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### Texas executions at issue as Supreme Court reviews lethal injection



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#### [Death Penalty Debate](#)

Texas is inching closer to a showdown with the U.S. Supreme court.

Starting Monday, justices were back on the bench, promising that in this session they will take a hard look at the legality of lethal injection.

Last week, when the high court revealed it will consider a lethal injection case, it also granted a stay of execution to a Texas prisoner who was scheduled to be put to death.

In what some see as a test of the Supreme Court, the State of Texas set another execution for Wednesday.

For the next several months, in their judicial chambers, the nation's highest legal authorities will consider what happens in the death chamber, specifically, whether lethal injection constitutes cruel and unusual punishment.

"The complaint about the combination of these chemicals is that it causes excruciating suffering during the execution process," explains UT Law Professor Robert Owen.

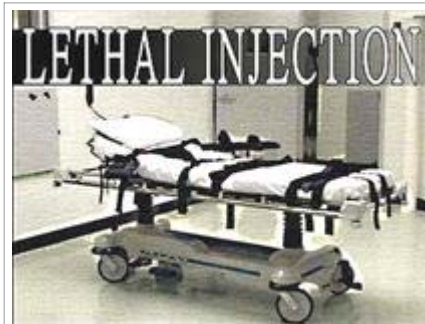
Texas injects far more inmates than any other state in the nation, and plans to aggressively continue the practice even as the Supreme Court debates the acceptability of the procedure.

"Like most Texans, the Governor supports the death penalty," Owen says. "He does not have the authority to issue a moratorium, nor does he really believe there needs to be one."

Owen, who has successfully lobbied the Supreme Court to reverse death sentences for several Texas inmates says law students are very interested in how the High Court will decide on lethal injection. He believes Texans in general are curious, too, and wouldn't mind giving the executioner a break for several months until there's a clear ruling on whether the drug-induced ultimate penalty is causing undue suffering.

"I think even the many Texans who support capital punishment as a policy are opposed to the policy of chemically torturing people to death," Owen said.

The attorney for the inmate who is to be put to death Wednesday told CBS 42's Jason Wheeler that he has filed papers with the courts to stop his client's execution now that lethal injection is set for review.



Texas is among 33 other states which use lethal injection (AP)

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