
Oklahoma

Office of the Attorney General

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W.A. Drew Edmondson, Attorney General

AG Asks Court to Delay Issuing Execution Date

Citing judicial prudence, Attorney General Drew Edmondson today asked the Oklahoma Court of Criminal Appeals (OCCA) to delay scheduling executions in Oklahoma until the U.S. Supreme Court defines what constitutes cruel and unusual punishment in execution procedures.

The Supreme Court (USSC) has agreed to hear the appeal of a Kentucky death row inmate who claims that state's execution process violates the Eighth Amendment ban on cruel and unusual punishment. The case, *Baze v. Rees*, is expected to establish a national standard for executions.

"The Eighth Amendment prohibits cruel and unusual punishment," Edmondson said. "The issue before the Supreme Court is what standard defines cruel and unusual. In Oklahoma, our standard prohibits the wanton infliction of pain. In the Kentucky case, the defendant is asking the court to set the standard at unnecessary risk of pain."

Edmondson filed his OCCA motion because the USSC earlier this week refused to hear the final appeal of Oklahoma death row inmate Terry Lyn Short. Short was sentenced to death for the January 1995 murder of 22-year-old Ken Yamamoto in Oklahoma City. Typically, when the USSC denies an inmate's final appeal, the attorney general asks the OCCA to schedule the execution for 60 days from the date of the denial.

"The constitutionality of our lethal injection protocol has withstood prior challenges in federal and state courts, but the *Baze* case poses a unique question," Edmondson said. "We have reviewed the issues in the *Baze* case and relevant Oklahoma law and believe our procedure will be upheld. However, we think it prudent and in the state's best interests to ask our court to delay the setting of an execution date until the Supreme Court issues its ruling."

In the last two weeks, Edmondson said, two Texas executions have been stayed because of the Kentucky case. The attorney general said it is likely any execution scheduled in Oklahoma would be stayed as well.



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