SUPREME COURT OF THE UNITED STATES

No. 31-102

GRACIELA HOPE, PETITIONER v. TEXAS
[May 16, 2031]

PAXTON, C. J., delivered the opinion of the Court, in which KOENIG, MICHAELSON, JORDAN, CASSIDY, BAUMAN, VAN DYKE, LEWIS, PAULS, and BARNETT, JJ., joined.

This Court has made clear that "the Eighth Amendment does not guarantee a prisoner a painless death." *Bucklew v. Precythe*, 139 S.Ct. 1112, 1124 (2019). Yet a painless death is precisely what the State of Texas has designed for Graciela Hope. That the State's method of execution does not meet with Ms. Hope's approval has no bearing on its constitutionality, and we reject her contention that it does.

I
A

Three years ago, on Christmas Eve, Graciela Hope decided to murder Teresa Soto. To help her accomplish the task, she recruited her friend, Devin Green, and a man she met online, Thomas Hagopian. Over the course of the next week, Ms. Hope and her accomplices exchanged numerous text messages and emails discussing Ms. Hope's plan in detail, down to the time and location of the murder. Ms. Hope's plan was for Mr. Green to pick her up at the end of her shift at the Walmart in Beaumont and then drive her and Ms. Soto to Mr. Hagopian's house in Galveston. Once Ms. Soto was dead, Mr. Hagopian would dispose of her body while Ms. Hope and Mr. Green returned to Beaumont. Things did not go according to plan.

Ms. Hope began to feel unwell at work, and by the time Mr. Green retrieved her she was nauseous and running a high fever. The seventy-mile drive took nearly four hours as Mr. Green had to pull over several times so that Ms. Hope could get out of the car to vomit. Each time they stopped, Mr. Green would quietly suggest they call things off and turn around. But Ms. Hope was not to be deterred.

Not long before sunrise on January 2, 2029, an exhausted Mr. Green lumbered up the steps of the house in Galveston with Ms. Soto and a near-delirious Ms. Hope in tow. Inside they found Mr. Hagopian sound asleep. Upon being awakened, Mr. Hagopian quickly, but clumsily sprang into action, savagely killing Ms. Soto, and in the process, injuring Ms. Hope.

Before he left to scatter Ms. Soto's body in the shallow waters of the West Bay, Mr. Hagopian cautioned Mr. Green against taking Ms. Hope to a hospital, where her injury would likely arouse suspicion. Mr. Green and Ms. Hope then took off for Beaumont. Shortly after speeding through Winnie, Texas, Mr. Green fell asleep at the wheel.

By the time Ms. Hope woke from her coma, detectives had already followed her long and

cavalier paper trail to the doorstep of Mr. Hagopian, who confessed within hours of his arrest. The attending physician informed Ms. Hope of the extent of her injuries, described the numerous life-saving surgeries she had undergone, and then stepped aside while a detective from the Galveston Police Department read Ms. Hope her Miranda rights. When asked by the detective if she understood her rights, Ms. Hope stated simply, "We did nothing wrong." The State of Texas disagreed.

B

Texas has four grades of criminal homicide: murder, capital murder, manslaughter, and criminally negligent homicide. TEX. PENAL CODE §19.01(b). The State charged Ms. Hope, Mr. Green, and Mr. Hagopian with one count of each grade. Through plea bargains, Mr. Green and Mr. Hagopian pleaded guilty to manslaughter, and the trial court accepted their pleas. Ms. Hope went directly to trial, where a jury of her peers swiftly returned a verdict of guilty of capital murder. The trial court sentenced Ms. Hope to death.

