The trial court itself found forty-nine separate mitigating circumstances. Forty-nine. That is not a clean case for execution. That is a case for life without parole...a sentence under which Shawn would die in prison, would never harm another free person and would cost the state less than the endless appeals his death sentence will require.

Read this book. Then decide.

Chapter One: A Boy Born Into Nothing

Shawn Rogers was born on August 9, 1980, in Brooklyn, New York. His mother was a teenager, addicted to crack and to alcohol and psychiatrically unwell. He was brought home from the hospital not to a nursery but to an apartment in the Marcy Projects in Bedford-Stuyvesant. He never knew his father. He does not know his father's name. Forty-five years into his life, that blank space has never been filled.

In Shawn's own words, written years later from a prison cell:

There were roaches and rats walking around the apartment like they owned it. There was chipped lead paint on the walls and asbestos inside the walls. We often didn't have heat in the winter when it was freezing cold. We often didn't have electricity and had to light candles in the dark. My mother got a welfare check and food stamps from the government. But she would use it to get drugs and alcohol. There were times when we didn't have food in the refrigerator.

When Shawn was two years old, his mother surrendered him to foster care. Try to imagine that...not as a legal event but as a sensory one. A two-year-old child does not understand custody hearings. He understands that the person whose smell and voice and heartbeat constitute his entire universe has handed him to strangers and walked away.

From age two onward, Shawn was shuttled. Foster homes. Group homes. The Children's Village. Edwin Gould Academy. Periods back with his grandmother. Periods back with his mother, who was still using, still unstable. He attended at least eight schools by the age of thirteen. Eight. Think about what that means for a child trying to make a friend, trying

to learn to read, trying to figure out where the bathroom is, trying to find one adult who knows his name.

His mother once attempted suicide by jumping off a building. She tried to take Shawn with her. He was small enough to be carried. The trial court found this fact to be true and assigned it, in the cold arithmetic of capital sentencing, "little weight."

Little weight.

By the time Shawn was fourteen, he had been hit in the head with a metal pipe...or possibly a metal chair, or both...in a juvenile detention facility. Fragments of metal were left in his skull. He was admitted that same year to an inpatient psychiatric hospital. The assessment from that admission noted that he was impulsive and distractible with poor judgment, consistent with ADHD. He was diagnosed with conduct disorder. Later he would be diagnosed with major depressive disorder, with anxiety disorder, with antisocial personality disorder, with...in the assessment of one expert at his Spencer hearing...toxic stress syndrome, the result of persistent exposure to traumatic and debilitating environments.

None of this excuses what Shawn did to Ricky Dean Martin in 2012. But it begins to explain how a human being arrives at the kind of cell in the kind of prison where such a thing becomes possible. Shawn Rogers did not appear in that cell from nowhere. He was manufactured, slowly and methodically, by a series of failures so vast and so well-documented that to ignore them is itself a form of dishonesty.

Chapter Two: The Brain on the Scan

In 2017, in preparation for Shawn's penalty phase, a team of physicians performed neurological imaging on his brain. Two of them...Dr. Mark Rubino, a neurologist and Dr. Joseph Wu, a physician who specializes in neuropsychiatric imaging...testified to what they saw. What they saw was not opinion. It was anatomy.

Dr. Rubino reviewed a CAT scan and found at least one indication of traumatic brain injury in the frontal temporal region. He found a right frontal hygroma...a collection of fluid consistent with prior head trauma. He found that portions of Shawn's brain, including the frontal lobe, had atrophied. Atrophy means shrinkage. It means tissue that should be there is gone.

Dr. Wu reviewed a PET scan, which measures brain activity rather than just structure and found damage to the orbitofrontal areas. The orbitofrontal cortex is the part of the human brain most directly responsible for the regulation of aggressive impulses. It is the brake. In Shawn's brain, the brake is broken.

This is not a metaphor. This is not a defense lawyer's flourish. This is what the imaging showed and the State did not seriously dispute it. The State's own expert, Dr. Greg Prichard, conceded that individuals with antisocial personality disorder often have abnormal brain scans. The disagreement at trial was not whether Shawn's brain was damaged. It was whether the damage mattered enough.

The trial judge ultimately found and the jury agreed in part, that Shawn suffers from frontal lobe damage, neocortex damage, brain atrophy, signs of chronic traumatic encephalopathy and a presumptive subdural hematoma. Each of these findings was supported by the imaging. Each

was assigned weight as a mitigating circumstance. And then, in the final calculation, each was deemed insufficient to spare his life.

Consider what we are saying when we execute a man whose brain we know is broken. We are saying that the part of him that might have stopped him...the part that was supposed to be there, the part that head injuries and developmental deprivation took away...does not matter to us. We are saying that we will hold him to a standard of self-control that his anatomy makes impossible and then we will kill him for failing to meet it. There is a word for that and the word is not justice.

Shawn Rogers is a man whose brain does not work the way most brains work, through no fault of his own and whose impaired anatomy is directly relevant to the capacity that makes the death penalty supposedly meaningful...the capacity for cool, deliberate, fully voluntary moral choice. To execute him is to pretend that the imaging does not exist. It does.

Chapter Three: The Cell

It is necessary to talk about Ricky Dean Martin. To do otherwise would be to participate in exactly the dehumanization this book is meant to oppose.

Mr. Martin was an inmate at Santa Rosa Correctional Institution on March 30, 2012. He was placed in a cell with Shawn Rogers that afternoon. Both men were asked, separately, whether they had any objection to the cell assignment. Both men said no. At 7:00 that evening, an officer conducted a routine security check. Both men were visible. Neither indicated distress.

