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## Legality of lethal injection sparks debate

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The U.S. Supreme Court's decision to take up two Kentucky cases to help it determine whether lethal injection is cruel and unusual punishment sparked predictable responses in the region.

"The only thing wrong with lethal injection is that it's too humane," said Kenton Commonwealth Attorney Rob Sanders, a prosecutor who believes the death penalty should be used more frequently.

He said he doesn't fear a review of the procedure, because he doesn't think the justices will find anything wrong with it.

"I think this issue had been legally beat to death - argued over and over - and it has no merit," he said.

But Daniel T. Goyette, chief public defender in the Louisville Metro Public Defender's Office, who has represented dozens of Death Row inmates, applauded the decision to review the practice.

"Considering the number of states that perform lethal injections (37), and the number that have currently suspended such executions (10), the impact of the U.S. Supreme Court's decision to grant certiorari is significant, not only for those presently on death row, but for the future of the death penalty in this country," he said.

Among Goyette's clients is Gregory Wilson, one of three people sent to Death Row from Northern Kentucky. Wilson, convicted of murder, kidnapping, robbery and rape in Kenton County in 1988 for the killing of restaurant worker Deborah Pooley, currently has his appeal before a federal appellate court.

The Supreme Court's decision comes a day after a 30-month review of Ohio's death penalty system by the American Bar Association found the system full of racial and geographic imbalances and inadequate legal help.

The review said Ohio, which uses the lethal injection method, met only four of 93 ABA recommendations to ensure a fair death penalty system. The ABA team asked Gov. Ted Strickland to halt executions to allow a review of the system.

The report also found that there are major differences in how counties sentence death row cases. A defendant in Hamilton County, for example, is far more likely to receive a death sentence than a defendant in Cuyahoga County, which includes Cleveland, it found.

Sanders said one of the problems with the current process is that people have been sitting on Death Row for 20 years.

"The only problem I have with the death penalty is we don't use it often enough or impose it quickly enough," he said.

Sanders currently has two cases in which his office is seeking the death penalty. One is Broderick Brown, charged with murder and robbery in the August 2006 shooting of Michael Kidd, 31, of Cincinnati, in the Peaselsburg neighborhood of Covington.

The second is Dominic Raifsnider, charged with murder and robbery in the Oct. 3 killing of David Joseph of Covington, a clerk at the 12th Street Marathon.

The Kentucky Coalition to Abolish the Death Penalty said it's ironic that the high court voted to take up the case on the same day a death warrant signed by Gov. Ernie Fletcher called for one of the men, Ralph Baze, to be executed.

"The law certainly, but unfortunately, grants Gov. Fletcher the power to kill Ralph Baze," said Rev. Pat Delahanty, chairman of the coalition.

"We certainly hope this decision by the court would cause the governor to forgo the use of that power as long as any court proceedings are pending in a capital case."

In a statement, the state Justice & Public Safety Cabinet noted that the Kentucky Supreme Court has already upheld the constitutionality of lethal injection.

"We are confident the United States Supreme Court will affirm the unanimous decision of the Kentucky Supreme Court, which upheld Kentucky's lethal injection protocol as constitutional," said Stacy Floden, the cabinet's spokesperson.

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