The Texas Court of Criminal Appeals upheld both Ms. Hope's conviction and sentence. *State v. Hope*, 822 S.W. 3d 402 (Tex. 2029), cert. denied, 639 U.S. 558, 571 (2029). Ms. Hope next filed a federal habeas petition, which came to be known as the "Analogy Appeal" so named for its attempts to compare Ms. Hope to "an adolescent;" "someone with dementia;" and a "mentally retarded person." *Hope v. Patrick*, 875 F.3d 1255, 1266-67 (TX14 2030), cert. denied, 641 U.S. 114 (2030). Ms. Hope also included several creative, but meritless attacks on Texas' definition of capital murder and the scope of the Twenty-Eighth Amendment, some of which are echoed by the Dissent. At every level, the federal courts denied her petition. *Hope v. Patrick*, 875 F.3d 1255, 1288 ("Even though petitioner has no recollection of her crime, she nevertheless meets the standards of competency and maturity in that she is capable

of comprehending the *reason* for her punishment.").

Though the petition was ultimately unsuccessful, it did have the effect of prolonging Ms. Hope's life far longer than the jury, trial court, victim's family, and law-abiding Texans expected or deserved. And just when it appeared that Ms. Hope and her attorneys were fresh out of theories to frustrate justice, the State of Texas announced the method of her execution.

Ms. Hope filed a lawsuit presenting an as-applied Eighth Amendment challenge to Texas' *lex talionis* execution method, which, Ms. Hope contended, would cause her excruciating pain due to her medical condition. The district court dismissed her challenge and the Fifth Circuit affirmed that dismissal. *Hope v. Texas*, 885 F.3d 527 (5th Cir. 2031). Upon her request, five days before she was scheduled to be put to death, this Court granted her a stay of execution and agreed to hear her case. *Hope v. Texas*, 645 U.S. _____ (2031).

II
A

Capital punishment was woven into the fabric of this land long before the Nation's founding. *See* S. BANNER, THE DEATH PENALTY: AN AMERICAN HISTORY 23 (2002) (hereinafter "BANNER"). The adoption of the Eighth Amendment to the Constitution merely proscribed those methods of execution which are "cruel and unusual." What exactly constitutes a cruel and unusual punishment has changed with advances in technology, medicine and our "evolving standards of decency." *Kennedy v. Louisiana*, 554 U.S. 407, 419 (2008). For instance, at the time of the Eighth Amendment's adoption, it would have been considered entirely humane and usual to execute a seven-year-old child by hanging. *See Roper v. Simmons*, 543 U.S. 551, 588 (2005) (Stevens, J., with whom Ginsburg, J. joins, concurring) (citing *Stanford v. Kentucky*, 492 U.S. 361, 368 (1989)).

Thankfully, methods of execution have grown increasingly merciful, from hanging to firing squad to electrocution to gas chamber to lethal injection to enhanced anesthetic termination. BANNER, at 178–181, 196–197, 297; *see also*, P. WESTAPHER, THE PAST, PRESENT AND FUTURE OF CAPITAL PUNISHMENT (2025). This evolution of decency has been driven "not [by] the Court's intervention, but [by] the initiative of the people and their representatives." *Bucklew*, 139 S.Ct. at 1125. It is this benevolent history of capital punishment which has earned the States a great measure of judicial deference when it comes to the chosen methods of execution. And it should therefore surprise no one that this Court has never held that a State's method of execution qualifies as cruel and unusual.

B

The Eighth Amendment only becomes operative when "the risk of pain associated with the State's method is 'substantial when compared to a known and available alternative.'" *Id.* (citing *Glossip v. Gross*, 576 U.S. 863, 876 (2015)). Furthermore, even if a prisoner identifies a feasible, readily implemented alternative procedure that will "significantly reduce a substantial risk of severe pain," the State's protocol will still pass constitutional muster unless it is shown that the State has refused to adopt this procedure "without a legitimate penological reason." *Id.*

When States began to implement *lex talionis* protocols, prisoners, along with self-righteous foreigners, accused the States of superadding elements of terror and disgrace to the death penalty in violation of the Eighth Amendment. *See, e.g.*, *Amundsen v. Louisiana* 684 U.S. 219, 240 (2026) (Bernard, J., dissenting). The resulting habeas petitions urged us to shift the focus of an Eighth Amendment inquiry from pain to "terror and disgrace." We declined to deviate from established precedent. *Id.* at 233 ("Terror and disgrace are too subjective to serve as metrics. Pain, on the other hand is

monitorable, and therefore avoidable by the cautious executioner."). Afterall, "a State has a legitimate interest in selecting a method it regards as "preserving the dignity of the procedure," and we do not measure a State's chosen method against an unattainable comparator of perfection. *Baze v. Rees*, 553 U.S. 35, 57 (2007).

