

NEWS

Alabama Death-Row Prisoner Doyle Hamm, Who Survived Botched Execution Attempt, Dies of Cancer

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Posted on Nov 29, 2021

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Alabama death-row prisoner **Doyle Lee Hamm** (pictured), whose botched execution attempt was called off in 2018 after 2½ hours of unsuccessful attempts to set an intravenous execution line, has died on death row. He was 64 years old.

Hamm had been suffering from terminal cranial and lymphatic cancer since 2014, which contributed to his death on November 27, 2021, his lawyer, Columbia University Law School Professor Bernard Harcourt, said. Harcourt told Birmingham investigative reporter Beth Shelburne that he would miss Hamm's "generous, giving spirit" and the "positive attitude" he continued to maintain after surviving the botched execution.

Alabama had been warned in advance that, because of Hamm's cancer, hepatitis C, and prior history of drug use, it would likely be impossible to set an intravenous line for his execution. Anesthesiologist Dr. Mark Heath examined Hamm in September 2017 and concluded that "the state is not equipped to achieve venous access in Mr. Hamm's case." Harcourt wrote in a *New York Times* commentary that Hamm "will suffer an agonizing, bloody, and painful death" if prison officials proceed with the execution as planned.

"Our justice is so engrossed with how we kill that it does not even stop to question the humanity of executing a frail, terminally ill prisoner," he wrote.

In a petition to the U.S. Supreme Court, Harcourt argued that executing Hamm by lethal injection would violate the Eighth Amendment ban on cruel and unusual punishment. The Court briefly stayed his execution, before allowing it to proceed over the dissent of Justices Stephen Breyer, Ruth Bader Ginsburg, and Sonia Sotomayor.

Immediately after the execution was called off, corrections commissioner Jeff Dunn said, “I wouldn’t characterize what we had tonight as a problem.” Dunn was unable to describe what the state had been doing during the time that Hamm was being prepared for the lethal injection and dismissed questions about failed attempts to set the IV lines saying he was not qualified to answer medical questions, and insisting that the execution had been called off because prison personnel did not have “sufficient time” to find a suitable vein in which to place the intravenous execution line before the death warrant expired. A later medical examination of Hamm found that the state likely punctured his bladder and artery during the attempt to set an IV line.

The state’s attempt to execute Hamm sparked a court battle over Alabama’s execution secrecy policy. Three media outlets – the Associated Press, The Montgomery Advertiser, and the Alabama Media Group – sued the state for access to its execution protocol and to judicial records related to Hamm’s aborted execution. On May 30, 2018, Judge Karon Owen Bowdre, Chief Judge of the United States District Court for the Northern District of Alabama, ordered Alabama to release its lethal-injection protocol and unseal the requested records. “The public,” she wrote, “needs to know how the State administers its laws; without such knowledge, the public cannot form an educated opinion on this very important topic.” The state reached a confidential settlement with Hamm in March 2018, agreeing not to execute him.

Hamm was the third person to survive a botched lethal-injection execution attempt. In 2009, Ohio attempted to execute **Romell Broom**, puncturing him at least 18 times in the process. In 2016, the Ohio Supreme Court granted the state permission to try again, and Ohio scheduled a new execution date for March 16, 2022. However, Broom died of COVID-19 in December 2020.

Ohio also halted an execution midstream in November 2017, after prison staff were unable to set an intravenous execution line to put terminally ill Alva Campbell to death. Campbell was afflicted with lung cancer, chronic obstructive pulmonary disease, respiratory failure, and prostate cancer, relied on a colostomy bag, needed oxygen treatments four times a day, and required a walker for even limited mobility. His lawyers had warned that the execution could become a “spectacle” if prison staff were unable to find a suitable vein.

The start of Campbell’s execution was delayed for nearly an hour as executioners assessed his veins. Witnesses then watched for another half hour as prison personnel used an ultraviolet light to probe Campbell’s arm for a vein, repeatedly sticking his arms and legs. *Columbus Dispatch* reporter Marty Schladen, a media witness to the execution attempt, reported that when he was stuck in the leg, “Campbell threw his head back and appeared to cry out in pain.” After failing four times to find a suitable vein in which to set the execution line, Ohio called off the execution and Governor John Kasich granted Campbell a temporary reprieve. Kasich rescheduled Campbell’s execution for June 2019, but his illnesses killed him first, on March 3, 2018.

The most infamous failed execution in U.S. history was Louisiana's botched attempt to put **Willie Francis** to death in 1946. Francis, a 15-year-old Black boy, was charged with murdering a white pharmacist in St. Martinville, Louisiana, in 1944. He was tried before an all-white jury who, after his court-appointed counsel put up no defense, quickly convicted him and sentenced him to death. On May 3, 1946, Louisiana attempted to execute Francis in the electric chair, but an intoxicated prison guard had improperly set up the chair. Francis was badly shocked but survived the execution attempt. In 1947, the U.S. Supreme Court ruled that a second attempt to execute him would not violate the constitutional prohibition against twice being put in jeopardy of life and on May 9, 1947, at age 17, he was executed in the electric chair.

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SOURCES

Ramsey Archibald, [Alabama death row inmate who survived botched execution dies of natural causes](#), AL.com, November 28, 2021; John H. Glenn, [Doyle Lee Hamm, who survived "botched" execution, dies in prison](#), Alabama Political Reporter, November 28, 2021; Bob D'Angelo, [Alabama inmate who survived 'botched execution' in 2018 dies of natural causes](#), Cox Media Group, November 28, 2021; Brian Lyman, [Doyle Hamm, Alabama death row inmate who survived botched execution attempt, dies at 64](#), Montgomery Advertiser, November 29, 2021; Sam Roberts, [Doyle Hamm, Who Survived a Bungled Execution, Dies in Prison at 64](#), New York Times, November 29, 2021.

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