Ten minutes later, Ricky Dean Martin was on the floor of the cell, bound hand and foot, a string around his neck, his face being kicked into the concrete. Shawn beat him for what the medical examiner estimated could have been less than five minutes...though the brevity is its own horror, because it means how much harm one human body can do to another in less time than it takes to boil an egg. By the time officers reached him, Mr. Martin was unrecoverable.

Nine days later he was dead.

A serious case for clemency cannot pretend this did not happen and cannot pretend the suffering was anything other than what it was. Mr. Martin's family is owed our acknowledgment. They are owed, at minimum, the recognition that the man who killed their son and brother will never walk free, will die in a cage and will spend every remaining day of his life inside a sentence designed to be its own slow form of accountability.

That sentence exists. It is called life imprisonment without the possibility of parole. Florida already imposes it routinely on murderers...including murderers whose crimes are, by every objective measure, more aggravated

than Shawn's. The choice before us is not between the death penalty and impunity. It is between the death penalty and a punishment that already removes Shawn from society for the rest of his natural life.

Shawn's own account of the killing, given from the witness stand, was uglier than the prosecution's. He confessed openly, refused to mitigate his own conduct and described kicking Mr. Martin in the face while invoking the names of Trayvon Martin, Martin Luther King and Emmett Till. He bragged. He made racial statements. He told the jury he felt no remorse.

This too is part of the picture and it deserves an honest reading rather than an excuse. But notice what it also reveals. A man who genuinely wanted to escape execution would not testify the way Shawn testified. The performance was self-destructive in a way that goes beyond strategy. It is the performance of someone who has spent his entire life being told he is worthless and has, somewhere along the way, decided to make the prophecy true. The man on the witness stand was a man already convinced he had nothing to lose.

Shawn at the witness stand was not the whole Shawn. He was the Shawn that decades of trauma, gang affiliation, solitary confinement and broken neurology had constructed as armor. Behind the armor was still the child handed to strangers at age two.

Chapter Four: The Brother He Tried to Be

There is also the matter of his brother Christopher. Multiple witnesses testified and the trial court found, that Shawn loves his brother, has encouraged him to do well and has counseled him on the importance of his education. The trial court called these mitigators of "very little weight." But step back from the calculus and consider what it means.

From inside a death row cell, with no ability to provide material support, no ability to attend a graduation or a birthday or a hospital bed, Shawn has used what little he has...his words...to try to be a brother. He has tried to be the family for someone else that no one was for him.

That is not the behavior of a person beyond redemption. It is the behavior of a person who, despite every reason to be empty, is not.

The trial court also found that Shawn loves his mother in spite of the maltreatment and neglect by her, that he has empathy for her and that he was separated as a toddler from two other brothers, Kevin and Sherrod, both of whom were born cocaine positive and removed at birth. Three brothers, two of them carried out of hospital rooms by strangers, one of them...Christopher...the only family relationship Shawn has been able to sustain across the decades. Whatever else Shawn Rogers is, he is a man who has tried to be a brother.

It is also worth noting what Shawn has done with his time in prison, beyond his relationships with other inmates. The trial court found that he seeks to improve his knowledge base by reading articles and news. He writes. He produces art. The two letters introduced into the record in this case...one to a woman named Wendy, one to a Dr. Jeff...are not literary masterpieces, but they are also not the writings of a man who has surrendered his interior life. They are honest. They are funny in places.

They contain a person trying, against considerable odds, to make himself legible to other human beings.

When Shawn writes, "I'm not coming to you begging for anything or looking for a hand out. I just need help meeting new people. I need help putting my name and my story out there," he is doing the most fundamentally human thing a person can do from inside a cage.

He is reaching.

Chapter Five: A System That Failed Him at Every Step

The trial court found and the jury agreed by a vote of twelve to zero, that Shawn Rogers endured institutional failures. That phrase...institutional failures...does a great deal of work and deserves to be unpacked.

Begin with child welfare. Shawn passed through New York City's foster care system in the 1980s and 1990s, cycling between foster homes, group homes, his grandmother's care and brief returns to his mother. The trial record establishes that this constant disruption...eight schools by age thirteen, multiple placements, no stable adult...was his childhood. The system did not protect him. Whatever it was designed to do, it did not do it for him.

Move to juvenile justice. By his own account and by the trial record, Shawn was cycled through detention facilities where he was exposed to violence...including the violence in which a metal object was used to fracture his skull at age fourteen. Juvenile detention is supposed to rehabilitate. In Shawn's case it incubated. He went in damaged and came out more damaged.

Move to mental health. Shawn was hospitalized at fourteen and diagnosed with multiple conditions, several of which...ADHD, conduct disorder, depressive disorder...are known to be highly responsive to early, sustained, evidence-based treatment. He did not receive that treatment. He could not have. The systems available to a poor Black foster child in 1990s New York did not provide it. They could not even reliably provide a stable address.

Move to adult corrections. Shawn entered the New York prison system before he could legally drink. He has spent significant portions of his subsequent life in solitary confinement...a fact the trial court found and

the jury considered as a mitigator. Whatever Shawn was when he entered solitary, he was something different when he came out.

And then we ask why he killed his cellmate.

This is not to absolve Shawn of choice. He had choices and he made the worst possible one. But the choice was not made by an unencumbered moral agent operating in a fair system. It was made by a brain-damaged man who had spent his entire life inside institutions that compounded rather than corrected his deficits. To execute him for the predictable end product of that pipeline, while doing nothing to dismantle the pipeline, is not justice. It is laundering.

