

Alabama executes Robert Melson, on death row for 21 years

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10 June 2017

The state of Alabama carried out the 13th state sanctioned killing of the year in United States Thursday night in its death chamber at Holman Correctional Facility.

Robert Melson, a 46-year-old African American man, was killed by an injection of three drugs, including midazolam, which has been used in recent so-called botched executions. The execution went forward after the US Supreme Court denied his final request for a stay, despite his attorney's concerns over the possible negative effects of the drug.

Midazolam, the first drug in the process, was injected into Melson's veins at 9:59 p.m. His attorneys report that as the drug entered his body Melson's arms began to shake against the restraints which held him to the death bed. As the drug took effect his breathing became labored and his chest moved up and down before slowing. Ten minutes after the first injection his breathing had slowed to point at which it was imperceptible.

It took just over half an hour from the time that Melson's death warrant was read to out to the time that prison medical staff pronounced him dead at 10:27 p.m.

Melson spent 21 years on death row after he was convicted of shooting and killing three fast food restaurant workers in 1994 during a robbery. He maintained his innocence from the time of his arrest until his death.

The details of Melson's case point to the state sanctioned murder of an innocent man on the basis of a police frame-up.

According to the Death Penalty Information Center (DPIC), a fourth shooting victim who survived the holdup identified Cuhuatemoc "Tempo" Peraita, a former employee at the restaurant, as one of the attackers. He could only identify the accomplice as a

"black male," and did not pick Melson out of a photo lineup.

An hour after the shooting, Peraita and Melson, who were friends at the time, were riding together in a car and pulled over by police. Both were arrested.

Under pressure from the police Peraita, who was 17 years old at the time and suffers from intellectual impairments, confessed to being present at the robbery, but fingered Melson as the shooter. Peraita later recanted the accusation.

Investigators failed to uncover DNA or fingerprint evidence that could directly tie Melson to the killings.

The only forensic evidence that placed him near the crime scene was shoeprints discovered by a police investigator in a drainage ditch near the restaurant five days after police first arrived at the scene of the robbery. These reportedly matched shoes he was wearing when he was arrested. Two inches of rain had fallen between the day of the crime and the discovery of the prints, making it unlikely that shoeprints would have remained in the muddy ditch.

Police had confiscated Melson's shoes during his interrogation, giving them the ability to plant shoeprint evidence. Melson was convicted and sentenced to death on the basis of evidence that the National Academy of Sciences has determined to be unscientific.

DPCI reports that Melson's legal defense suffered from criminal incompetence on the part of his attorneys during his post-conviction appeals. He was represented by a volunteer attorney, with limited experience who was not licensed in the state, and another attorney with a history malpractice.

The attorneys completely bungled Melson's chances to avoid the death chamber, improperly filing his post-conviction petition and then filing the documents in the wrong court, resulting in a dismissal of his appeal. The

attorneys did not inform Melson of the dismissal. As a result he only learned of the dismissal after the time limit for filing a federal habeas corpus appeal had run out.

It is not unusual for innocent men and women to be railroaded by the police and the courts and sent to face the death chamber. Since 1972, 159 people have been exonerated and released from death row. It is difficult to determine the number of innocents who have been executed, since courts do not hear appeals after a defendant has been killed.

In 2015 Anthony Ray Hinton was released after spending nearly three decades on Alabama's death row. He had been convicted of a double murder despite being at work in a locked warehouse at the time of the killings. Five other inmates on Alabama's death row have been exonerated and released.

Regardless of these facts the Alabama legislature is considering a bill, misnamed the "Fair Justice Act," which would further limit the amount of time death row inmates have to prove wrongful conviction or innocence, speeding up the process by placing new limits on the time in which convicts can appeal and judges can hand down rulings on appeals.

Since 1976 when the US Supreme Court reinstated the death penalty 1,455 people have been executed in the US. While the number of executions in a year peaked in 1999, the practice has not fallen out of favor with Democratic and Republican state officials.

In a particularly gruesome episode earlier this year, the Republican governor of Arkansas, Asa Hutchinson, pressed for the killing of eight death row inmates in 11 days as the state ran up against an expiration date for one of its execution drugs. After a dramatic week of appeals the state succeeded in ending the lives of four of the eight.



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