

Tennessee Supreme Court Delays Execution



NASHVILLE, Tenn. - The Tennessee Supreme Court has issued an order staying the execution of Stephen Michael West to allow the trial court to test the constitutionality of the state's new lethal injection procedure.

The Supreme Court issued the stay on Monday. West had been moved to death watch and was scheduled to die by lethal injection at 10 p.m. on Tuesday.

"This delay is because the government did not have its act together when it was creating the protocol for lethal injection," according to Tennessee death penalty expert David Raybin.

Raybin contends the state could have avoided this latest stay of execution if it had changed its lethal injection protocol months ago.

"I think the Supreme Court of Tennessee had no choice but to stay the execution because the state could have done this before and did not," Raybin added.

A two-day evidentiary hearing in Davidson County Chancery Court found the state's lethal injection procedure to be unconstitutional because it did not ensure the prisoner was unconscious before the final two drugs are administered. The hearing was brought after West and another death row inmate, Billy Ray Irick, filed motions to stay their executions.

The state filed a response two days later that a stay of execution should not be granted as it had changed its execution procedure to include a test to confirm that the inmate is unconscious before the administration of the final two drugs. After considering the motions filed by both parties, the Supreme Court denied West and Irick's motions to postpone their scheduled executions.

On Friday, West filed a motion to reconsider arguing that he was not afforded the opportunity to respond to the State's new execution procedure. The Supreme Court has granted West's motion to reconsider to allow the constitutionality of the new procedure to be fully tested in trial court.

The Supreme Court has directed the trial court to allow the parties to submit argument or evidence on the revised protocol, and the trial Court must render its final judgment within 90 days.

"So that's why I say this one gets chalked up in the state's corner and not the defendant. And certainly not the court," Raybin said.



The executions of West, Irick, Edmund Zagorski and Edward Jerome Harbison are stayed pending any appeal of the trial court's judgment and until the State files motions to reset the execution dates of each prisoner.

West was convicted in the 1986 stabbing deaths of Wanda Romines and her 15-year-old daughter, Sheila Romines, in Union County.

In 2001, he was hours away from death when a judge granted him a stay so he could pursue federal appeals, which he has since completed. Tennessee Gov. Phil Bredesen declined to intervene when West's attorneys asked for clemency.

(The Associated Press Contributed To This Report.)