Florida did not create the conditions that produced Shawn Rogers. New York did, mostly, with help from federal housing policy and the lead industry and the war on drugs. But Florida is the state that proposes to kill him. Florida is the state whose voters and officials must decide whether they wish to be the terminal point of a system whose every prior point failed. They can decline. They can say: we will hold him accountable, we will keep him from ever harming another free person, but we will not be the final link in the chain. They can say: enough.

Chapter Six: The Procedural Question

There is a quieter argument against Shawn Rogers' execution that deserves its own chapter, because it goes to the integrity of the process by which Florida intends to kill him.

In 2016, the United States Supreme Court decided *Hurst v. Florida*, holding that Florida's old death penalty scheme was unconstitutional because it allowed judges, rather than juries, to make findings necessary to impose death. The Florida Supreme Court interpreted *Hurst* broadly, requiring unanimous jury findings on aggravating factors, on whether those factors were sufficient to impose death and on whether they outweighed mitigating circumstances. For a brief period, Florida had one of the more protective capital sentencing schemes in the country.

Then it didn't. In a series of decisions including the one affirming Shawn's sentence, the Florida Supreme Court walked back its own prior protections. The court held that the sufficiency and weighing determinations need not be made beyond a reasonable doubt. Justice Labarga, in partial dissent, expressed concern about the trajectory.

The point here is not technical. The point is that Shawn Rogers was sentenced to death under a scheme whose constitutional legitimacy was being actively litigated and whose protections have shifted in ways that disadvantage capital defendants. He was sentenced under one understanding of the law and is now scheduled to die under another. This kind of doctrinal turbulence is exactly what should make a thoughtful citizen pause before authorizing an irreversible punishment.

A life sentence carries the same finality of incapacitation. If we later discover that something about the trial was unfair, we can release the wrongly convicted, compensate the wrongly punished, repair what is

repairable. We cannot undo an execution. We cannot give a man back the years between his execution and the discovery of the error.

Shawn is not factually innocent. He admits the killing. But the question of whether a person should die is not the same as the question of whether a person killed. The death penalty asks more of a process than a guilt determination does. It asks whether the process was fair enough, the mitigation considered carefully enough, the alternatives weighed seriously enough, that we can stand behind the irreversible. In Shawn's case, the procedural answer is at best contested.

Chapter Seven: Proportionality

Florida law, like the law of every state that retains capital punishment, holds that the death penalty must be reserved for the most aggravated and least mitigated of murders. This is not a slogan. It is a constitutional command, rooted in the Eighth Amendment's prohibition on cruel and unusual punishment.

Apply the test honestly to Shawn Rogers' case.

Most aggravated. The State proved five aggravating factors, including that the murder was especially heinous, atrocious, or cruel and that it was cold, calculated and premeditated. These are serious aggravators and the record supports them. But Florida prisons contain men who have committed multiple murders, contract killings, killings of children, killings of police officers, killings during sexual assaults, killings during home invasions of strangers. Shawn killed one person, his cellmate, in the course of a single uninterrupted attack, after both men had agreed to be celled together. The murder is real. The aggravation is real. But to call this case among the most aggravated is to flatten distinctions that the law requires us to draw.

Least mitigated. This is where the case for execution collapses. The trial court found forty-nine separate mitigating circumstances. Forty-nine. Maternal abandonment. Maternal drug use. Paternal absence. Childhood poverty. Lead exposure. Foster care instability. Eight schools by age thirteen. Childhood psychiatric hospitalization. Multiple documented head injuries. Frontal lobe damage. Brain atrophy. Orbitofrontal damage. Chronic traumatic encephalopathy. Major depressive disorder. PTSD. ADHD. Antisocial personality disorder. Years in solitary. Institutional failure after institutional failure after institutional failure, including a maternal suicide attempt that came within seconds of killing him as a small child.

This is not a case of meager mitigation. This is one of the more thoroughly mitigated capital cases in recent Florida history. To execute Shawn Rogers is to declare that no quantity of mitigation, however carefully documented, however medically verified, however institutionally damning, can outweigh aggravation. It is to render the constitutional requirement of mitigation analysis a formality.

The Florida Supreme Court found his death sentence proportionate by comparing it to a handful of cases where defendants killed with similar aggravation and were executed. But proportionality cuts both ways. Florida prisons hold many murderers whose conduct was at least as aggravated and whose mitigation was substantially weaker and who received life sentences. Quality of trial counsel, county of prosecution and the composition of a particular jury all play roles in who lives and who dies...roles the Constitution should not tolerate but that the system has never managed to eliminate.

A clemency decision is the place where these systemic arbitrarinesses can be corrected. The governor of Florida has the authority...granted by the state constitution...to commute a death sentence to life imprisonment. That authority exists precisely because no system of rules can perfectly capture the full moral weight of a human life. Clemency is the safety valve. Shawn Rogers' case is exactly the kind of case for which the safety valve was designed.

Chapter Eight: What We Become

Capital punishment, in the end, is not really about the people we kill. It is about who we are when we kill them.

Every state that has abolished the death penalty has done so not because their murderers became less culpable but because the citizens of those states decided that government-administered killing did not represent who they wanted to be. Florida has not made that decision. Florida retains a large death row and an active execution chamber. The question for Florida's voters and elected officials is whether each individual execution, considered on its own merits, represents who they want to be.

When we execute Shawn Rogers, we will not be making Ricky Dean Martin less dead. We will not be making Ricky Dean Martin's family whole. We will not be deterring the next prison murder...Shawn himself committed this killing while already serving a life sentence, which is the most extreme demonstration imaginable that the threat of further punishment does not stop a man already removed from society. We will be, simply, killing a man. A brain-damaged, institutionally failed, deeply troubled man who has already been removed from society and will remain removed for the rest of his life under the alternative sentence of life without parole.

