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Florida judge orders halt to lethal injections

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TALLAHASSEE — An Ocala judge interrupted a death penalty trial questioning whether the state's lethal injections are cruel and unusual punishment after telling the Department of Corrections its executions protocols are lacking.

Fifth Circuit Court Judge Carven Angel gave the oral order to stop executions on Sunday after abruptly shutting down a week-long hearing in which lawyers for convicted killer Ian Lightbourne questioned Florida's death penalty procedures in the aftermath of the botched December execution of Angel Diaz.

Diaz's execution took more than 30 minutes after being injected with the lethal cocktail used by the Department of Corrections to put condemned prisoners to death.

Questions surrounding Diaz' death prompted then-Gov. Jeb Bush to temporarily halt executions.

Since then, corrections officials have revised execution protocols and Gov. Charlie Crist signed his first death warrant last week after expressing confidence in the new protocols.

"I am confident that the training, organization and communication processes established by the Commission on Administration of Lethal Injection and adopted by the State of Florida Department of Corrections are consistent with the Eighth Amendment of the United States Constitution," Crist said in a statement accompanying the death warrant.

But Angel, whose written order is expected to be released this afternoon, criticized the department's revamped execution policy, telling lawyers that they were deficient, according to sources in the courtroom.

The trial is slated to begin on Sept. 21, five weeks after corrections officials are to submit their revised protocols.

The delay could also postpone the scheduled Nov. 15 execution of Mark Schwab and a Florida Supreme Court ruling on the death penalty, scheduled for oral arguments on Oct. 11 in anticipation of a resolution of the Lightbourne case.

It's very significant," Neil Dupree, head of the Capital Collateral Regional Counsel southern region. He was one of Diaz' attorneys and was present during Diaz' prolonged execution during which witnesses later said the convicted killer grimaced in pain and required a second dose of the drug cocktail, apparently for the first time since the state began using lethal injections in 2000.

Dupree and other lawyers for Capital Collateral Regional Counsel, a state agency that represents Death Row inmates, filed a lawsuit on behalf of Ian Lightbourne and dozens of other clients charging that lethal injection violates the Eighth Amendment of the U.S. Constitution that prohibits cruel and unusual punishment of criminals.

The Supreme Court appointed Angel to hear the case, which began in June. Lightbourne was convicted in 1981 for killing Marion County horse breeder Nancy O'Farrell.

"Obviously, this case was the case everybody was pointing at around the state as being 'the' lethal injection case," said Dupree.