

## **Tennessee executes another inmate by electric chair after supreme court battle**

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A convicted killer who spent more than 36 years on death row in Tennessee was executed by electric chair on Thursday, the second time in five weeks that the state used electrocution to carry out a death sentence. Both 61-year old Miller and Edmund Zagorski before him chose the electric chair over lethal injection, a process proponents said would be painless and humane.

The execution came nearly two decades after the state adopted lethal injection as its preferred method. But the inmates argued in court that Tennessee's current midazolam-based process causes a prolonged and torturous death. They pointed to the August execution of Billy Ray Irick, which took about 20 minutes and during which he coughed and huffed before turning a dark purple. Their case was thrown out, largely because a judge said they failed to prove a more humane alternative was available.

Earlier Thursday evening, the US supreme court rejected Miller's final appeals. Republican governor Bill Haslam declined Thursday to intervene.

Moments before the execution, Miller was asked if he wanted to say anything, and his attorney clarified that he was saying: "Beats being on death row."

Wearing a cream-colored jumpsuit, Miller was dripping with water from the sponges that were applied to his head. Before the shroud was placed over Miller's head, he faced the media witnesses and looked down. Two jolts of electricity were administered, causing his muscles to clench. Blinds were lowered and he was pronounced dead minutes later.

In recent decades, states have moved away from the electric chair, and no state now uses electrocution as its main execution method, said Robert Dunham, the executive director of the Death Penalty Information Center, which doesn't take a stand on the death penalty but is critical of its application.

Georgia and Nebraska courts both have ruled the electric chair unconstitutional, and about two decades ago it looked as though the supreme court would weigh in on the issue. It agreed to hear a case out of Florida after a series of botched executions there. But Florida adopted lethal injection, and the case was dropped.

Dunham said he wasn't aware of any state other than Tennessee where inmates were choosing electrocution over lethal injection.

In Tennessee, inmates whose crimes were committed before 1999 can chose electrocution over lethal injection.

The courts said Miller couldn't challenge the constitutionality of the electric chair because he chose it, even though his attorneys argued the choice was coerced by the threat of something even worse.

The day after Zagorski's execution, Miller and three other Tennessee death row inmates filed another lawsuit in a US district court in Nashville arguing that the state's lethal injection and electrocution protocols violated the constitution's ban on cruel and unusual punishment. The lawsuit said a firing squad was a less painful alternative.

But the sixth US circuit court of appeals ruled against the inmates on 28 November and said a firing squad was an outmoded method of execution.

Miller was convicted of killing 23-year-old Lee Standifer in 1981 in Knoxville. Standifer was an intellectually disabled woman who had been on a date with Miller the night she was repeatedly beaten, stabbed and dragged into some woods.

Miller spent 36 years on Tennessee's death row, the longest of any inmate.