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Other issues block N.C. executions

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It's unclear what effect the U.S. Supreme Court's decision to uphold Kentucky's lethal injection method will have in North Carolina.

North Carolina has unique legal issues that Wednesday's decision didn't resolve, said Thomas Maher, executive director of the Center for Death Penalty Litigation in Durham. Executions have been on hold here since 2007 because of legal challenges:

* Five inmates sued to have their executions postponed. They say the Council of State, a group of the state's top elected officials, approved an execution protocol without hearing their attorneys.

Before settling the question of whether the protocol was established legally, it will be difficult to say whether it meets the Supreme Court's standard, Maher said.

* The N.C. Medical Board deepened the quandary. Prison officials sued the medical board in March 2007 after doctors refused to participate in executions for fear of board discipline.

The lawsuit created a clash between the board's ethics policy, which prohibits doctors from participating in executions, and a state law that requires the Department of Correction to have a doctor take part.

Superior Court Judge Donald Stephens said that the law trumps the medical board's opposition. The board has appealed.

North Carolina has 166 inmates on death row, according to the N.C. Department of Correction. Keith Acree, a spokesman for the department, could not say whether executions would resume soon. Officials are waiting for guidance from the Attorney General's Office, he said.

The Attorney General's Office is reviewing Wednesday's decision, said spokeswoman Noelle Talley.

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