

# Tennessee Supreme Court halts next 4 executions

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## Associated Press

NASHVILLE, Tenn. -- The Tennessee Supreme Court on Monday halted the executions of four death row inmates to allow a lower court to examine the constitutionality of the state's new lethal injection procedure.

Convicted killer Stephen Michael West was set to die by lethal injection at 10 p.m. CST Tuesday for the 1986 stabbing deaths of Wanda Romines and her 15-year-old daughter Sheila Romines.

Earlier this month, the state's high court granted West a temporary stay so a lower court could hear evidence in his lawsuit claiming the first drug in Tennessee's three-drug lethal injection protocol does not adequately anesthetize prisoners, violating the constitutional ban on cruel and unusual punishment.

Davidson County Chancellor Claudia Bonnyman ruled last week that Tennessee's process "allows for death by suffocation while conscious."

Bonnyman said in her ruling that the 5 grams of sodium thiopental, the first drug meant to render the inmate unconscious, was insufficient. She said the state should adopt some method to determine whether the inmate was awake before being injected with the second drug, a paralyzing agent.

In response, the state added a procedure in which a prison warden will brush a hand over an inmate's eyelashes and gently shake the inmate to check for consciousness.

If the warden determines the inmate is unconscious after the first injection, he directs the executioner to administer the next two drugs. If the warden determines the inmate is still conscious, a second IV line will give a second dose of 5 grams of sodium thiopental.

The Tennessee Supreme Court approved the plans, but West's attorneys urged them on Friday to halt the execution because they say the state hasn't proven that the new procedure is constitutional.

"Defendants waited until the eve of the Thanksgiving holidays to spring a new protocol on the court and Mr. West with nothing to demonstrate its constitutionality," the attorneys said.

On Monday, the Tennessee Supreme Court reconsidered its action and granted West's request to test the constitutionality of the procedure in lower court.

Until the issue is resolved, the high court also stayed the executions of death row inmates Billy Ray Irick - who was to be executed next month- and Edmund Zagorski and Edward Jerome Harbison.

Parties in the West case are expected to submit arguments or evidence regarding the revised protocol and the trial court is expected to render a judgment within 90 days, according to the high court.

In 2001, West was hours away from death when a judge granted him a stay so he could pursue federal appeals, which he has since completed. Tennessee Gov. Phil Bredesen declined to intervene when West's attorneys asked for clemency, spokeswoman Lydia Lenker said.

Read more: <http://www.miamiherald.com/2010/11/29/1948974/tennessee-supreme-court-halts.html#ixzz16mc5uBFK>