And we will be teaching ourselves, one more time, that this is the kind of thing our government does. We will be paying for it with our taxes. We will be employing the doctors who assist with it, the wardens who oversee it, the prison staff who must live afterward with what they have done. The harm of an execution does not stop with the body on the gurney. It radiates outward into every person it touches and into the moral fabric of the state that ordered it.

We can decline. We have the legal authority to decline. Governors commute death sentences. They have done it before in Florida and in every other death penalty state. The criteria for clemency are not narrow legal tests. They are moral judgments, made by a single elected official accountable to the citizens of the state, about whether a particular execution serves the interests of justice.

Shawn Rogers' execution does not. It serves the interest of finality, perhaps. It serves the interest of vengeance, certainly. But it does not serve justice, because justice in a brain-damaged, life-shattered man's case looks like life without parole, served in conditions that hold him fully accountable while leaving open the possibility...however remote...that he might continue to grow, continue to mentor, continue to write, continue to be the brother his brother needs.

Justice looks like sparing him. Not because he deserves to be spared. He may not. But because we deserve to be the kind of people who can spare him.

Chapter Nine: Forty-Nine Mitigators

This chapter does something the trial court did only in summary form: it walks through the mitigation, one finding at a time, so the reader can see what twelve jurors and one judge actually concluded about Shawn Rogers' life.

The trial court found, by the greater weight of the evidence, that the following circumstances about Shawn Rogers are true.

That he suffers from major depression. That he has a history of multiple head injuries beginning in childhood. That he was born to a crack-addicted mother. That he does not know the identity of his father. That he endured maternal abandonment. That he endured paternal abandonment. That his mother is mentally ill. That his mother attempted suicide by jumping off a building with him. That he was emotionally abused and rejected by his mother. That he was born into a dysfunctional family.

That he was separated from his biological brother Christopher as a toddler. That he was separated from a second brother, Kevin, who was born cocaine positive and removed at birth. That he was separated from a third brother, Sherrod, who was also born cocaine positive and removed at birth. That he was exposed to drugs at an early age by his mother, who made him inject her with drugs.

Read that last sentence again. The trial court found, as a fact, that Shawn's mother made him...a small child...inject her with drugs. This is not advocacy. This is a finding of fact in a Florida courtroom.

That he loves his mother in spite of the maltreatment and neglect by her. That he loves his brother Christopher. That he has empathy for his mother. That he has encouraged his brother to do well. That he has counseled his brother on the importance of his education.

That he lived on the streets when he was homeless. That he grew up in poverty during developmental years. That he spent his early years in the Marcy Projects in Brooklyn. That he moved to multiple foster homes. That there is a psychological impact of being placed in foster care. That he attended at least eight schools by the age of thirteen. That he witnessed multiple violent acts in his neighborhood.

That he was sent to a children's group home, The Children's Village. That he was moved to another group home, Edwin Gould Academy. That he was admitted to a children's psychiatric hospital at the age of fourteen. That he did not have a stable childhood.

That he was exposed to racial tension and discrimination in his life. That he was exposed to acts of violence while in high-security juvenile detention facilities. That he sustained head trauma at age fourteen, when he was hit in the head with a metal pipe or metal chair or both, which resulted in metal fragments being left in his skull while in a juvenile detention facility.

That he seeks to improve his knowledge base by reading articles and news. That he has spent years in solitary confinement. That he has mentored other inmates. That he has shared food and hygiene products as well as paper, envelopes and stamps with other inmates. That he encouraged the relationship between his girlfriend, Chloe Johnson and her mother.

That he suffers from posttraumatic stress disorder. That he has frontal lobe damage. That he has signs of a presumptive diagnosis of chronic traumatic encephalopathy. That he has neocortex damage. That he has suffered a subdural hematoma as evidenced by a right frontal hygroma. That there is a disparity in his neuropsychological test, which is found in brain injury and consistent with his imaging studies. That he suffers brain atrophy.

That he suffers from racial hypersensitivity. That he endured institutional failures. That he was diagnosed with ADHD.

Forty-nine separate findings. Each one supported by evidence the trial court found credible. Each one assigned weight...sometimes "some," sometimes "moderate," most often "little" or "very little."

Add them up. A man whose mother made him inject her with drugs. A man whose mother tried to kill them both by jumping off a building. A man separated from three brothers, two of them born cocaine positive. A man hospitalized in a psychiatric facility at fourteen. A man with a piece of metal still in his skull from a beating in juvenile detention. A man with brain atrophy, frontal lobe damage, neocortex damage, presumptive chronic traumatic encephalopathy, PTSD, major depression, ADHD and a history of years in solitary confinement.

This is the man Florida proposes to kill. Not in spite of these facts. With these facts, in the record, found by the court and weighed against him.

It is fair to ask: if this is not the case for life, what is?

Chapter Ten: The Voices of His Peers

Eight men incarcerated alongside Shawn Rogers came to court to testify on his behalf during the penalty phase. They had nothing to gain. They were not offered sentence reductions. They were not promised better placement. They walked into a courtroom from inside a Florida prison and told twelve strangers what they knew about Shawn.

This is what they said, as summarized by the Florida Supreme Court in its opinion affirming his death sentence.

They described Shawn as a humble soul. They described him as peaceful. They called him a straight-up dude with a good heart. They said he was a good friend who gives advice. They said he encourages other inmates to become educated, to work out, to eat healthy. They said he lends items to individuals who need them. The inmates considered Shawn a good friend and mentor.

Stop and consider what kind of testimony this is.

