

Supreme Court of Kentucky

2005-SC-000070-MR

MARCO ALLEN CHAPMAN

APPELLANT

V. ON APPEAL FROM BOONE CIRCUIT COURT
HONORABLE ANTHONY FROHLICH, JUDGE
NO. 03-CR-00291

COMMONWEALTH OF KENTUCKY

APPELLEE

ORDER

On August 21, 2008, this Court denied rehearing of its Opinion of August 23, 2007, modified December 27, 2007, which found Marco Chapman competent to enter a plea and permitted Marco Chapman to discharge his attorneys. That order denying Chapman's petition for rehearing was final on October 23, 2008.

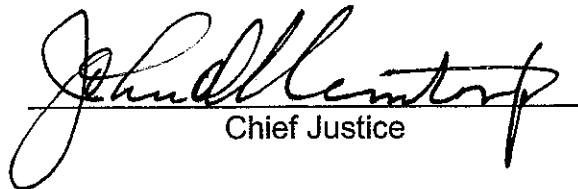
Subsequent to finality, on October 27, 2008, the Department of Public Advocacy filed the two motions for stay. Marco Chapman has filed a verified and certified pro se response thereto, stating that the motions for stay of execution were filed against his wishes and knowledge and asking that this Court "dismiss [these] motions [as] filed against my wishes and beliefs." He concludes with: "So I ask this court one last time to dismiss all motions and allow my execution [sic] go forward as planned without any further delays or proceedings."

On November 17, 2008, the Franklin Circuit Court, after hearing testimony from the Appellant, Marco Chapman, and recently appointed medical expert, Michael R. Harris, M.D., found that Mr. Chapman "is competent for purposes" of "making decisions concerning his own defense and legal representation[.]"

Now therefore, the Appellant being competent to make his own decisions, his request that the motions for stay be dismissed as they were filed against his request is hereby granted and the motions are hereby dismissed.

All sitting. All concur. Noble, J. concurs by separate order.

Entered: November 19, 2008.


Chief Justice

I concur that we have correctly applied the law. Marco Chapman has been found competent on at least five different occasions, the last time this week. I believe that he is. He has strongly and repeatedly asked that his execution go forward. He has expressed deep remorse publicly, and to the victims and their family. He has analyzed that forfeiting his life is the appropriate punishment for his crimes. Our law says that it is. As Chapman has pointed out in his last motion to the Court, this is not state assisted suicide because "if I was suicidal and "I AM NOT," then I wouldn't have waited for the courts or state to do it." Instead he says, "I am merely asking the state to carry out my sentence of death by lethal injection so the Marksberry family can have the peace and justice they deserve for the crimes I've committed against them." Chapman Motion, filed 11-5-08, reaffirmed and notarized 11-19-08. Nonetheless, I have concurred in this Order only because it is the law, and I am sworn to uphold the law of the people. If state executions are not the will of the people, then they must demand a different approach. I would welcome such legislation.