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# No resolution to death penalty dispute

Posted: Oct. 16, 2008

**RALEIGH, N.C.** — Three hours of testimony Thursday produced no resolution to a dispute over the how the state executes inmates.

Lawyers for death row inmates and the state argued over the execution protocol approved by the Council of State. Attorneys for the inmates contend the council, which is made up of Gov. Mike Easley and eight other elected state officials, shouldn't have approved a protocol for lethal injection.

Administrative Law Judge Fred Morrison Jr. ruled the method for executing inmates didn't ensure they wouldn't feel pain, and he ordered the council to revise the protocol. The council refused to do so.

Attorneys for the state maintain Morrison didn't have jurisdiction over the case, so Superior Court Judge Donald Stephens said he would rule on the merits of whether inmates – or anyone – has the right to challenge how the Council of State operates.

But Stephens said he wouldn't hear the case until after the state Supreme Court rules on a separate dispute involving the death penalty.

That case, which Stephens handled last year, revolves around a North Carolina Medical Board policy that threatens to discipline any doctor who participates in an execution.

The high court is scheduled to hear arguments in that case on Nov. 18.

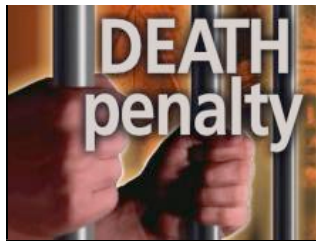
The two court cases have created a de facto moratorium on the death penalty in the state. North Carolina hasn't executed an inmate since August 2006.

Reporter: [Stacy Davis](#)  
Web Editor: [Matthew Burns](#)

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