Inside a maximum security prison, reputation is currency. Men who have been celled near a person, who have eaten meals near him, who have watched him during yard time and in the dayroom and in the law library...those men know things a jury cannot know. They know who steals and who shares. They know who is cruel for sport and who is not. They know who can be trusted with a confidence and who cannot. Their testimony about a fellow inmate is, in some respects, more reliable than the testimony of any free witness, because they have observed him in conditions designed to strip away every social pretense.

Eight of those men, separately, said the same thing about Shawn Rogers. They said he was good to them.

The trial court assigned much of this testimony "very little weight." That is the court's prerogative. But the reader is not bound by that allocation. The reader can ask: what weight does it deserve, on its own terms, in the project of figuring out who this human being actually is?

It deserves more than nothing. It deserves the recognition that the man eight peers describe as humble, peaceful, generous and mentoring is the same man who killed Ricky Dean Martin. Both descriptions belong to the same person. The death penalty asks a jury to look at a defendant and conclude that he is, in essence, only the worst thing he has done. Eight inmates were willing to say, under oath, that this is not who Shawn Rogers actually is.

They were not believed enough. The question for clemency is whether, on second look, they should be.

Chapter Eleven: What He Said on the Stand

Shawn Rogers represented himself for most of his trial. He took the witness stand. He gave his own account of the killing of Ricky Dean Martin. The prosecution did not have to coax this testimony from him. He volunteered it, in language that the jury found difficult to bear and that any honest treatment of his case must reproduce.

This chapter quotes him at length. Some readers will want to skip it. They should not. The case for sparing Shawn Rogers' life cannot be made by hiding what he said. The case has to be made knowing what he said and asking what kind of man speaks this way about his own crime.

Here is Shawn describing the central minutes of the attack, in his own words from the witness stand:

I kicked him in the face and said, this is for Trayvon Martin, motherfucker. I kicked him in the face again and said, this is for Trayvon Martin, motherfucker. I kicked him a third time and said, this is for Trayvon Martin, you pussy-ass fuck boy. I kicked him in the face a fourth time and said, this is for Martin Luther King. I kicked him in the face a fifth time and said, this is for Emmett Till and all the other black people you crackers done killed.

It is hard to read. It is meant to be hard to read. Shawn was not trying to make it easier on the jury or on himself. He was, by the time he reached the witness stand, beyond the point where self-protection seemed to interest him.

After he tied Ricky Martin up with strips torn from a bedsheet, Shawn was asked whether Mr. Martin was still moving. His answer:

Yeah. Like...I don't know. I guess like...kind of like when you step on a roach, man. They still be alive, but they still be moving.

That is a description of another human being as an insect. There is no way to soften it and no honest reason to try. The defense lawyers in this book...meaning the people, including this writer, who are arguing against Shawn's execution...are not in the business of pretending he did not say what he said.

Here is what he said about the moments after:

By then, he was beat up bad and breathing hard and I asked all the brothers on the wing, who wants me to kill this pussy-ass cracker? A lot of them said, yeah. But my lil' homie Y.O., Steve Young, said, big brother, don't kill that cracker, just put him on the door. I said, bro, God going to bless you, Y.O., because I was going to kill this fuck boy on the strength.

Read that passage twice. The first time, hear what the State heard: a man who was prepared to kill, who had the cell to himself, who would have killed but for another inmate's intervention and who treats the killing of a human being as a question to be put to the dayroom for a vote. That is what the prosecution heard and that is what they argued.

The second time, hear something else. Hear that another inmate stopped him. Hear that Shawn, who otherwise demonstrated no capacity for restraint that night, was capable of being talked down. Hear that he listened. Hear that the difference between a beating that killed Mr. Martin nine days later and a beating that killed him on the floor of the cell was a single sentence from a man Shawn called a brother.

That is not exoneration. The man died. But it is information about the brain we are dealing with. A brain that, even in the middle of a homicidal episode, was responsive to a voice. Capital punishment proceeds on the

assumption that we are dealing with a person whose violence is unreachable, whose self-control is absolute, whose decision to kill was the product of cool deliberation. The testimony Shawn himself gave...meant by him to make himself look worse...accidentally complicates the State's portrait. He stopped because someone asked him to. He listened because he was listened to.

The capacity to be reached is not nothing. It is, in some ways, everything. It is the capacity that makes life imprisonment a meaningful sentence rather than mere warehousing. It is the capacity that other inmates, in the eight statements summarized in the prior chapter, were testifying to when they called him a mentor. The man who can be talked down by a brother on the wing is the same man who can talk down a younger inmate from a fight he is about to start. The same neurological wiring, used in opposite directions.

Chapter Twelve: The Speech He Gave the Jury

After describing the attack, Shawn delivered, from the witness stand, what amounted to a speech. It is one of the most remarkable pieces of testimony any criminal defendant has given in any Florida capital case. It is also, on its face, a piece of testimony designed to procure his own death sentence.

The reader needs to see it. Quoting from the Florida Supreme Court's opinion, which reproduced this passage in full:

Ladies and gentlemen of the jury, if you're asking yourself if I beat Mr. Martin up about the murder of Trayvon Martin, my honest answer is, you're goddamn right I did, but there was also other factors. When I first met Mr. Martin and looked him in his eyes, I knew all for real what he was all about. He was a straight bitch, a snitch and an undercover racist. That's the vibe he gave off. I'm from Brooklyn, New York and been in the streets my whole life, so my instincts are good when it comes to reading people.

Mr. Martin is everything I despised in life: a snitch, a coward and a straight fuck boy. I got no love for the dude or no sympathy. I don't feel bad about it. I don't feel no remorse. I'm not losing any sleep over the death of Ricky Martin and neither is anybody else.

