



Maryland Citizens Against State Executions

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Maryland CASE Hails Lethal Injection Ruling as First Step

*Group urges state leaders to avoid legal quagmire and
Repeal Maryland's capital punishment law*

Dec. 19, 2006 - The advocacy group Maryland Citizens Against State Executions said today's Maryland Court of Appeals decision on the state's lethal injection procedures will give the public much-needed scrutiny of Maryland's execution protocol.

However, the ruling, which will require the state to develop injection protocols with oversight by the Attorney General's office and a legislative committee, subject to public comment, will cost the state considerable time and expense, said Executive Director Jane Henderson.

"It will not be a simple fix to come up with acceptable procedures for lethal injection in the state and the process will raise extremely complicated questions for ethicists, medical personnel and others," Henderson said. "Maryland's elected leaders should avoid the legal quagmire this ruling has created and end the state's use of capital punishment."

The decision, which came in response to legal challenges from MD CASE, ACLU of MD, MD NAACP, and death row inmate Vernon Lee Evans, Jr., buttresses Maryland CASE's call for the state to repeal its capital punishment law and replace the death sentence with one of life without the possibility of parole.

Henderson added: "Because of this ruling, the new O'Malley administration will be forced to go through the messy task of reviewing and revising the state's 'execution manual.' The reality is that capital punishment has been proven to be an ineffective deterrent, has a proven racial bias and always carries the risk of executing innocent people. The only acceptable solution is ending capital punishment and replacing it with life without parole."

The ruling in Annapolis comes on the heels of actions halting executions in Florida and California. Last week, Florida Governor Jeb Bush announced a commission would review that state's use of lethal injections after a botched execution there.

At the same time, U.S. District Judge Jeremy Fogel concluded that "the state's implementation of California's lethal injection protocol lacks both reliability and transparency" and represents "an undue and unnecessary risk" of violating the constitutional prohibition against cruel and unusual punishment. Judge Fogel gave state officials 30 days to respond.

"There is a growing awareness in the courts and among the public that capital punishment poses insoluble legal problems," Henderson said. "They should spur Governor-elect O'Malley to make good on his long, clear opposition to the death penalty and seek repeal of the law."

A federal lawsuit pending in Maryland has produced testimony revealing that lethal injections have been marred by medical incompetence and staff confusion.

Earlier this month, a federal judge here asked the state of Maryland to explore the feasibility of recruiting medically trained personnel - such as nurse practitioners and anesthesiologists - to participate in the state's executions. Such a move would create a deep problem for the state as participation in executions violates the medical code of ethics for doctors and nurses.

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Maryland Citizens Against State Executions is a coalition of groups and individuals united to end the death penalty in Maryland through education, grassroots action, and public demonstration.