

# Missouri carries out first execution of 2016, Alabama execution stayed

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Earl Forrest, 66, was executed by lethal injection in Missouri on Wednesday evening. His execution, the first in the state this year, proceeded after the US Supreme Court denied his application for a stay of execution earlier Wednesday afternoon.

Missouri's Democratic governor, Jay Nixon, rejected Forrest's petition to have his sentence commuted to life in prison an hour or two before the Supreme Court decision.

Forrest was pronounced dead at 7:18 p.m. at the state prison in Bonne Terre, according to a spokesman for the Missouri Department of Corrections.

Forrest was convicted and sentenced to death for the December 9, 2002 murders of three people. In a dispute over drugs, Forrest killed two acquaintances, Harriet Smith and a visitor at her house, Michael Wells, shooting them both in the face at close range, according to court records.

Forrest then fled with his then-girlfriend, Angela Gamblin, with a lockbox of methamphetamines estimated at a value of \$25,000. Later, he got into a shootout with police and shot and killed a sheriff's deputy, Sharon Joann Barnes. During the police standoff, Forrest also shot Gamblin and Dent County Sheriff Bob Wofford, who both survived.

At trial, Forrest's defense said that he had problems with drugs and alcohol, and that long-term substance abuse impaired his judgment. The jury recommended a death sentence for each of the murder convictions, due to aggravating factors, including his motivation to obtain drugs and his killing of an on-duty officer.

In Forrest's filing with the US Supreme Court, his attorneys challenged his death sentence as a violation of the Eighth Amendment's ban on cruel and unusual punishment. "The death penalty has outlived any conceivable purpose," his filing stated. "It is imperfect

in application, arbitrary in result, and serves no legitimate penological purpose."

Urging the court to reconsider the death penalty's constitutionality, the filing referred to the high court's 5-4 ruling in *Glossip v. Gross* and to Justice Stephen Breyer's dissent in that case. The case, representing three Oklahoma death row inmates, challenged the use of midazolam in execution protocols, despite substantial evidence in numerous executions that the sedative can cause excruciating and prolonged pain.

In his dissenting opinion, Breyer wrote: "I believe it highly likely that the death penalty violates the Eighth Amendment. At the very least, the Court should call for full briefing on the basic question."

Forrest was the 14th person to be executed in the United States this year, and the 1,436th put to death since the US Supreme Court reinstated the death penalty in 1976. In this time period, Missouri has executed 87 people, trailing behind only Texas (537), Oklahoma (112), Virginia (111), Florida (92) and Arizona (90).

There are currently 25 men on death row in Missouri. Sixteen of these prisoners have not exhausted their appeals and execution is on hold for nine others. According to the Associated Press, these nine include two who have been declared mentally unfit for execution, two who were granted stays due to medical conditions that might make their executions painful, and two who had their sentences set aside due to trial attorney errors.

## Last-minute stay of Alabama execution

A federal appeals court delayed the execution of Alabama death row inmate Vernon Madison just hours before his execution scheduled for 6 p.m. Thursday at the Holman Correctional Facility in Atmore.

The 11th US Circuit Court of Appeals issued a stay of execution in Madison's case, saying there should be more time to review his claim of incompetency for execution due to strokes and dementia. The Alabama Supreme Court had refused to halt the execution earlier this week.

Madison was convicted in the 1985 killing of Mobile police officer Julius Schulte. Prosecutors said that he approached Schulte, who had responded to a domestic dispute involving Madison, and shot him in the back of the head as he sat in his police car.

Madison's attorneys recently wrote: "Over the course of the past year, Mr. Madison has suffered from multiple strokes that have resulted in significant cognitive decline, suffers from a major vascular neurocognitive disorder, or vascular dementia, and does not rationally understand why the state of Alabama is attempting to execute him." Madison is also legally blind.

The US Supreme Court has ruled that executing prisoners who lack a rational understanding that they are going to be executed, and why, violates the constitutional ban on cruel and unusual punishment. An expert for the defense found that Madison has an IQ of 72, a finding of mental incompetency. Madison's attorneys also say he is confused about his case and has spoken of going to live in Florida after he is released from prison.

Madison's case has been ongoing for three decades. His first conviction was reversed after it was determined that blacks had been illegally kept off the jury. His second conviction was reversed after an appeals court found that the prosecution obtained testimony from experts "based partly on facts not in evidence."

After Madison's third trial, in 1994, the jury sentenced him to life without parole, but the judge imposed a death sentence. Madison's attorneys argued that the US Supreme Court's January ruling in *Hurst v. Florida* shows that his death sentence was unconstitutional.

In that case, the court ruled that Florida's system of allowing judges, rather than juries, to make the final

ruling on a death sentence was unconstitutional. Florida recently revamped its death penalty statutes, but the state has not executed anyone since the high court's ruling. The Florida Supreme Court is also considering action that could potentially overturn the death sentences of the nearly 400 inmates on the state's death row.

Alabama inmate Christopher E. Brooks argued earlier that Alabama's sentencing in capital cases is "virtually identical" to Florida's previous system. The Supreme Court rejected Brooks' appeal and he was executed by lethal injection on January 21.

Alabama has executed 57 people since the reinstatement of the death penalty in 1976. According to the Death Penalty Information Center, as of January 1 there were 196 prisoners on death row in Alabama.



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