Set that passage alongside what we know about Shawn from the rest of the record. A man who, the trial court found, loves his mother in spite of being made to inject her with drugs as a child. A man who has empathy for her despite being abandoned by her at age two. A man whom eight

peers describe as humble and generous. A man whose brain imaging shows damage to the very region responsible for regulating aggression.

Now read what he said next:

Convicts know how to do time, inmates don't. Ricky Martin was an inmate, a crybaby, a cutter, not even man enough to stand up in his pants for what he claimed he believed in. He would rather tell the police if he got a problem and check-in with protective custody. I would never have no sympathy for no buster like that.

And:

And I believe in the Midnight Crip Gang to the fullest. I've been A-1 since day one, from Spofford Juvenile Detention Center in New York, to Rikers Island, to Florida State Prison. I'm a Midnight Crip and I would be less of a man to get in front of the jury...in front of y'all in this situation and pretend that it's anything different while there's brothers in the streets dying and catching life sentences everyday about this blue flag.

And then this...which is, in its way, the most revealing passage in the entire trial:

When my mom was smoking crack and my pops was nowhere to be found, it was the Crip Gang that took me in. They been my family when I had no family. When I was doing time and didn't have nothing, Crip made sure I had a care package. Some people believe in religion and that's great, but I believe in my gang.

Hear what is actually being said there. A man explaining, on the witness stand at his capital trial, that the gang he is professing absolute loyalty to is the gang that fed him when his crack-addicted mother did not. The same gang that the prosecution invoked as proof of his depravity is, in

his own account, the institution that performed the basic function of family for a child who had none. He is not defending the gang as morally superior. He is explaining, as plainly as he is able, why he owes it the loyalty he owes it.

This is the testimony of a man who never had a parent.

Continue:

I said all this because I firmly believe that if you stand for something, you stand firm in your convictions regardless of the consequences. The bottom line is I'm responsible for the death of Ricky Martin. I accept that responsibility, but I also want it noted the negligence, stupidity and incompetence of the Florida Department of Corrections.

And his closing words to the jury, the last he gave them before they began to deliberate his life:

Society is not made for people like me. Society is full of fake people, fake friendships, fake relationships, fake, but with me, what you see is what you get. There's nothing fake or phony about me. I'm O.G. Jigga Man, Midnight Crip Gang, 103 Eastside Trey'z up and that's why I can get on this witness stand and look you, ladies and gentlemen, in the face, of the Jury and tell you that I could care less about Ricky Martin and I meant everything I said.

There is one way to read that speech and the State of Florida read it that way. The reading is: this is a remorseless, self-glorifying gang member who has told the jury, in plain English, that he would do it again. That reading is not wrong. It is supported by the text.

But there is a second reading and it is the reading the trial court declined to consider with any seriousness. The second reading is: this is a man who has been told his entire life that society does not want him, that he is broken, that he is dangerous, that he is disposable...and who, by the time he is on the witness stand at his own capital trial, has internalized that message so completely that he is prepared to deliver the verdict on himself before the jury can. "Society is not made for people like me" is not a boast. It is a wound, dressed up as a boast because that is what wounded men learn to do with their wounds.

A man arguing for his life does not stand up and tell twelve strangers that he is everything they fear. Shawn did. Why? Because at some point...perhaps decades earlier, perhaps in a foster placement or a juvenile detention cell or a solitary confinement unit...the part of him that might have argued for his life had already been killed off. What sat down in the witness chair was what was left.

Sentencing him to death finishes a process that began before he was old enough to read.

Chapter Thirteen: Two Letters, Two Diagnoses

There is one more piece of evidence from the trial that the reader needs to see, because the State used it as the centerpiece of its argument that Shawn Rogers was beyond redemption. It is the letter Shawn wrote to a predecessor judge in his case, dated March 31, 2013...almost exactly one year after the killing of Ricky Dean Martin.

The State's expert, Dr. Greg Prichard, read from the letter on the stand. The Florida Supreme Court summarized what the letter said. Shawn admitted that he had decided, after hearing about the shooting of Trayvon Martin, that he was going to kill the next white man who came across his path. He admitted that he had intended to kill Ricky Martin in the cell that night and stopped only because another inmate begged him to stop. He described himself, in his own words, as a "ruthless, cold-blooded, cutthroat, gangsta, blood killer and killer of any and everything that go against the Crips gang." He stated that he is a sociopath. He said he has no remorse, regard, or regret for anything he has done in his life.

The State used these passages to prove premeditation and to defeat any claim of mental health mitigation. The argument was efficient and damning. A man who calls himself a sociopath is, the prosecutor argued, telling you what he is. Believe him.

There are passages of that same letter, however, that the State did not lean on. The trial court itself acknowledged that it had no authority to consider speculative future violence as an aggravator and the Florida Supreme Court agreed that two of the letter's most inflammatory lines..."All I think about every day is who I can hurt and who I can kill. Next time it may be corrections staff"...were irrelevant and would have

been excluded had Shawn objected. Shawn did not object. He did not protect himself. He let his worst writing into the record against himself.

That pattern...the failure to protect himself, the volunteering of self-incriminating material...repeats throughout this case. It is the behavior of a man who has, on some level, agreed with the State's verdict on him before the State has rendered it.

Now consider what the State's own expert had to say about Shawn's brain. Dr. Prichard, the prosecution's psychologist, diagnosed Shawn with antisocial personality disorder. But Dr. Prichard also acknowledged on the stand that individuals with antisocial personality disorder often have abnormal brain scans. He did not dispute that Shawn's brain scan was abnormal. He did not dispute that Shawn had suffered the head injuries the defense experts identified. The disagreement between the State's expert and the defense's experts was not about the existence of brain damage. It was about what to make of it.

