

## ***History of Capital Punishment in Indiana***

Capital punishment has been a part of Indiana's criminal justice system since early in the state's history. Between 1897 and 2009, a total of 92 men have been executed in the State of Indiana for capital offenses. Two offenders with death sentences in Indiana have been executed in another state; Michael Lee Lockhart was executed on December 9, 1997 in Texas and Alton Colman on April 26, 2002 in Ohio. On December 13, 1938, James Dalhover, a federal prisoner was executed at the Indiana State Prison.

### **Indiana State Prison/Death Chamber**

In 1822, the first state prison was built in Jeffersonville, IN. In 1858, the state was looking for a second location to build another prison. Chancy Blair, a Michigan City business man who owned 102 acres of land on the western edge of the city limits, offered to sell his property to the state for the sum of \$4,500. After purchasing the land and gaining financial support from the state legislature, construction began on the prison with 100 offenders being transferred from Jeffersonville. Both prisons in Michigan City and Jeffersonville were named the Indiana State Prison, one designated Prison North and the other Prison South. In 1922, Prison South was destroyed by a fire and the designation was no longer necessary.

The Death Chamber and Death Row are located at the Indiana State Prison (ISP) in Michigan City, IN. All executions since 1897 have taken place at ISP.

### **Execution by Hanging**

Indiana's capital punishment statute originally became law in 1897. Between 1897 and 1913, hanging was the form of capital punishment and 13 individuals were executed by hanging. The last person to be executed by hanging was in 1907.

### **Execution by Electrocution**

Electrocution as the prescribed method of execution was passed into law in 1913. The first electrocution of a condemned prisoner occurred Feb. 20, 1914, 11 months after the legislation was adopted.

- Between 1914 and 1995, electrocution was used and 62 executed by electrocution.
- On December 8, 1994, Gregory Resnover was put to death in the electric chair. This was the first electrocution since 1985. He was the last offender to be executed in the electric chair at the state prison.
- The last person executed before the moratorium on the death penalty in 1972 was Richard Kiefer, Allen County. He was executed on June 15, 1961.

### **Death Penalty Suspended**

In 1972 the United States Supreme Court held that the death penalty as administered violated the United States Constitution Eighth Amendment prohibition against cruel and unusual punishment. A majority of the court found that the sentencing authority was not adequately guided in its discretion

when imposing the death penalty, resulting in the death penalty being meted out in "arbitrary and capricious" ways. The Supreme Court's decision in *Furman v. Georgia* did not rule the death penalty itself to be unconstitutional, only the specific laws by which it was applied. Thus, the states quickly began to write new death penalty laws designed to comply with the court's ruling.

- In 1972, the U.S. Supreme Court in *Furman v. Georgia* held all state death penalty sentencing statutes were unconstitutional. As a result, seven men on Indiana's death row at the time had all of their sentences reduced to life in prison.
- In 1973, the Indiana General Assembly enacted a new death penalty sentencing statute to replace the statute struck down by the U.S. Supreme Court in *Furman*.
- In 1977, the Indiana Supreme Court struck down Indiana's 1973 death penalty sentencing statute based on the U.S. Supreme Court decision in *Woodson v. North Carolina*. The death sentences of the eight men on Indiana's death row were set aside.
- On October 1, 1977, a new Indiana death penalty sentencing statute, modeled on statutes upheld by U.S. Supreme Court, took effect. It remains in effect today.

### **Execution by Lethal Injection**

In 1995, the Indiana Legislature passed, and the governor signed, a law making lethal injection the method of execution in Indiana.

- Since 1995, 19 individuals have been executed by lethal injection.
- The first execution by lethal injection in Indiana occurred on July 18, 1996, when Tommie J. Smith, convicted in 1981 of murder in Marion County, was executed.
- On December 11, 2009, Offender Matthew Eric Wrinkles was the last offender to be executed.

Current execution procedure is found in [Indiana Code 35-38-6](#) and requires that the lethal injection execution take place inside the walls of the Indiana State Prison at Michigan City before sunrise.

#### **IC 35-38-6-1 Execution Procedure**

(a) The punishment of death shall be inflicted by intravenous injection of a lethal substance or substances into the convicted person:

- (1) in a quantity sufficient to cause the death of the convicted person; and
- (2) until the convicted person is dead.

(b) The death penalty shall be inflicted before the hour of sunrise on a date fixed by the sentencing court. However, the execution must not occur until at least one hundred (100) days after the conviction.

(c) The superintendent of the state prison, or persons designated by the superintendent, shall designate the person who is to serve as the executioner.

(d) The department of correction may adopt rules under IC 4-22-2 necessary to implement subsection(a). [As added by P.L.311-1983, SEC.3. Amended by P.L.294-1995, SEC.1; P.L.20-2002, SEC.1.]