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Justices issue key death penalty rulings

Decisions affect lethal injection challenges, DNA testing

By Bill Mears
CNN

WASHINGTON (CNN) -- Two death row inmates won separate victories in the Supreme Court Monday -- one hoping to prove he did not commit a 1985 Tennessee murder, the other seeking to show that lethal injection methods used in Florida are cruel and unusual punishment.

The justices offered narrow rulings in both cases, and made clear many capital prisoners who file similar last-minute appeals probably would not win stays of execution.

In the first appeal, the court ruled 5-3 that Paul House deserves a new hearing. Recent DNA tests, which were not in use at the time of House's conviction, showed semen on the victim's clothes came from her husband. The jury had concluded otherwise.

Writing for the majority, Justice Anthony Kennedy noted the evidence presented "was not a case of conclusive exoneration." ([Opinion](#))

"Although the issue is close," he added, "we conclude that this is the rare case where -- had the jury heard all the conflicting testimony -- it is more likely than not that no reasonable juror ... would lack reasonable doubt."

The ruling allows House to move ahead with his "actual innocence" claim. Kennedy said most such appeals would be normally dismissed "in an effort to balance societal interests in finality." But he said there is "miscarriage-of-justice exception" for which House may qualify.

House was a convicted sex offender who was sentenced to death two decades ago for the rape-murder of neighbor Carolyn Muncy in rural Union County, Tennessee. Police say House lured the victim from her home by concocting a story that her husband was injured in a car accident.

Kennedy's opinion laid out in great detail aspects of the investigation, including DNA evidence that might point to "a different suspect."

Conservative justices dissent

Chief Justice John Roberts and conservative colleagues Justices Antonin Scalia and Clarence Thomas dissented. Justice Samuel Alito did not participate in the case since he was not yet on the bench when oral arguments were held in January.

The Supreme Court in 1995 ruled a convicted murderer could receive a new trial if his or her "actual innocence" claim showed the new evidence made it likely "no reasonable juror would have found him guilty beyond a reasonable doubt."


A federal appeals court ultimately ruled House did not meet that standard. The high court here did not determine House's innocence or guilt, only the legal standard that should be applied.

It is an issue that haunts many of those who must decide and carry out executions: the possibility an innocent person will be put to death. More than 150 innocent people have been exonerated on the basis of DNA evidence, according to the Innocence Project.

This case was the first time the high court considered impact of genetic technology on the right to a fair trial. Such evidence has revolutionized the legal justice system, especially relevant for those defendants convicted before reliable scientific techniques came into use.

Is injection method painful?

In the second ruling, the court unanimously gave death row inmates another powerful procedural tool to challenge execution by a lethal "cocktail" of chemicals.

The justices ruled on a narrow legal argument over how inmates can file last-minute appeals, and did not delve into the larger question of the how lethal injection is administered. All but one of the 38 states with capital punishment use lethal injection. ([Opinion](#) )

Clarence Hill, who murdered a police officer, argued the drugs used could fail, leaving him conscious but paralyzed and unable to express his pain while strapped on a gurney. The state claimed its execution methods have been used the same way many times previously, and that Hill raised his claims too late in the appeal process.

The 48-year-old inmate had been scheduled to die January 25. A lawyer accompanying him to the death chamber said Hill was strapped to a gurney with IV tubes attached, ready for the injection, when Kennedy issued a temporary stay.

The specific legal questions dealt with whether Hill could make a last-minute claim on the method of execution, and whether he could properly claim a civil rights violation. Kennedy concluded he could. It means Hill's execution has been delayed indefinitely while he continues his appeals.

While giving Hill more time, Kennedy said other inmates may not get similar relief. "Both the state and the victims of crime have an important interest in the timely enforcement of a sentence."

Executions postponed

The issue has been closely watched around the country in the months since the high court accepted the case for review. A number of appeals challenging the execution method have led to stays of executions in three states, while other death sentences have been allowed to proceed.

In Florida, Gov. Jeb Bush has postponed all executions until the Supreme Court ruled on the issue.

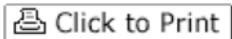
Lethal injection in Florida and most states involves a three-step process: sodium pentothal to stop the pain, pancuronium bromide to paralyze, and potassium chloride to trigger a fatal heart seizure.

Other state methods of execution beside lethal injection include the electric chair, the gas chamber, and rarely, hanging or firing squad. The federal government uses only lethal injection.

Hill was sentenced to death for the 1982 killing of Pensacola police officer Stephen Taylor. His attorneys also claim Hill is mentally retarded, but the high court did not take up that aspect of his appeal. The Supreme Court barred the execution of mentally retarded prisoners in 2002.

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