The defense neurologist, Dr. Mark Rubino, testified...as the Florida Supreme Court summarized...that when a person has an injury to his frontal temporal region, that person can have impulse control problems and loss of judgment and appreciation of consequences. Dr. Joseph Wu, the imaging specialist, testified that the orbitofrontal areas of Shawn's brain, the regions important for the regulation of aggressive impulses, were damaged. The community psychologist Dr. Marvin Dunn and the licensed psychologist Dr. Julie Harper testified to the developmental and psychological consequences of the childhood the trial court itself ultimately summarized in forty-nine separate findings of fact.

Then, at the Spencer hearing, the defense called Dr. Jethro Toomer, a clinical and forensic psychologist. The Florida Supreme Court reproduced his diagnosis verbatim:

I did not find any evidence of sociopathy or any diagnostic entities suggestive of antisocial personality disorder.

Dr. Toomer described Shawn's condition instead as toxic stress syndrome, which he explained as the result of persistent exposure to traumatic and debilitating situations and environment.

Two professionals. Two diagnoses. One the diagnosis of a man who is, by his nature, dangerous. The other the diagnosis of a man who is, by his circumstances, wounded. The truth, as is often the case, is probably some combination of both. But notice which diagnosis the State pressed and which it dismissed. Notice which diagnosis was more useful to the project of seeking a death sentence.

The justice system, when it is at its best, recognizes that people are more than the worst diagnostic label that can be attached to them. The justice system, when it is at its worst, picks the label that justifies what it has already decided to do. Florida picked sociopath. It could have picked traumatized. It chose.

Clemency is the chance to choose differently.

Chapter Fourteen: The Room He Was Born Into

Begin at the beginning, because the beginning is where the argument lives.

On August 9, 1980, a teenage girl in Brooklyn gave birth to a baby boy. She was, by the trial court's finding, addicted to drugs and alcohol. She was, by the trial court's finding, psychiatrically unstable. The baby's father was absent then and has been absent every day since. The baby was brought home from the hospital to a low-income housing project in Bedford-Stuyvesant.

That is the room Shawn Rogers was born into. Before he had done anything. Before he had made a single choice. Before he could speak a single word. Before he was old enough to have a personality, a temperament, a preference for anything over anything else. The room was already there and he was placed inside it.

Consider what was in that room, according to the findings of a Florida court.

A mother who would use her welfare check and her food stamps to buy drugs and alcohol instead of food. A mother who would have her son stand in a government line for powdered milk and powdered eggs while his friends laughed at him. A mother who would stick needles in her own arms in front of her child, flip out, act crazy and require him...as a small boy...to help her. A mother who would, by the trial court's finding, make him inject her with drugs. A mother who would bring men into the apartment and tell her son they were his uncles, when both of them knew they were not. A mother who would, at some point, try to jump off a building with her son in her arms.

There is no version of this childhood in which the child has a chance. There is no reading of these facts...facts established at a capital trial, found by a judge, recited in the opinion of the Florida Supreme Court...that leaves room for the conclusion that Shawn Rogers arrived at age five or ten or fifteen with the same equipment as a child raised in a house where someone read to him at night.

He did not have that equipment. He was never going to have that equipment. The room he was born into guaranteed it.

When Shawn was two years old, his mother surrendered him to foster care. A two-year-old cannot consent to that. A two-year-old cannot prepare for that. A two-year-old cannot, in any meaningful sense, recover from that. What followed...the foster homes, the group homes, The Children's Village, Edwin Gould Academy, the eight schools by age thirteen...was not a series of choices Shawn made. It was a series of placements done to him, by a child welfare system whose failures the trial court itself acknowledged when the jury found, twelve to zero, that Shawn endured institutional failures.

Institutional failures. Twelve jurors, unanimously. Not one juror dissenting from the conclusion that the institutions meant to care for this child failed to do so.

Ask yourself what the counterfactual is. What would Shawn Rogers have been, born into a different room? Born to parents who were present. Born into a home with food. Born into a neighborhood where the men coming in and out of his mother's apartment were actually his uncles. Born into a school he attended for more than a few months at a time. We cannot know. But we can know what the trial court found about the room he was actually born into and we can know that no child, anywhere, given that room, walks out of it whole.

Shawn Rogers did not walk out of it whole. He walked out of it with brain damage the imaging would later reveal, with diagnoses a hospital would later issue, with a juvenile record that was already being written before he could drive and with a conception of family that had to be constructed, out of necessity, from the only people who were willing to feed him when he was hungry.

He did not have a chance. Not at the beginning. Not in the room he was born into.

Chapter Fifteen: The Chance That Was Never Offered

The argument that Shawn Rogers never had a chance could rest on his infancy alone. But the argument does not have to rest there, because every institution that touched him afterward had an opportunity to intervene and every institution either failed to intervene or compounded what had already been done.

Foster care at age two. Multiple foster placements. Two named group homes...The Children's Village and Edwin Gould Academy. At least eight schools by the age of thirteen. The trial court found each of these facts and found, as a separate mitigating circumstance, the psychological impact of being placed in foster care. A child moved that many times does not learn that adults are permanent. He learns the opposite and he learns it young and it is written into his nervous system before he is old enough to have words for it.

Juvenile detention followed. The trial court found that Shawn was exposed to acts of violence in high-security juvenile detention facilities. It found, as a separate fact, that at age fourteen he was hit in the head with a metal pipe or metal chair or both and that metal fragments were left in his skull. His skull, today, still contains those fragments. The state responsible for his custody at the moment of that beating was the same state that had declined, twelve years earlier, to keep him out of a home where his mother made him inject her with drugs. Two chances to protect him. Both missed.

