



## Maryland Citizens Against State Executions

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### **Maryland CASE Calls for Repeal Of State Death Penalty**

*Appeal to state leaders follows problems with  
lethal injections in Florida and California*

Dec. 18, 2006 – The leader of Maryland Citizens Against State Executions (CASE) called today on the state of Maryland to repeal the death penalty in the state, following recent actions that have halted executions in Florida and California.

Maryland CASE Executive Director Jane Henderson urged Governor-elect Martin O'Malley and the General Assembly to repeal Maryland's capital punishment law and replace the death penalty with a sentence of life without the possibility of parole.

Moving now to repeal the law would resolve troubling legal issues regarding the death penalty without endangering public safety, she said.

"Last week's developments in Florida and California should be a call to action to Governor-elect O'Malley to make good on his long, clear opposition to the death penalty," Henderson said. "He has support in the legislature and two-thirds of the public support life without parole rather than capital punishment."

Last week, Florida Governor Jed 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.

Judge Fogel is hearing a claim from a California death row prisoner that closely resembles a claim by Maryland death row prisoner Vernon Evan, which is now pending before U.S. District Judge Benson Legg.

Maryland and California use almost identical lethal injection methods. Both judges have visited the execution chambers in their respective states and held hearings during which testimony revealed that lethal injections have been marred by medical incompetence and staff confusion.

“Maryland can and should avoid the legal quagmire over lethal injection by moving now to replace the death penalty with life without parole,” Henderson said. “The legal mess over lethal injection proves there is no moral or humane way to kill a prisoner. The incoming O’Malley administration can do the right thing and clean up this legal problem by introducing legislation to repeal the death penalty.”

On December 6, Judge Legg 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.

In a related matter, Maryland CASE has joined others in a civil suit challenging the secretive process by which the state’s “execution manual” was developed. The case is pending in the Maryland Court of Appeals and a decision is expected soon.

“If we win this suit, the new O’Malley administration will likely face the messy task of reviewing and revising lethal injection procedures in Maryland,” Henderson said. “If we lose, the new governor could face an execution date early in 2007.”

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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.*