 Click to Print

[SAVE THIS](#) | [EMAIL THIS](#) | [Close](#)

Are executions on hold nationwide?

Experts weigh implications of Supreme Court's intervention in Texas.

By [Chuck Lindell](#)

AMERICAN-STATESMAN STAFF

Saturday, September 29, 2007

By sparing the life of a Texas death row inmate late Thursday, the U.S. Supreme Court elevated what had been a relatively minor constitutional challenge into a milestone event that could halt most executions through next summer, lawyers said Friday.

Prosecutors and defense lawyers spent Friday parsing the court's dramatic if enigmatic ruling, a one-paragraph order staying the execution of Carlton Turner Jr. but offering no explanation for the move.

Defense lawyers believe the stay of execution signals the court's willingness to halt executions while justices review a Kentucky case that questions whether drugs used in lethal injections can subject inmates to extreme pain while leaving them paralyzed and unable to cry out.

"I think it signals that we are likely to have a moratorium on executions until the court resolves the (lethal injection) litigation," said Jordan Steiker, co-director of the Capital Punishment Center, a research-oriented program at the University of Texas School of Law. "That is a most significant development."

Texas prosecutors vowed to continue pressing forward on the state's four scheduled executions.

"The Supreme Court's decision to stay convicted murderer Carlton Turner's execution will not necessarily result in an abrupt halt to Texas executions.

State and federal courts will continue to address each scheduled execution on a case-by-case basis," said Jerry Strickland, spokesman for Texas Attorney General Greg Abbott.

A better sense of the court's intentions could come Wednesday, when Texas is scheduled to execute Heliberto Chi, a Honduran citizen convicted of killing a Tarrant County store manager during a 2001 robbery. Chi's lawyers said Friday they will seek a stay of execution based on the same challenge to lethal injections that succeeded for Turner.

If the court continues to delay future executions, the nation's death chambers could fall silent for the first time since the mid-1970s, when the Supreme Court ruled that states were applying the death penalty in an arbitrary and capricious manner in violation of the Constitution.

And because the court may not decide the Kentucky case until summer, the potential to disrupt capital punishment could extend into fall 2008, Steiker said.

If the court requires changes in the way drugs are administered, states may face additional legal challenges to the new protocols, causing further delays, he said. But even if the justices find no problem with the current regimen of drugs, it will take states awhile to renew execution programs, Steiker said.

The challenge by two Kentucky inmates is an unlikely vehicle for such a significant impact, Steiker said.

"The litigation itself isn't taking on lethal injection. It doesn't claim that there is no humane way to carry out executions," he said.

The Kentucky defendants are merely seeking enhanced safeguards to make sure lethal injection drugs perform as intended: by sedating, relaxing and killing without undue pain.

"In many respects, their challenge is quite modest," Steiker said.

Prosecutors and defense lawyers said they did not expect the Supreme Court to issue a blanket stay on all executions, choosing instead to handle executions case by case.

Richard Dieter, executive director of the Death Penalty Information Center, said he expects the Supreme Court to provide further explanation after its 2007-08 session begins Monday.

"They certainly are cognizant of the confusion that exists now among the states and lawyers about what to do," Dieter said. "I think it will become clearer as more inmates file directly with the Supreme Court. So it's going to take some time, but I think the stay in the Texas case is a strong message that this is a broader case and most people will be given stays of execution."

Alabama Gov. Bob Riley issued a 45-day moratorium Thursday to allow time to create new lethal-injection procedures designed to make sure the inmate is unconscious when given drugs to stop the heart and lungs.

In Texas, Gov. Rick Perry sees no need for a death penalty moratorium, spokeswoman Krista Moody said.

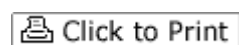
"Like most Texans, the governor supports the death penalty as an appropriate response for the most violent crimes against our fellow man," Moody said.

Texas has four executions scheduled through February.

clindell@statesman.com; 912-2569

Find this article at:

<http://www.statesman.com/news/content/region/legislature/stories/09/29/0929lethal.html>



[SAVE THIS](#) | [EMAIL THIS](#) | [Close](#)

Check the box to include the list of links referenced in the article.