That same year, Shawn was admitted to a children's psychiatric hospital. An intervention point. A place where a child's trajectory can be altered before it becomes his biography. Whatever happened there did not alter his trajectory. He was released. He returned to the juvenile justice system, in whose custody, the Florida Supreme Court noted, he kept returning.

Before the age of twenty, he had been incarcerated in the New York Department of Corrections on multiple occasions. At twenty-two, he received the Florida life sentence he is still serving. He has been in Florida prisons continuously since.

A chance is not a word. It is a thing with material components: a stable adult who knows the child's name and will still know it next year. A home that contains food. A school attended for more than a season. A medical system that responds to a head injury with treatment rather than a transfer. A juvenile justice system that treats children as children. A community free enough of violence that the child is not forced, as a condition of survival, to affiliate with the people who commit it.

Shawn Rogers had none of these. The absence is not rhetorical. It is documented...in the forty-nine mitigating circumstances the trial court found, in the jury's unanimous finding of institutional failure, in the imaging of his brain, in the juvenile and adult records that begin before he was old enough to drive.

Ask where the chance was supposed to come from. Point to the year. Point to the institution. Point to the adult. The record does not contain that year, that institution, or that adult. The record is a record of a child handed from one failing system to the next, each of which added damage rather than repairing it, until what finally emerged, in a cell at Santa Rosa Correctional Institution on March 30, 2012, was a person the State now proposes to kill.

The State will argue...because it must...that many people endure difficult childhoods and do not kill their cellmates. That is true and it is beside the point. The question is not whether some counterfactual Shawn, given different luck, might have turned out differently. The question is whether this Shawn, whose brain imaging shows what it shows and whose biography contains what it contains, was ever given an opportunity at

any identifiable moment to become something other than what he became.

The opportunity does not appear in the record. There was no teacher who noticed him. There was no foster parent who adopted him. There was no coach, no psychiatrist who followed him past fourteen, no neighborhood elder, no mentor. At age two, there was no one.

The gang showed up. That is what Shawn told the jury and the trial record proves him right. The gang was the only institution that offered him something resembling what other children receive from their families. A care package. A sense of belonging. The idea that someone would notice if he did not come back. This does not make the gang good. The gang involved him in violence and crime and in the habits of thought that led him to that cell. But the gang was what he had. Nothing else was offered. Offering nothing and then killing him for taking what was offered is not justice.

The argument for sparing Shawn Rogers' life, stripped to its frame, is this. He never had a chance. Not in the room he was born into, not in the systems that were supposed to catch him, not at any identifiable moment in a life now spent almost entirely in cages. To execute him is to punish him for failing to become a person he was never given the materials to become.

Life without parole will keep him in a cell until he dies. No one following this case is under the illusion that life in a Florida prison is gentle. But life is what Shawn is entitled to, because the execution of a man who never had a chance is the state stepping forward, at the end of a long line of institutions that failed him, to administer the last failure.

Florida can decline. Florida can be the first institution in his life that gives him something he needs, even if what it gives him is only the

continuation of his breathing. That is not much. It is more than anything else he has ever been given.

It would, at long last, be a chance.

Conclusion: A Plea

To the reader who has come this far: thank you. The case of Shawn Rogers is not easy. The crime was real and terrible. The defendant is, by his own performance at trial, deeply unsympathetic in many of the ways that matter to a jury. He has not made it easy on himself and this book has not pretended otherwise.

But ease was never the standard. Mercy is not earned by being easy to feel mercy toward. Mercy is mercy precisely because it is extended to those whose claim on it is contested, complicated, partial. The murderer of his cellmate is a hard case for mercy. So is the brain-damaged child of the Marcy Projects. They are the same person.

If you are persuaded by this book...if you believe Florida should not kill Shawn Rogers...there are things you can do. You can write to the governor of Florida. You can write to the Florida Commission on Offender Review, which makes clemency recommendations. You can support the organizations that do the difficult work of representing condemned prisoners and advocating against the death penalty. You can talk about the case with the people in your life, because the death penalty endures in part because most of us look away from its specifics.

And you can hold, in your mind, the image of a two-year-old being handed to strangers and the image of a thirty-one-year-old kicking a man to death on a concrete floor and refuse to choose between them. They are the same person. Both images are true. The work of justice is to see both at once and to act, knowing both.

Spare him. Not for his sake alone. For ours.

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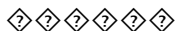
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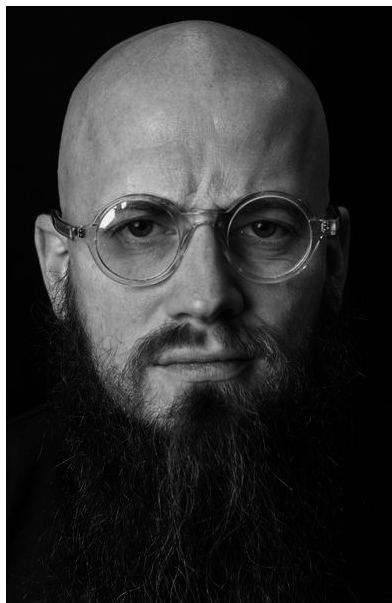
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The Rev. Dr. Jeff Hood is a theologian and spiritual advisor to death row inmates nationwide. He has accompanied over a dozen men to their executions and was the first spiritual advisor to be present for a nitrogen hypoxia execution. Rev. Hood has been profiled widely, including in the Rolling Stone documentary *The Spiritual Advisor*. He is the Founder of the Execution Intervention Project.

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