

Alabama executes 83-year-old Walter Leroy Moody

Oldest inmate put to death in modern era

Kate Randall
21 April 2018

Walter Leroy Moody, 83, was killed via lethal injection on Thursday evening by the state of Alabama. He was the oldest inmate put to death in the United States since the US Supreme Court cleared the way for the return of executions in a 1976 ruling. Moody was convicted in federal and state court in connection with 1989 pipe bombings that killed a district court judge and a civil rights attorney.

The lethal injection, originally scheduled for 6 p.m. local time, was delayed for about two hours after the US Supreme Court issued a temporary stay about 15 minutes before the execution hour. The high court gave no explanation for the delay or why it lifted it later.

Alabama Governor Kay Ivey, a Republican, denied clemency for Moody early Thursday evening.

According to AL.com, the lethal injection began at 8:16 p.m. at the Holman Correctional Facility in Atmore and prison officials placed his time of death at 8:42 p.m. Moody kept his eyes closed and head still and did not make a last statement when asked.

Early Thursday afternoon the Alabama Supreme Court denied a stay of execution in Moody's case. In a brief to the court, lawyers claimed Moody was evaluated by medical personnel in his prison cell the prior night, who seemed "concerned" about Moody's veins and whether they would support the execution drugs.

Moody's attorneys' brief to the state Supreme Court cited the February 22 execution attempt of Alabama death row inmate Doyle Hamm. Hamm, 61, who has spent more than half his life on death row, was subjected to about two-and-a-half hours of torture in the Holman prison death chamber before prison officials called off the execution.

Hamm has terminal cancer and severely compromised veins. Lawyers for Hamm reportedly reached a settlement with Alabama in March that will keep him out of the death chamber. The brief on behalf of Moody argued that Moody was likely to experience the same "severe pain" as Hamm.

Moody was convicted in 1991 of multiple charges related to the pipe-bomb murders of US 11th Circuit Judge Robert Vance and Georgia civil rights attorney Robert E. Robertson. He was convicted in a federal trial in Minnesota and sentenced to seven concurrent life sentences and 400 years.

In 1996, Moody was convicted of capital murder at a trial in Alabama for the bomb explosion that killed Judge Vance and also injured his wife Helen. The jury in that trial recommended death by an 11 to 1 vote, and the judge imposed the death sentence. Moody has maintained his innocence.

The US 11th Circuit Court of Appeals denied an appeal in Moody's case. Among his arguments was that the federal government that convicted him first on non-death-penalty charges should have him in custody instead of the state.

US Justice Department attorneys and the Alabama attorney general have argued that they have had an agreement since the 1990s to allow Moody to serve his sentence in Alabama. On Monday, the Justice Department filed a brief on behalf of Attorney General Jeff Sessions, who was the Alabama attorney general at the time of Moody's conviction and sentencing in the state.

The brief read in part: "The Attorney General, Jefferson B. Sessions, III, informed the undersigned Deputy Assistant Attorney General ... that the United

States waives its right to exclusive custody of petitioner Walter Leroy Moody and consents to his custody in Alabama for purposes of carrying out the capital sentence imposed on Monday in Alabama.”

On Wednesday night, Moody and his lawyers filed a request to the US Supreme Court for a stay of execution. Applications for a stay were filed Thursday morning and again Thursday afternoon.

Moody asked the high court that another appeals court hear his case instead of the 11th Circuit, where Judge Vance served. He cited several 11th Circuit judges’ recusal in 2014. Moody also asked the high court that he be also allowed to serve out his federal life sentences.

On January 25, another Alabama death row inmate, Vernon Madison, was granted a stay of execution just 30 minutes before his scheduled execution, when the US Supreme Court granted a temporary stay of execution. In their petition filed with the Court for a stay, Madison’s attorneys argued that their client, 67 at the time, suffered “irreversible and progressive” vascular dementia that left him with no memory of the crime for which he was sentenced to death.

They said that the courts had found him competent to be executed based on the testimony of a doctor who had since been suspended from the practice of psychology and arrested on felony charges of forging prescriptions for substance abuse.

The Alabama Supreme Court responded in a filing that Moody has requested a stay “not on the basis of innocence, an irregularity in his trial proceedings, or other error ... but because he would like to serve his non-capital, federal (life) sentences before being subjected to justice at the hands of the State.”

The response framed Moody’s impending execution in Alabama as an act of efficiency. “Whether Moody is credited with twenty-one years toward his multiple federal life sentences at the time the State executes its judgment is a meaningless question, under the circumstances,” the filing stated. “If Moody is executed, the federal sentence of life imprisonment will have been executed simultaneously.”

Alabama state Auditor Jim Ziegler criticized the execution of Moody, and his 20-plus years behind bars, not as cruel and unusual punishment, which is banned by the Eighth Amendment to the US Constitution, but because it defeats the deterrent of the death penalty.

“Thirty years is too long to carry out a sentence,” Ziegler told AL.com. “Killers are not worried about what may happen 30 years from now. They think in terms of the next 30 minutes,” Ziegler said. “It is very little deterrent to a would-be killer that he might be executed 30 years later.”

Ziegler bemoaned the fact that Moody’s long period on death row also meant taxpayers had to pay for his room, board and medical treatment. “We have got to correct this problem and start carrying out swifter justice,” he said.

One way that Alabama lawmakers want to expedite the execution process is to allow the use of nitrogen gas to execute inmates. The Alabama House of Representatives approved a measure to allow use of this method on a 75-23 vote. Governor Ivey is reviewing the measure before making a decision on signing it.

The bill would allow executions by asphyxiation with nitrogen gas if lethal injection drugs are not available or if lethal injection is ruled unconstitutional. State Rep. Thomas Jackson, a Democrat, commented, “We had Yellow Mama,” referring to the nickname for the state’s yellow-painted electric chair. “Now we are going to bring back the gas chamber.”

Oklahoma and Mississippi have voted to authorize nitrogen gas as a backup method, according to the Death Penalty Information Center (DPIC). Oklahoma announced in March that it would begin using nitrogen for executions when the state resumes death sentences due to the difficulty in obtaining lethal injection drugs. Oklahoma Attorney General Mike Hunter said that the procedure would likely involve placing a mask over an inmate’s head.

Moody’s execution was the second carried out in Alabama and the eighth nationwide this year. According to DPIC, Alabama has carried out 63 of the 1,473 executions in the US since 1976. As of July 1, 2017, the state had 191 prisoners on death row, including five women.



To contact the WSWWS and the Socialist Equality Party visit:

wsws.org/contact