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What the Supreme Court will consider

By Paul Flemming
CAPITOL BUREAU

Condemned prisoner Clarence Hill was granted a last-minute stay of execution in January based on his appeal challenging Florida's lethal injection methods as cruel and unusual punishment.

But the U.S. Supreme Court won't hear arguments this week about the constitutionality of lethal injection. Instead, the court asks questions about the way Hill appealed.

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Hill based his appeal on a claim that lethal injection violates his civil rights, filed under a section of federal law known as 1983. Lawyers for the state argue that appeals filed under 1983 can only be about conditions of confinement, for instance, if cells are too cold.

Florida attorneys say that Hill's appeal should have been filed as a "habeas" claim. In

those appeals, inmates directly challenge convictions and sentences.

Hill has already made habeas appeals and doesn't get another without court permission, which has been denied.

His attorneys say that if he can't challenge the constitutionality of lethal injection as a violation of his civil rights, he won't have any way to do so.

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