

<https://www.cnn.com/2022/01/27/politics/supreme-court-death-penalty-matthew-reeves-alabama/index.html>

## 5-4 Supreme Court clears the way for Alabama execution



By [Ariane de Vogue](#), CNN Supreme Court Reporter  
Updated 11:12 PM ET, Thu January 27, 2022



(CNN)A [5-4 Supreme Court cleared the way](#) on Thursday for the execution of death row inmate Matthew Reeves by lethal injection, reversing a lower court opinion.

Reeves was executed at Alabama's Holman prison less than two hours later.

The lower court had agreed to block the execution because Reeves sought to be executed by an alternate method: [nitrogen gas](#). But the justices granted Alabama's request to reinstate the execution in an after-hours order Thursday.

[Justice Amy Coney Barrett](#), joined by the court's three liberals, would have denied Alabama's request. [Justice Elena Kagan](#), writing only for Justices [Stephen Breyer](#) and [Sonia Sotomayor](#), said in the brief order that the majority should have abided by the lower court's decision.

Kagan noted that "four judges" on three courts had decided "after extensive record development, briefing and argument" that the execution shouldn't proceed. "The law demands that we give their conclusions deference," Kagan wrote.

Barrett did not explain her thinking.



[Biden commits to nominating nation's first Black female Supreme Court justice as he honors retiring Breyer](#)

The divided ruling came hours after [Breyer had announced he would retire](#) at the end of the term and his colleagues released warm statements expressing their friendship and good wishes.

"The evidence in this case is clear, Mr. Reeves' sentence is fair, and tonight, justice was rightfully served," Republican Alabama Gov. Kay Ivey said in a statement Thursday night.

Reeves, who was convicted of the robbery and execution of Willie Johnson in 1996, argued that he did not want to be put to death by Alabama's lethal injection protocol; he preferred to die by nitrogen gas. But the state claimed he had missed a deadline to make the decision. Reeves' lawyers sued, claiming that their client -- who suffers from cognitive limitations -- should have received an accommodation under the [Americans with Disabilities Act](#).

*This story has been updated with further developments Thursday.*

*CNN's Andy Rose contributed to this report.*