As such, the burden remains on Ms. Hope to show that Texas has failed the test set forth in *Bucklew*. It is a burden she has failed to carry.

III
A

The car crash delivered Ms. Hope to death's doorstep. Her skull was fractured, a lung punctured, both her femurs were shattered, and her spinal cord was all but severed. Through efforts that were nothing short of heroic, the trauma surgeons saved her life, though Ms. Hope remains to this day paralyzed from the waist down. Due to the extensive nature of her immediate life-threatening injuries, the uterine perforation she suffered during Ms. Soto's murder went undiagnosed for several days, until she suddenly fell unconscious due to sepsis. The doctors performed an emergency hysterectomy but were unable to repair the damage already done to the surrounding blood vessels. These damaged blood vessels are at the heart of Ms. Hope's challenge to the State's protocol.

Ms. Hope's medical expert, Dr. Wallner, claims that when the anesthetics used by the State during execution circulate through the damaged blood vessels, the vessels could rupture due to a spike in pressure. Brief for Petitioner at 13–14. Dr. Wallner opined that, "Should these vessels rupture, Graciela will find herself in excruciating and prolonged agony." App. 342. This theory of Dr. Wallner's was quickly adopted by international physicians' associations and activist groups, which have poured an ocean of ink into *amicus* briefs.

The briefing, and nearly all the questioning at

oral argument, focused on the pain Ms. Hope might feel for that fleeting moment between when the anesthetics are administered and when her life is terminated. Yet counsel for Ms. Hope could not explain why the electroencephalograms and electrocardiograms taken during Ms. Hope's hysterectomy, and also during a more recent surgical thrombectomy, registered no spikes in activity which would indicate stress or pain. At the same time, counsel for the State conceded that there is a risk of pain posed by the State's protocol, though he declined to quantify that risk.

Ms. Hope and her *amici* exhaust themselves discussing the substantial risk of severe pain Ms. Hope may experience while being anesthetized in the Huntsville Unit Amphitheater. But what they—and, apparently, the Dissent—misunderstand is that this is but one prong of the inquiry.

Let us assume, *arguendo*, that everything Ms. Hope has prophesized will come to pass: that because of her medical condition, the State's method will cause her to endure severe pain before being put to death. But proving a substantial risk—even a certainty—of pain does not a prevailing petitioner make. Ms. Hope must still identify an alternative method of execution that would significantly reduce this risk of severe pain and must prove that the State has refused to adopt said method for no legitimate penological reason. Despite having had ample time to conduct discovery and propose an alternative method, Ms. Hope has put forth no such method.

B

Ms. Hope's journey from a Walmart in Beaumont to the highest court in this Nation has certainly been an odyssey. Along the way she has assembled a team of the finest legal minds, marketed herself as a martyr, and refashioned capital murder into a cause célèbre. It is therefore at first difficult to understand how someone so savvy could fumble at the goal

line by not proposing an alternative method of execution. We have waded through the *amici* briefs' dense and complicated explanations for this "strategy," and are aware of the darker theories elevated by a punditry which has taken a near prurient interest in this case. But as with most things, we find that the simplest explanation is the correct one. And indeed, once the sound and the fury has died down, the signal becomes easier to hear, and it becomes clear that Ms. Hope's omission is not the result of a pleading oversight. There simply *is* no better alternative method to identify. Ms. Hope's only aspiration all this time was, through a combination of distraction and dilatory appellate procedures, to pilot the judicial system to a successful crash landing, wherein our collective sense of justice is destroyed, and she strolls away with a de facto life sentence.

