

Lower court wrong to give Tenn. inmate second chance

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WASHINGTON — The Supreme Court ruled Monday that a lower court improperly gave a Tennessee death row inmate a second chance, infringing on the state's right to execute the man. But four justices said the judicial system failed the inmate.

Justices found that the 6th U.S. Circuit Court of Appeals in Cincinnati abused its discretion when it reopened Gregory Thompson's case. Thompson had already lost an appeal there, and at the Supreme Court.

Justice Anthony M. Kennedy, writing the majority opinion, said the appeals court's action was extraordinary, and that it infringed on the state's right to execute Thompson.

Thompson was convicted of stabbing Brenda Blanton Lane, a 28-year-old former newspaper reporter, whom he abducted in 1985 from a parking lot in Shelbyville, Tenn., drove to a remote area and killed. Thompson confessed.

"Tennessee expended considerable time and resources in seeking to enforce a capital sentence rendered 20 years ago, a sentence that reflects the judgment of the citizens of Tennessee that Thompson's crimes merit the ultimate punishment," Kennedy wrote.

Thompson was to be executed last year, but that was called off after the appeals court vacated a ruling against him.

The change of heart stemmed from the research of appellate Judge Richard F. Suhrheinrich, who found the opinion of an expert witness who believed Thompson suffered from schizophrenia. The expert's opinion had not been entered into the record.

Justice Stephen Breyer praised the judge and said that the expert's opinion was important. "To consider the case without reference to it could mean a miscarriage of justice," he wrote in a dissent, joined by Justices John Paul Stevens, David H. Souter and Ruth Bader Ginsburg.