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MEDIA CONTACT

Miriam Krinsky

krinskym@krinsky.la

818-416-5218

FJP Statement on Tonight’s Scheduled Execution of Kenneth Smith

[Fair and Just Prosecution](#) Executive Director Miriam Krinsky issued the following statement ahead of Alabama’s planned execution of Kenneth Smith tonight:

“Our thoughts are with the loved ones of Elizabeth Sennett and Kenneth Smith as, barring last minute court intervention, tonight the state of Alabama will execute Mr. Smith with nitrogen hypoxia. This unproven method of execution has never before been used in the United States, and the [United Nations](#) and other experts have said it may cause pain and suffering, likely violating the ‘prohibition on torture and other cruel, inhuman or degrading punishment.’ This is the second time the state has tried to execute Mr. Smith; this evening, officials will bring him into the same chamber they used 14 months ago when they tried but failed to kill him through lethal injection.

The U.S. is the only Western nation to still use the death penalty. We regularly use this ultimate punishment against people of color and society’s most vulnerable – people with mental illness, intellectual disabilities, traumatic brain injuries and those who have experienced serious sexual and physical abuse as children. As more than 55 elected prosecutors [came together to stress](#) in 2022, this pattern of executing the ‘unluckiest of the unlucky’ compels us to end use of the death penalty immediately.

Instead, we are all complicit as Alabama moves forward with a state-sponsored killing that evokes troubling memories of the [Holocaust](#). As a civilized nation, our desire for retribution should never outweigh our humanity. Today we fail that basic test. We unequivocally condemn this execution and once again urge policymakers across the country to abolish the barbaric use of capital punishment.”

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Fair and Just Prosecution is a national network of elected prosecutors working towards common-sense, compassionate criminal justice reforms. To learn more about FJP’s work, visit our [website](#) and follow us on [Facebook](#), [Twitter](#), and [LinkedIn](#).