

# Indiana executes Benjamin Ritchie, inmate with “severe brain damage,” and denies media access

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Benjamin Donnie Ritchie was executed in the early morning hours Tuesday by the state of Indiana. The state barred representatives of the media from witnessing the gruesome proceedings. His attorneys had argued that he should not be executed due to his “severe brain damage.”

Ritchie, 45, was the second person put to death in Indiana since 2009, following a 15-year hiatus due to the state’s inability to obtain the drugs to carry out lethal injections. He had been on death row for more than two decades following his conviction in the fatal shooting of Bill Toney, a Beech Grove police officer, during a foot chase.

Ritchie was put to death at the Indiana State Prison in Michigan City. Indiana Department of Correction officials said in a statement that the lethal injection process began shortly after midnight. Ritchie was injected with a single drug, pentobarbital, from an unknown source. He was pronounced dead at 12:46 a.m. Indiana law requires the condemned to be executed before sunrise on the day of their scheduled executions.

The execution proceeded after Governor Mike Braun, a Republican, denied Ritchie’s clemency request following the unanimous recommendation of the Indiana Parole Board and the US Supreme Court who denied without comment the condemned man’s request for a stay of execution.

“I’ve ruined my life and other people’s lives, and I’m so sorry for that night,” Ritchie told the parole board hearing May 12. “You can’t take back what you did.”

Ritchie’s defense team issued a statement shortly after his execution, declaring:

Benjamin Ritchie spent his final days reconnecting with those who love him and discovering the positive impact he had on many people’s lives. Tonight was the result of prioritizing finality over fairness. We continue to believe, as did half of the Indiana Supreme Court, that Ben’s execution was inappropriate. Indiana executed a man with profound brain damage and developmental disabilities.

Ritchie’s attorneys had fought his death sentence, arguing that information about his intellectual disability had not been considered at his trial. He was diagnosed with Partial Fetal Alcohol Syndrome (pFAS), a form of Fetal Alcohol Spectrum Disorder resulting from his mother’s daily alcohol and drug use during pregnancy. Such prenatal exposure can cause “severe brain damage,” which medical professionals say can limit cognitive functioning to a level similar to someone with an intellectual disability.

“Individuals like Mr. Ritchie are working with brain damage and not just poor decision-making,” forensic psychologist Dr. Megan Carter told the state parole board. She said his pFAS resulted in him being more like a child, both psychologically and socially, when he committed the crime at age 20.

“True justice considers not just what someone did but who they are and what they are capable of understanding,” said Tom Crishon of the Arc of Indiana, who also spoke at the parole board hearing. “Justice demands accountability, but justice also demands mercy.”

Ritchie’s attorneys also said his mother abandoned

him twice before he was three years old and that his mother's husband also abandoned Ritchie after learning he was not his biological son. The attorneys said this abuse and neglect contributed to his bipolar disorder, which was diagnosed in 2005, as well as cognitive impairments and behavioral problems. Prior to killing Toney in 2000, Ritchie was convicted in 1998 of burglary and served a two-year prison sentence.

### Media access to witness executions

The Associated Press and four other media companies argued in a federal lawsuit that Indiana's ban on reporters attending state executions violates the public's constitutional right to independent information about such proceedings and is an attack on freedom of the press, protected by the First Amendment.

The lawsuit maintains that Indiana's law barring media access to executions prevents the public from obtaining an unbiased view of the implementation of the death penalty. Only one other state that practices the death penalty, Wyoming, bars media access to executions.

"It's about having a representative standing in the shoes of the public to provide an account of what happened that comes from a neutral party," said Kristopher Cundiff of the Reporters Committee for Freedom of the Press, which represents the plaintiffs.

A federal judge denied a preliminary injunction that would have allowed journalists to witness Ritchie's execution and others in the future. The judge found that barring the news media doesn't violate the First Amendment or single out the news media for unequal treatment.

Under state law, Ritchie was allowed five witnesses at his execution. He chose Steven Schutte, his lawyer as one of these witnesses. Schutte told reporters he had a limited view of the proceedings, saying, "I couldn't see his face. He was lying flat by that time. He sat up, twitched, laid back down."

### Joseph Corcoran's execution

The first prisoner put to death in Indiana after the state's 15-year hiatus was Joseph Corcoran, who was executed on December 18, 2024. Like Ritchie, Corcoran suffered from serious mental illness, which dated from early childhood and included self-isolation, self-harm and extreme paranoia.

Corcoran rejected a plea deal, saying he would only agree to it if the state "would sever his vocal cords first

because his involuntary speech allowed others to know his innermost thoughts;" on death row, he believed that prison guards were torturing him with an ultrasound machine.

According to Indiana law, Corcoran was denied a media witness at his execution. However, he did choose to have a reporter for the *Indiana Capital Chronicle* as one of his five personal witnesses.

Corcoran's attorney, Larry Komp, who also attended the execution, reported that his client's execution took eight minutes, but that he only had a partial view of the procedure and could not hear anything, including Corcoran's last words. He said there was no way to tell if the condemned inmate felt pain.

Like Ritchie, Corcoran was killed by injection of a single drug, pentobarbital. Expert reviews have found that prisoners executed with pentobarbital can develop acute pulmonary edema when fluid rapidly fills the lungs while the person is still conscious.

A National Public Radio review in 2020 of more than 200 autopsy reports from executions in nine states between 1990 and 2019 found evidence of pulmonary edema in 84 percent of cases. Magistrate Judge Michael Merz, wrote in a 2019 decision in Ohio death row inmate Warren Henness' case:

All medical witnesses to describe pulmonary edema agreed it was painful, both physically and emotionally, inducing a sense of drowning and the attendant panic and terror, much as would occur with the torture tactic known as waterboarding.

In line with US Supreme Court rulings, the District Court denied a stay of execution in Henness' case because the condemned man did not provide an alternative method of execution.



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