

Alabama and Georgia carry out executions, Oklahoma to begin using nitrogen gas

Alec Andersen
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Just two weeks after a botched execution that resulted in hours of excruciating pain for an inmate on death row, the state of Alabama on Thursday carried out an execution of a man convicted of murder who suffered from severe mental illness.

Michael Wayne Eggers, 50, was convicted and sentenced to death for killing his boss, Bennie Francis Murray, in 2000. Murray hired Eggers to work at her concessions stand at a traveling carnival. According to prosecutors, Eggers admitted to strangling Murray after a disagreement arose while she drove Eggers to his car one evening in Walker County, Alabama, northwest of Birmingham.

Eggers appealed his conviction but dropped his appeal following a disagreement with his attorneys. In a handwritten court filing, Eggers withdrew his appeal and asked Alabama to carry out his “immediate execution in the interests of truth, law and justice.”

Attorneys for Eggers asked the US Supreme Court to intervene in the case, arguing that Eggers was not competent when he made the decision. They told the court that Eggers suffered from schizophrenia and delusions and that the dispute arose over Eggers’ firm belief that he was the subject of a grand government conspiracy. His attorneys wrote that Eggers “would rather die than be represented by lawyers who do not support his delusional view of the case.”

The Supreme Court ruled at 5:30 p.m. on Thursday that the execution could proceed, and the lethal injection was administered about 80 minutes later.

In an email to ABC News, attorney John Palombi wrote, “Tonight the state of Alabama assisted a severely mentally ill man in committing suicide. Michael Eggers was as mentally ill tonight as he was the previous eight times he asked to be executed over the last 15 years.”

The execution of Eggers is the first execution carried out by the state of Alabama this year. Last month, the state was forced to halt the execution of Doyle Lee Hamm after failing to find a vein after at least 11 attempts to administer a lethal injection over the course of two and a half hours. Hamm’s lawyer had warned that lymphoma, hepatitis, and prior drug use had damaged Hamm’s veins, making lethal injection impossible.

Georgia

Later Thursday evening, the state of Georgia executed Carlton Gary despite significant exonerating evidence that has emerged over the decades since his conviction.

Gary was convicted in 1986 for a series of rapes and murders committed against older women between September 1977 and April 1978. During that period, nine women ranging in age from 59 to 89 years were beaten, raped, and strangled. The attacker came to be known as the “Stocking Strangler” because some of the women were strangled using their own stockings. Seven of the women died during the attacks and two were badly injured but survived.

Gary was arrested in 1984 after police traced a gun stolen during a 1977 burglary in the same neighborhood back to him. Gary was ultimately convicted of three counts of malice murder, three counts of rape, and three counts of burglary in connection with the attacks.

Prosecutors were adamant during the trial proceedings that all nine of the attacks were committed

by the same person, though they claimed to only have sufficient evidence to charge Gary with three of the attacks.

Prosecutors relied heavily on the testimony of one of the surviving victims, who identified Gary as her attacker during the trial. However, according to a police report withheld from Gary's attorneys until two decades later, the same woman told police that she was sleeping at the time of the attack and that her room was completely dark, making it impossible to identify her attacker.

Prosecutors also failed to disclose a shoeprint taken at the scene of one of the attacks and a bite mark taken from the body of one of the other victims, neither of which were a match for Gary.

In 2009, the Georgia Supreme Court stayed Gary's first execution date to allow testing of DNA evidence found at the scenes of some of the attacks. None of the DNA samples recovered at any of the crime scenes matched Carlton Gary's DNA, including semen found on the clothes of the survivor who provided the key testimony. Other DNA evidence was found to be contaminated at the Georgia Bureau of Investigation crime lab. A Georgia appellate court nonetheless ruled that the new evidence was unlikely to have changed the outcome of the trial.

In a clemency application to the Georgia Board of Pardons and Paroles, Gary's lawyers argued that under the prosecution's own theory, the evidence discovered at some of the scenes would clear Gary of guilt in all nine attacks, because all of the attacks were said to have been committed by the same person.

In the hours before his death, Gary's attorneys were still seeking a stay of execution to allow for further DNA testing. A lethal injection was administered shortly after 10:00 p.m. local time Thursday night and Gary was pronounced dead at 10:33 p.m.

Oklahoma

Meanwhile, officials in Oklahoma announced Wednesday that the state would begin executing prisoners using nitrogen gas in response to a shortage of lethal injection drugs.

Oklahoma has not executed any inmates since 2015, following a botched 2014 execution that left Clayton Lockett writhing in pain for 20 minutes before his execution was eventually called off. Lockett later died of a heart attack in the execution chamber. In a separate incident, it was discovered in 2015 that Oklahoma had used the wrong drug in the execution of another man.

Nitrogen gas is generally harmless to breathe for humans and animals. However, the gas can be lethal if applied directly to the respiratory system without any oxygen. The lack of oxygen, or hypoxia, causes the subject to suffocate and eventually die.

Death Penalty Information Center executive director Robert Dunham told media that he was unaware of nitrogen gas ever having been used to execute a person anywhere in the world. However, he said that the American Veterinary Medical Association (AVMA) has deemed the use of nitrogen inappropriate for euthanizing animals. According to the AVMA, it would take seven minutes to kill a 70-pound pig using the gas.

Oklahoma is among a number of states that have begun using experimental procedures to carry out executions in the face of drug shortages, while other states have reverted to allowing barbaric practices that have long fallen out of favor in the United States, including the electric chair in Tennessee and firing squads in Utah.

The executions of Carlton Gary and Michael Eggers bring to six the number of inmates executed in the US this year. A total of 1,471 people have been executed since the Supreme Court reinstated the death penalty in 1976.



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