

In wake of US Supreme Court ruling

Oklahoma sets execution dates for three death row prisoners

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Oklahoma has set execution dates for three death row prisoners in the wake of the US Supreme Court ruling upholding the constitutionality of the state's lethal injection protocol.

In a 5-4 ruling June 29, the high court held that lethal injections using the sedative midazolam do not violate the US Constitution's Eighth Amendment prohibition on "cruel and unusual punishment," despite substantial evidence that use of the drug in executions can cause excruciating pain.

The Court's majority opinion reaffirms the right of Oklahoma and other states to continue the barbaric practice of capital punishment, and to do so by methods of their choosing. In Oklahoma, executions have now been scheduled for September 16 for Richard Eugene Glossip, 52; October 7 for Benjamin Robert Cole, 50; and October 28 for John Marion Grant, 54.

The three newly condemned inmates had argued before the Supreme Court that the state's planned use of the sedative midazolam risked subjecting them to undue pain and suffering because it does not properly render a person unconscious before the other two drugs in the protocol—one to paralyze, the other to induce cardiac arrest—are injected.

The inmates' case was filed following the gruesome April 28, 2014, execution of Clayton Lockett at Oklahoma State Penitentiary in McAlester. Within minutes of the beginning of his lethal injection, Lockett was observed writhing in pain and lifting his body off the gurney, according to witnesses. Oklahoma prison authorities halted the procedure, but Lockett was pronounced dead nearly three-quarters of an hour after the deadly flow of chemicals began.

Midazolam was also used in the January 16, 2014

execution of Dennis McGuire in Ohio, and the July 23, 2014 execution of Joseph Wood in Arizona. In both instances, the prisoners appeared to gasp and choke for extended periods before succumbing.

The Oklahoma case was originally named *Warner v. Gross*, but was changed to *Glossip v. Gross* after Charles Frederick Warner, 46, was put to death on January 15. Warner was convicted and sentenced to death for the 1997 rape and murder of his then-girlfriend Shonda Waller's 11-month-old infant, Adrianna.

Warner was originally scheduled to die as part of a double-execution along with Lockett last April 28, but his execution was put on hold following Lockett's horrific lethal injection. He languished on death row for another eight and half months before being put to death.

The US Supreme Court, which had not yet agreed to hear the case, denied a last-minute stay in Warner's case, allowing it to proceed. While witnesses to his death reported no visible signs that he endured pain during his 18-minute execution, his last words were, "My body is on fire."

Next to die in Oklahoma is Richard Glossip, with an execution scheduled for September 15. Glossip was sentenced to death for his role in the murder of Barry Van Treese, and has spent 17 years on death row. In an interview late last year with KFOR.com's Ali Meyer, Glossip maintained his innocence.

"The dying part doesn't bother me," he said. "Everybody dies, but I want people to know I didn't kill this man. I didn't participate or plan or [have] anything to do with this crime. I want people to know that it's not just for me that I'm speaking out."

“It’s for other people on death row around this country who are innocent and are going to be executed for something they didn’t do. It’s not right that it’s happening. We’re in a country where that should never happen.”

Justin Sneed, Glossip’s co-worker, confessed to the murder and testified against Glossip to avoid execution himself. He is now serving a life sentence. Glossip was offered a life sentence at his second trial but turned it down.

Glossip said, “I turned it down because I’m not going to stand there and admit to something that I didn’t do. Even though my attorneys said I was an idiot for turning it down because I could end up back on death row, I prefer death row than to tell somebody I committed a crime I didn’t do.”

Prison authorities spent five months last year revamping the death chamber at the Oklahoma State Penitentiary. Glossip commented, “I think that’s when it got even scarier the day they started construction because then you know they’re going through all this stuff to make sure they kill somebody. That’s a scary thing to think about.”

When attorneys representing Clayton Lockett challenged Oklahoma’s lethal injection protocol last year, state politicians came to the defense of the state’s right to kill. State Rep. Mike Christian, Republican of Oklahoma City, said, “I really don’t care if it’s by lethal injection, by the electric chair, firing squad, hanging, guillotine or being fed to the lions. I look forward to justice being served.”

Christian subsequently commissioned a study to evaluate the merit of executing inmates by nitrogen hypoxia, in which the condemned individual would be asphyxiated with the use of nitrogen, eliminating the need for obtaining lethal injection drugs.

The Supreme Court ruling has cleared the way for the resumption of the Oklahoma state killing machine. It appears at least for the time being that state authorities will not need to devise alternative methods to put prisoners to death.



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