

Over objections of victim's family, Alabama prisoner executed after US Supreme Court denies stay

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Joe Nathan James Jr. was executed at the William C. Holman Correctional Facility in Atmore, Alabama, Thursday night for the murder of his ex-girlfriend in 1994. The victim's family had fought to keep the state killing from taking place and for the state to commute James' sentence to life without the possibility of parole.

Late Wednesday, an attorney representing James in a Jefferson County, Alabama, case—the only recent case in which he did not represent himself—filed a petition for a stay of execution to the US Supreme Court. Late Thursday afternoon, both the US Supreme Court and Alabama Supreme Court denied James' petitions for a stay of execution.

Alabama Governor Kay Ivey also denied commutation of James' sentence late Wednesday.

AL.com reported that James was set to be put to death at 6 p.m., but that media witnesses were not transported to the Holman facility until 6:33 p.m. The media witnesses were left waiting over two hours in the prison van until being let into the viewing chamber. The death warrant was read at 9:03 p.m.

According to AL.com, “The IV attached to James' arm shook slightly with movement at 9:05 p.m, and one minute later James appeared to have labored breathing. The labored breathing lasted until about 9:10 p.m., when a correctional officer performed a consciousness check consisting of shouting James' name, flicking his eyelid and pinching his arm. While James' head moved to the side after the arm pinch, he did not respond to the motions.”

James appeared to stop breathing at 9:12 p.m. The death chamber's curtains were closed at 9:18 p.m. and the official time of death was 9:27 p.m.

AL.com also reported that while media witnesses were waiting in the van, inmates stared out the windows from

their cells. An inmate hung paper signs in his window, including one that read, “This is a murder,” and another that read, “Victim family says no.”

After the execution, Governor Ivey stated, “Tonight a fair and lawful sentence was carried out, and an unmistakable message was sent that Alabama stands with victims of domestic violence.”

James, 50, was twice convicted and sentenced to death for the murder of Faith Hall, 26, inside her friend's Birmingham apartment on August 15, 1994. He was on death row for more than a quarter century. Court records say James shot and killed Hall, his former girlfriend, after stalking and harassing her after their breakup.

Hall's two daughters were 3 and 6 years old when their mother was killed. They have stated that they would rather James serve a sentence of life in prison. Alabama Rep. Juandalynn Givan released a statement on behalf of Faith Hall's family, including her daughters Toni Hall Melton and Terryln Hall and her brother Helvetius Hall, which read in part:

“We hoped the state wouldn't take a life simply because a life was taken and we have forgiven Mr. Joe Nathan James Jr. for his atrocities toward our family. ... We pray that God allows us to find healing after today and that one day our criminal justice system will listen to the cries of families like ours even if it goes against what the state wishes. Our voices matter and so does the life of Mr. Joe Nathan James Jr.”

James submitted a handwritten filing on July 19 to the federal court in Mobile, Alabama. He said that on June 8 he was placed on execution watch in a holding area for inmates in a separate cell from his death row unit. At that point, he had no attorney representing him.

In the filing, James said that his life was in “imminent danger” and that the state had begun the execution

process while his appeals were still pending. He also said that he had chosen to die by nitrogen hypoxia and that he wanted the prison to honor his choice.

On July 25, US Southern District Judge Terry F. Moorer issued an order dismissing James' motion for a stay, writing that James "has not carried his burden of persuasion." The judge wrote that James "seems to be claiming that because he continues to file lawsuits in both state and federal court that the State is not permitted by law to execute him until all legal avenues have been exhausted and certificates of judgment have issued in each."

Judge Moorer added in his order that this reasoning "is simply not logical because then any death-row inmate could prevent his execution by merely filing lawsuit after lawsuit—creating a never ending loop of litigation in order to simply stall the execution date indefinitely."

Insinuating that lawsuits aimed at stopping the ultimate penalty of death are frivolous, the judge wrote, "In short the mere filing of a lawsuit does not create an automatic 'pause' on the ability of the state to execute an inmate subject to a sentence of death."

Alabama does not yet have an approved process for death by nitrogen hypoxia. The state told a federal judge in August 2021 that it had finished construction of a "system" to use nitrogen gas to carry out a death sentence. The method has been authorized by state law but has yet to be used in an execution.

Nitrogen hypoxia results from breathing in a physiologically inert gas—one that has no toxic or anesthetic properties—but acts as a dilutant to reduce oxygen concentration in the body, thereby eventually depriving all cells in the body of oxygen causing death. It is commonly used as a method of slaughtering animals. To date, it has not been used as a method of execution. It is touted by some state execution officials as a new, more "humane" version of the gas chamber, a predecessor of lethal injection along with the electric chair.

In 2018, Governor Ivey signed a bill giving death row inmates the option to choose nitrogen hypoxia for their execution, but they had to do so in a 30-day period in June 2018. Because James did not indicate his choice until July of this year, he was ineligible. More than 50 of the 177 inmates at the time on death row chose this method. Execution dates have yet to be set for those inmates.

In another handwritten petition in the South District Court, James stated, "My conviction and sentence under the criminal codes/statutes of the state of Alabama are void and repugnant to the 14th Amendment to the US

Constitution." He asked that his conviction and "illegal sentence" be vacated and sought his "immediate release," while also asking the court to appoint him representation.

James wrote that his conviction and sentence violated the equal protection amendment to the US Constitution and described the state laws as "void." He argued in the petition that "an execution would result in a second punishment for the same offense."

He wrote that he had been "incarcerated ... for over twenty years on the capital offense. Imprisonment in prison is a legal punishment in the state of Alabama, therefore death after imprisonment would constitute a second punishment for the same offense." District Judge Jeffrey Beaverstock dismissed that argument on June 27.

In March, the Alabama Attorney General's Office asked the state Supreme Court to set an execution date for James and the court approved that motion and on June 13 set the execution date for July 28.

Alabama is scheduled to execute another prisoner, Alan Eugene Miller, on September 22. Since the US Supreme Court reinstated the death penalty in 1976 after a brief hiatus, Alabama has executed 70 death row inmates.

On August 25, the state of Oklahoma plans to send James Coddington to his death as part of a spree of 25 executions over approximately two years. In June, federal judge Stephen P. Friot denied a challenge by prisoners to the state's lethal injection protocol, ruling that the state's lethal combination of execution drugs does not violate the Eighth Amendment's guarantee against cruel and unusual punishment.

Attorneys for the condemned prisoners in Oklahoma are considering an appeal of the judge's ruling. Attorney Jennifer Moreno told CNN that the state's execution protocol "creates an unacceptable risk that prisoners will experience severe pain and suffering."

The autopsies of four of the men executed in Oklahoma according to the state's three-drug lethal injection protocol showed that all four suffered pulmonary edema, an abnormal buildup of fluid in their lungs, meaning that they were effectively killed by drowning.



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