

Supreme Court Halts Executions for Four Death Row Inmates

November 29, 2010

Nashville, Tenn. – The Tennessee Supreme Court today issued an order staying the execution of Stephen Michael West scheduled for Nov. 30 to allow the trial court to test the constitutionality of the state's new lethal injection procedure. Pending the resolution of this issue, the Court has also stayed the scheduled executions for Billy Ray Irick, Edmund Zagorski and Edward Jerome Harbison.

On Nov. 22, West and Irick filed motions requesting the Tennessee Supreme Court postpone their executions after a Davidson County Chancery Court ruled the state's lethal injection procedure to be unconstitutional. After a two-day evidentiary hearing, the trial court ruled the state's current procedure did not offer a safeguard to ensure the prisoner was unconscious before the final two drugs are administered.

In the State's response, filed Nov. 24, they argued that a stay of execution should not be granted as it had changed its execution procedure to include a test to confirm that the inmate is unconscious before the administration of the final two drugs. After considering the motions filed by both parties, the Supreme Court denied West and Irick's motions to postpone their scheduled executions.

West filed a motion to reconsider on Friday arguing that he was not afforded the opportunity to respond to the State's new execution procedure. The Supreme Court has granted West's motion to reconsider to allow the constitutionality of the new procedure to be fully tested in trial court.

The Supreme Court has directed the trial court to allow the parties to submit argument or evidence on the revised protocol, and the trial Court must render its final judgment within 90 days. The executions of West, Irick, Zagorski and Harbison are stayed pending any appeal of the trial court's judgment and until the State files motions to reset the execution dates of each prisoner.