

Ohioans to Stop Executions

Criminal Justice Issues and Prisoners' Rights

<https://otse.org/ohios-lethal-flip-flop-court-hold-state-consistent-legal-position-execute/>

Campaign and Advocacy

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[Hannah Kubbins](#) / June 12, 2017

Outside of the legal profession, judicial estoppel, or the doctrine that prevents a party to a lawsuit from taking inconsistent positions about the same issue at different phases of the legal proceeding, is not particularly well-known. However, it speaks to the core value of integrity in the judicial system, preventing misuse of the courts and promoting equity among litigants. Non-attorneys unfamiliar with the legal doctrine of judicial estoppel need look no further than pending lethal injection litigation in Ohio to understand its crucial importance in our system.

In a remarkable series of losses and appeals, Ohio state officials are currently attempting to convince yet another federal court to allow them to use a lethal injection protocol which is in direct violation of representations state officials made eight years ago in order to prevail at an earlier phase of the ongoing litigation.

They have already lost twice, but state officials recently secured rehearing so their appeal will now be heard by the full U.S. Court of Appeals for the Sixth Circuit. That argument is scheduled for June 14, 2017 in Cincinnati.

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