



COMMONWEALTH OF KENTUCKY  
OFFICE OF THE ATTORNEY GENERAL

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November 23, 2009

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The Honorable Steven L. Beshear  
Governor of Kentucky  
State Capitol, Room 100  
Frankfort, KY 40601

**Re:** Execution Date for Ralph S. Baze, Jr.

Dear Governor Beshear:

This is to request that an execution date be set for two-time murderer Ralph S. Baze, Jr. On January 30, 1992, Powell County Sheriff Steve Bennett and Deputy Arthur Briscoe were attempting to arrest Baze on five (5) felony charges when he murdered them with an assault rifle. Baze shot Sheriff Steve Bennett three (3) times in the back. Baze shot Deputy Arthur Briscoe twice in the back before executing him with a third shot to the back of the head while Briscoe was face down on the ground. On February 4, 1994, Baze was sentenced to death for the murders of these law enforcement officers.

The Kentucky Supreme Court affirmed Baze's death sentences on direct appeal in Baze v. Commonwealth, 965 S.W.2d 817 (Ky. 1997) and on post-conviction review in Baze v. Commonwealth, 23 S.W.3d 619 (Ky. 2000). The Sixth Circuit U.S. Court of Appeals affirmed Baze's death sentences on federal habeas corpus review in Baze v. Parker, 371 F.3d 310 (6<sup>th</sup> Cir. 2004). The U.S. Supreme Court has denied certiorari review on five (5) separate occasions. The U.S. Supreme Court recently rejected the merits of Baze's challenge to lethal injection in Baze v. Rees, \_\_\_ U.S. \_\_\_, 128 S.Ct. 1520 (2008). On November 26, 2008, the Kentucky Supreme Court again rejected a successive post-conviction challenge to Baze's convictions and death sentences stating, "[c]ounsel is admonished, most forcefully and for a second time that this is an improper use of our post-conviction relief rules." Baze v. Commonwealth, 276 S.W.3d 761, 768 (Ky. 2008).

Baze has exhausted all of his "matter of right" appeals in the state and federal courts. Condemned murderers who have exhausted their appeals of right typically persist in the filing of collateral, successive, and/or time barred legal actions until execution. In Kentucky's three (3) most recent executions, the courts decided collateral, successive and time barred filings within days, sometimes hours. Presently, Baze has two (2) civil collateral matters on appeal to the Kentucky Supreme Court (2007-SC-21 and 2009-SC-188) and one (1) civil collateral matter



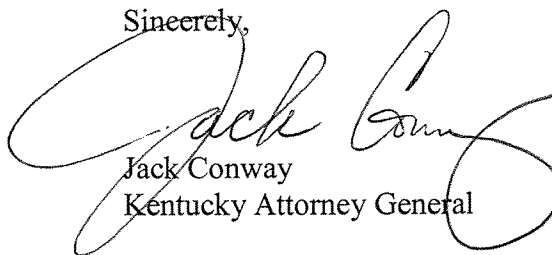
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pending before the U.S. District Court for the Eastern District of Kentucky (No. 3:07-32). None of these matters raise any issue with regard to Baze's guilt nor create any legal impediment to execution. No stay of execution of Baze's death sentences is in effect.

In case No. 2007-SC-21, Baze claims that the Department of Corrections improperly failed to promulgate administrative regulations for its lethal injection protocol. However, that same protocol was found to be constitutionally valid by the United States Supreme Court in Baze v. Rees, \_\_\_ U.S. \_\_\_; 128 S.Ct. 1520 (2008). In his most recent collateral attack, case No. 2009-SC-188, Baze requests that the Court order the Department of Corrections to provide access to corrections officers and prisoners who may possess information or insight into Baze's mental state. The alleged purpose of Baze's request for access to prison staff and death row inmates is to gather information in support of a future clemency petition. In federal court (Case No. 03:07-32) Baze, along with other death row inmates, have challenged lethal injection as violating the Food and Drug Act. A motion to dismiss has been pending in that action since June 20, 2008. Again, none of these actions create any legal impediment to execution.

As the entire three-stage appellate process has been exhausted in this case, and there is no remaining legal impediment to the finality of this death sentence, I am performing my solemn duty to enforce the laws of the Commonwealth and am requesting the issuance of this death warrant. It has been more than 17 years since Baze brutally executed two (2) law enforcement officers. I ask that you set an execution date for Ralph Baze pursuant to KRS 431.218.

Sincerely,



Jack Conway  
Kentucky Attorney General

c: Edward C. Monahan  
Public Advocate

**EXECUTIVE ORDER**

Secretary of State  
Frankfort, Kentucky

\_\_\_\_\_, 20\_\_

**COMMONWEALTH OF KENTUCKY**

*versus*

**RALPH S. BAZE, JR.**

**TO THE WARDEN OF THE KENTUCKY STATE PENITENTIARY:**

**WHEREAS**, Ralph S. Baze, Jr. was tried and convicted in the Rowan Circuit Court for the crime of capital murder and his punishment was fixed at death, judgment being regularly and properly entered by the Rowan Circuit Court; and

**WHEREAS**, said Ralph S. Baze, Jr. was granted an appeal to the Supreme Court of Kentucky, the highest court in the Commonwealth of Kentucky, which sustained and affirmed the judgment of the Rowan Circuit Court; and

**WHEREAS**, the Supreme Court of the United States has denied certiorari; and

**WHEREAS**, said Ralph S. Baze, Jr. has not obtained any further stay of execution from the Supreme Court of Kentucky or any other court having jurisdiction:

**NOW THEREFORE**, I, Steven L. Beshear, Governor of the Commonwealth of Kentucky, pursuant to the provisions of KRS 431.218, 431.220, 431.240(4), and 431.224 do hereby

command you on \_\_\_\_\_, \_\_\_ 20\_\_\_, within the confines of the penal institution designated by the Department of Corrections, to put said Ralph S. Baze, Jr. to death pursuant to KRS 431.220.

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and caused the Great Seal of the Commonwealth to be affixed hereto.

Done at Frankfort, Kentucky, this \_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

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STEVEN L. BESHEAR  
GOVERNOR OF KENTUCKY

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TREY GRAYSON  
SECRETARY OF STATE