

Criminal Justice Issues and Prisoners' Rights

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ELYRIA, OH- Yesterday, The American Civil Liberties Union of Ohio was victorious in its claim that the governments lethal injection procedures violated state law that requires executions be quick and painless. The case was presided over by Lorain County Common Pleas Judge James Burge. The ACLU of Ohio represented Ruben Rivera and Ronald McCloud who are charged, but not convicted, with crimes that may qualify them for the death penalty. Judge Burge ruled that the three drug cocktail given to those executed did not work properly and called on the state for a new drug combination that would work without risk of causing the person excruciating pain.

ACLU of Ohio Legal Director Jeffrey Gamso said, This decision sends a strong message that the state must treat every person with basic human dignity. The evidence shows that lethal injection is fraught with problems and can oftentimes be very painful.

Although the decision does not suspend the death penalty in Ohio, it does require the state to execute individuals in a manner that does not inflict terrible pain and respects the persons basic human rights, continued Gamso.

The decision marks the first victory in a state court challenging the constitutionality of lethal injection procedures.

In recent years, Ohio has had increasing public scrutiny over the use of lethal injection. In 2006, the state botched the execution of Joseph L. Clark after his veins repeatedly collapsed. Reports claim he appeared to be in pain and stated that the procedure was not working. In 2007, the state also experienced problems with the execution of Christopher Newton. The execution lasted over an hour and a half, because the state could not find veins in his arms. A typical execution lasts around 20 minutes.

Gamso concluded, The courts decision hopefully ensures that no other person will have to go through the experience of Mr. Clark and Mr. Newton. If Ohio must have capital punishment, it must guarantee that it is performed humanely and without undue risk of serious complications.

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