

A week on America's death row

A lethal injection in Florida, stay of execution in Alabama

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One man was executed by lethal injection Thursday evening in Florida, while another was issued a last-minute stay of execution in Alabama.

Michael Lambrix, 57, was put to death at the Florida State Prison in Starke after his appeals for a stay, including a last-minute appeal to the US Supreme Court, were exhausted.

After the three-drug lethal cocktail began flowing through his veins around 10 p.m. local time, Lambrix's chest heaved and his lips fluttered, according to the Associated Press. After about five minutes, his lips and eyelids turned bluish and he lay motionless. A doctor pronounced him dead around 10:10 p.m.

Lambrix was convicted and sentenced to death for the 1983 killings of Clarence Moore and Aleisha Bryant after a night of partying in Glades County, southwest Florida. According to the prosecution, Lambrix and his roommate, Frances Smith, had met the victims at a bar and invited them back to their trailer and that Lambrix choked and stomped Bryant to death and killed Moore with a tire iron.

Lambrix maintained that Moore killed Bryant and that he killed Moore in self-defense. In a prison interview Tuesday, he told reporters, "It won't be an execution. It's going to be an act of cold-blooded murder."

Lambrix was originally scheduled to be put to death in 2016, but his execution was postponed after the US Supreme Court ruled in *Hurst v. Florida* that the state's system for sentencing people to death was unconstitutional because it gave too much power to judges, instead of juries.

The high court ruled that a judge could not overrule a jury and sentence a defendant to death if the jury decision on a death sentence was not unanimous. However, the new death sentencing system is only retroactive to 2002. So, although Lambrix's jury was not unanimous in

recommending a death sentence, his sentence still stands.

William Hennis, Lambrix's attorney, argued before the Florida Supreme Court that their decision to allow the death sentence to stand was "seemingly random," and said that the way in which the court is deciding which cases get chosen for new sentencing hearings "will erode public confidence [in] the system and the death penalty."

The state's high court countered, "To the contrary, for more than 30 years, Lambrix's multiple claims have been reviewed and rejected. Thus we conclude that Lambrix is not entitled to relief."

Hennis argued before the US Supreme Court that because his client's jury recommendations for death were not unanimous in his two trials, (8-4 and 12-2 majorities for death), the death sentences should be thrown out.

Lambrix was the second inmate executed this year in Florida and the 93rd since the US Supreme Court reinstated the death penalty in 1976.

Alabama

Jeffrey Lynn Borden, 56, won a last-minute reprieve Thursday just hours before he was to be put to death at the William C. Holman Correctional Facility near Atmore. While the US Supreme Court had lifted a stay allowing the lethal injection to proceed, a federal judge temporarily halted the execution to allow Borden and other Alabama inmates to challenge the humaneness of the state's lethal injection procedure.

The state attorney general's office indicated it would not appeal the decision because there was not enough time to fight the matter at the US Supreme Court before the

death warrant expired at midnight. Alabama Attorney General Steve Marshall said he would seek a new execution date for Borden as soon as possible.

Borden was convicted and sentenced to death for the Christmas Eve 1993 shooting deaths in Gardendale of his estranged wife Cheryl Borden and his father-in-law Roland Harris, in front of the former couple's children.

The 11th US Circuit Court of Appeals had granted an injunction last week to allow Borden to challenge the use of the sedative midazolam as part of Alabama's three-drug lethal injection protocol. Borden's lawyers argued that midazolam does not render a prisoner sufficiently unconscious, subjecting the inmate to a potentially painful execution in violation of the Eighth Amendment's protections against cruel and unusual punishment.

Borden's attorneys argued that their client "has evidence to show that there is a substantial risk that midazolam will not anesthetize him, and he will be paralyzed, suffocating, and unable to alert anyone before he is burned alive from the inside by potassium chloride. He also has evidence that there are alternative methods of execution available to the state that do not contain that risk."

The court had ruled in 2015 that states could use midazolam, despite numerous reports of condemned inmates struggling and gasping for air as the deadly cocktail of chemicals was administered.

Attorneys for Alabama death row inmate Ronald Bert Smith argued that during his December 8, 2016 execution he was gasping, coughing and heaving for 13 minutes. Prison authorities denied that anything out of protocol occurred.

The US has put to death 1,461 men, women, and those convicted for crimes committed as juveniles since the US Supreme Court reinstated the death penalty. These have included the mentally ill, mentally impaired and foreign nationals denied their consular rights.



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