



## Lethal Injection Challenge Gets Top U.S. Court Review (Update2)

By Greg Stohr

Sept. 25 (Bloomberg) -- The U.S. Supreme Court agreed to review the legality of the lethal injection method used by dozens of states, saying it will hear arguments from two Kentucky death-row inmates who say they face unnecessary suffering.

The inmates, Ralph Baze and Thomas C. Bowling, say the state's execution procedure violates the Constitution's ban on cruel and unusual punishment. They pointed to botched executions in Ohio and Florida that took as long as two hours to complete.

"These executions have cast a pall over lethal injections in this country and have lessened the public's confidence in how executions are being carried out," they argued in their appeal, filed in Washington.

All but one of the 38 death-penalty states use lethal injection for executions, and almost all of those use the same three chemicals that Kentucky uses. The case is among 17 granted review by the court today ahead of the formal opening of its term Oct. 1.

Kentucky officials, including Attorney General Gregory Stumbo, urged the Supreme Court not to hear the case, calling arguments that a safer execution method exists "speculative, at best."

"The trial court found, and the Kentucky Supreme Court unanimously affirmed, that Kentucky's lethal injection protocol did not expose condemned inmates to a substantial risk of wanton or unnecessary pain or suffering," the state argued.

Baze was convicted of murdering a Kentucky sheriff and his deputy when they were trying to serve warrants on him in 1992. Bowling was convicted of shooting a couple to death and wounding their 2-year-old son after an automobile accident in 1990. Baze and Bowling aren't challenging their death sentences in the Supreme Court appeal.

The Supreme Court earlier this year said death row inmates can invoke a federal civil rights law to challenge the use of lethal injection. That ruling was unanimous and didn't directly address the constitutionality of the procedure.

The case is Baze v. Rees, 07-5439.

To contact the reporter on this story: Greg Stohr in Washington at [gstohr@bloomberg.net](mailto:gstohr@bloomberg.net).

*Last Updated: September 25, 2007 11:47 EDT*

