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DELAWARE: Court upholds execution policy adoption

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DOVER — The Delaware Supreme Court has upheld a lower court's dismissal of a lawsuit that claimed that the state's lethal injection policy was illegally adopted.

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In a two-page order released Tuesday, the court agreed that Delaware prison officials did not violate state law in adopting a new lethal injection protocol without allowing for public review or comment.

The court said state law exempts Department of Correction policies and procedures from the public review and comment provisions of the Administrative Procedures Act.

The lawsuit was brought by attorneys representing condemned ax murderer Robert Jackson III, who is also challenging Delaware's lethal injection policy in federal court.

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