

U.S. Supreme Court Greenlights Lawsuit by Death Row Inmate Following Botched Execution



The U.S. Supreme Court has made a significant decision by permitting a challenge brought forth by an Alabama death row inmate. The inmate, Kenneth Smith, filed a lawsuit several months prior to an unsuccessful execution, asserting that Alabama's problematic lethal injection process would violate constitutional protections against cruel and unusual punishment.

This unusual case has returned to the Supreme Court following the failed execution of convicted murderer Kenneth Smith. Alabama officials had appealed a lower court's ruling that revived Smith's lawsuit, which aimed to block the state from executing him through lethal injection. Notably, Smith is now seeking an alternative method of execution.

Justices Clarence Thomas and Samuel Alito, both known for their conservative stance, dissented from the decision to allow Smith's challenge to proceed.

Alabama Attorney General Steve Marshall, a Republican, expressed disappointment with the court's action, and his office is currently reviewing the decision to determine their next steps. On the other hand, Smith's attorney, Robert Grass, declined to provide any comment at this time.

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Back in November, a majority of the justices had given the green light for Smith's execution. He had been sentenced to death for his involvement in a murder-for-hire plot in 1988.

Smith, who is 57 years old, initially filed his lawsuit in federal court in August, months before the failed execution. The lawsuit argued that Alabama's lethal injection protocol would subject him to cruel and unusual punishment, violating the Eighth Amendment of the U.S. Constitution. Smith's claims were based on previous difficulties Alabama officials faced while executing other condemned inmates, particularly regarding the insertion of intravenous lines due to difficulties accessing veins.

According to Smith's lawsuit, the method employed by Alabama presented an "intolerable risk of torture, cruelty, or substantial pain."

The central question in this case is whether a death row inmate can argue, based on Supreme Court precedent, that an alternative method of execution known as nitrogen hypoxia—which has been approved by Alabama's legislature but not yet implemented by the Department of Corrections—should be considered a legally available option.

Smith requests that Alabama execute him by inhaling nitrogen, a gas that would deprive his body of oxygen. He argues that this method would significantly reduce the risk of failed or painful executions, such as experiencing a sensation of drowning or choking.

Initially, a judge dismissed Smith's lawsuit. However, on November 17, the day scheduled for his execution, the 11th U.S. Circuit Court of Appeals in Atlanta revived his case, allowing Smith to file an amended complaint.

The 11th Circuit also issued a separate decision to stay Smith's execution. Nevertheless, after the state of Alabama appealed to the Supreme Court, the justices authorized the execution to proceed. The three liberal justices on the nine-member Supreme Court dissented from this decision.

On the night of the scheduled execution, state officials made multiple unsuccessful attempts to insert the necessary intravenous lines or a central line in Smith's collarbone area. Eventually, the execution was called off after 11 p.m.

In court documents, Smith's lawyers stated that his "worst fears began to play out much as his federal lawsuit had alleged they would." They further emphasized that the experience "subjected him to hours of torture while trying to execute him and exposed him to the severe mental anguish of a mock execution."

Following Smith's case, which marked the third time Alabama had to cancel an execution since 2018 due to problems with intravenous lines, Alabama Governor Kay Ivey, a Republican, initiated a review of the state's execution procedures. The review was completed in February.

Smith's case should not be misconstrued as a direct challenge to the death penalty itself. While some liberal justices have raised questions about capital punishment

In summary, the U.S. Supreme Court's decision to allow a death row inmate's lawsuit to proceed following a failed execution has significant legal implications. Kenneth Smith's challenge raises questions about the constitutionality of Alabama's lethal injection process and whether alternative execution methods should be considered. The outcome of this case will undoubtedly have repercussions on the application of the death penalty in the United States.

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