

Georgia carries out its first execution of 2017

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Georgia executed J.W. “Boy” Ledford Jr. at the state prison in Jackson early Wednesday morning. Ledford’s lethal injection of the barbiturate pentobarbital began at 1:17 a.m., according to the *Atlanta Journal-Constitution*. It was the first execution in the state this year.

Ledford, 45, had spent about a quarter century on the death row. He was convicted of murder in the 1992 stabbing death in Murray County, northwest Georgia, of neighbor Dr. Harry Johnston, the physician who had delivered him.

Ledford stabbed Johnston to death during an argument, according to court files, and then demanded money from his wife. He took money and guns from the home, tied up Johnston’s wife and then left in the doctor’s truck. He was arrested later that day.

The execution was scheduled for 7 p.m., but it was put on hold awaiting a ruling from the US Supreme Court. The high court denied a stay of execution after midnight, clearing the way for the lethal injection.

The Georgia Supreme Court on Tuesday rejected an appeal of a lower court’s refusal to stop the execution.

A three-judge panel of the US Court of Appeals for the 11th Circuit on Monday denied Ledford’s appeal filed last week. Ledford’s attorneys argued that their client’s long-term exposure to gabapentin, a drug used to treat chronic pain, had likely caused him to develop a tolerance to the pentobarbital used in lethal injections.

The lawyers said in their filing that taking gabapentin for nerve pain changed his brain chemistry, which meant that the pentobarbital would not render him unconscious and insensate. They said the barbiturate’s use in the lethal injection would violate constitutional protections against cruel and unusual punishment barred by the Eighth Amendment to the US Constitution.

Ledford’s lawyers had also requested that he be executed by firing squad as an alternative. US Supreme

Court precedent requires that condemned inmates propose a known and available alternative method of execution. The request that he be executed by firing squad was rejected on the grounds that this method is not allowed under Georgia law.

Also on Monday, the Georgia Board of Pardons and Paroles, which is the only authority in the state with the power to commute a death sentence, declined to spare Ledford’s life. Ledford’s attorneys had asked him to be spared, citing his rough childhood, substance abused from an early age, and his intellectual disability.

Attorneys for Ledford had also asked that his execution be halted because he was 20 at the time of the crime, and his brain was not fully developed when he killed Johnston. They argued that just as juvenile offenders are considered not the “worst of worst” for whom the death penalty is reserved, that the execution of those under 21 is also unconstitutional. A Butts County Superior Court judge rejected that petition.

Ledford was the 11th inmate put to death in the US this year. The 10 prior executions included four in Arkansas over a period of eight days, including the double-execution of Jack Jones and Marcell Williams on April 24.

Attorneys for Williams, the second inmate to die that day, argued that Jones was “moving his lips and gulping for air” after being administered midazolam, suggesting he had not been rendered unconscious by the first drug in the execution protocol. A US District judge refused to stop Williams’ execution on this basis.

Arkansas had sought to execute eight men over 11 days, but temporary stays and a commutation stopped four of these. Ledell Lee was executed on April 20; Kenneth Williams was executed April 27.

Georgia sent nine prisoners to their deaths in 2016, nearly half of the 19 executions carried out across the US last year. The others included seven in Texas, two in Alabama, and one each in Florida and Missouri.

Georgia has a long and gruesome history of capital punishment. The first recorded execution in Georgia was in 1735, according to the Death Penalty Information Center. Indentured servant Alice Wyley was put to death for murdering her master. The method of execution from 1735 to 1924 was hanging. Over 500 hangings occurred in Georgia between 1735 and 1931.

Electrocution was introduced in 1924, after the Georgia General Assembly outlawed hanging. The electric chair was used until 1972, when the US Supreme Court declared capital punishment procedures unconstitutional in *Furman v. Georgia*, which imposed a temporary hiatus on executions due to inconsistency in the application of the death penalty.

Electrocution was reinstated in Georgia after the Supreme Court reinstated the death penalty in 1976 as a result of another case involving the state, *Coker v. Georgia*, in which the high court held that the death penalty is unconstitutional in all cases that do not involve murder or crimes against the state.

In 2000, the General Assembly passed a new law instituting lethal injection in place of electrocution. In total, 1,010 executions have occurred in Georgia since 1735, the fifth highest total of any US state.



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