



News Release

Office of the Attorney General

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Tennessee Attorney General Herbert H. Slatery III released the following statement tonight on the execution by lethal injection of death-row inmate Billy Ray Irick:

“The death penalty is constitutional and it is the law of the State of Tennessee. It has taken decades and multiple court hearings, but justice was finally served for the murder and aggravated rape of 7-year-old Paula Dyer. Justice was delayed too long for this little girl and her family. I hope tonight’s lawful execution in some way eases the heartache Paula’s family has lived with and brings a degree of closure to a chapter of their lives that has been indescribably difficult.”

Facts and Procedural History

Billy Ray Irick was convicted by a Knox County jury in 1986 of the first-degree murder and aggravated rape of 7-year-old Paula Dyer while she had been entrusted to his care. The jury sentenced Irick to death, and the Tennessee Supreme Court affirmed. He then sought post-conviction relief, which was denied in state court. Additionally, his application for federal habeas relief was denied by the U.S. District Court, and the Sixth Circuit Court of Appeals affirmed.

In 2010, the Tennessee Supreme Court ordered Irick’s sentence be carried out on Dec. 7, 2010. The Court later vacated its order after Irick intervened in a state-court action filed by another death-row inmate challenging the constitutionality of Tennessee’s lethal injection three-drug protocol. That challenge failed in the trial court, and the Tennessee Court of Appeals affirmed.

In Sept. 2013, the TN Dept. of Correction replaced the three-drug protocol with a single-drug protocol. In Oct. 2013, the Tennessee Supreme Court set an execution date of Jan. 15, 2014. The state court then stayed the execution pending disposition of another state action in which 31 death row inmates challenged the single-drug protocol. That challenge failed in the trial court. On appeal, the Tennessee Supreme Court ruled the State’s method of execution did not violate the Eighth Amendment and was not unlawful. Irick then petitioned the U.S. Supreme Court, and his petition was denied. The Tennessee Supreme Court set the execution date for Aug. 9, 2018.

In Feb. 2018, Irick and 32 inmates filed a state-court action challenging the midazolam-based three-drug protocol. The trial court dismissed the challenge. Irick appealed to the Tennessee Court of Criminal Appeals and simultaneously asked the Tennessee Supreme Court to stay his execution pending the disposition of the appeal. The Tennessee Supreme Court denied the motion. Irick then appealed to the U.S. District Court, and his petition was denied. Irick also filed a motion for stay with the U.S. Supreme Court; the Court denied the stay.