It has been three years since a jury of Ms. Hope's peers found her guilty of capital murder and sentenced her to death. More importantly, and indeed more sadly, we are approaching the fourth anniversary of the death of Teresa Soto. While Ms. Hope spent these many years courting sympathy and entertaining us with her theories as to how many angels can dance on the head of the pin, Ms. Soto's family was mourning; the people of Texas were waiting; and the State, at great expense,[1] was finalizing its plans for a merciful yet symmetrical execution.

IV.

"Both the State and the victims of crime have an important interest in the timely enforcement of a sentence." *Hill v. McDonough*, 547 U.S. 573, 584 (2006). These interests have been unduly frustrated in this case. "[T]he Constitution does not authorize courts to serve as 'boards of inquiry charged with determining 'best practices' for executions,'" *Bucklew*, 139 S.Ct. at

1. Not including the legal fees in connection with Ms. Hope's prosecution and appeals, Texas has spent over $5,000,000.00 in planning, rehearsing, and perfecting Ms. Hope's execution. App. 95.

1125 (quoting *Baze*, 553 U.S. at 51–52). Our only role is to "ensure that method-of-execution challenges to lawfully issued sentences are resolved fairly and expeditiously." *Id.* at 1134. Though Ms. Hope has deprived justice of expeditiousness, we can at least grant it fairness.

The judgment of the Fifth Circuit Court of Appeals is

Affirmed.

* * *

It is so ordered.

JUSTICE BARNETT, concurring.

The constitutionality of a particular method of execution rests solely upon whether the State "deliberately designed" that method "'to inflict pain.'" *Bucklew v. Precythe*, 139 S.Ct. 1112, 1135 (2019) (Thomas, J., dissenting) (quoting *Baze v. Rees*, 553 U.S. 35, 94 (2008). Because petitioner failed to offer a scintilla of evidence of such a design, I see no need to hear her case in the first place. However, because it reaches the correct conclusion, I nevertheless join the Court's opinion in full. I write separately to clarify the role of this Court in Eighth Amendment cases and to respond to the Dissent.

I

The Eight Amendment's ban on cruel and unusual punishments does not grant this Court license to override state laws and procedures simply because some find it gruesome. The Constitution instead demands that we allow "normal democratic processes" to control. *Atkins v. Virginia*, 536 U. S. 304, 323 (2002) (Rehnquist, C. J., dissenting). In our "democratic society, legislatures, not courts, are constituted to respond to the will and consequently the moral values of the people.'" *Gregg v. Georgia*, 428 U. S. 153, 175–176 (1976) (joint opinion of Stewart, Powell, and Stevens, JJ.) (quoting *Furman* v. *Georgia*, 408 U.S. 238, 383 (1972) (Burger, C. J., dissenting)). Indeed, "the proposed Eighth Amendment would have been laughed to scorn if it had read 'no criminal penalty shall be imposed which the Supreme Court deems unacceptable.'" *Kennedy v. Louisiana*, 554 U.S. 407, 475 (2008) (statement of Scalia, J.). This means that, barring extraordinary circumstances, it is not up to this Court to impose its own judgment on the acceptability of the death penalty for a particular crime or criminal. And rightfully so! It is far more ideal for those in a particular community to decide how to handle the crimes which occur in that

community than to leave those judgments to some distant ostentation of robed lawyers in marbled halls.

The Dissent chides the Court for not intervening in Texas' enforcement of the death penalty for juvenile crimes; but that is not the Court's job! "[T]he only legitimate function of this Court is to identify a moral consensus of the American people." *Roper v. Simmons*, 543 U.S. 551, 616 (2005) (Scalia, J., dissenting). We are but humble weathermen. Forty-seven states allow capital punishment for individuals who commit crimes before reaching their eighteenth birthday.[2] If 94% is not a "consensus" then the word has no meaning. It's raining cats and dogs outside. Petitioner just happens to be the first one to get wet.

II

Even at this late hour, Petitioner spends much of her briefing bewailing the unfairness of her circumstances. And where she lays down the mantle, the Dissent picks it up and carries on with it, bludgeoning the Court with a parade of historical horribles which only serve to buttress just how usual Petitioner's punishment is. For what it is worth, I will grant that much of Petitioner's lot in life has not been fair. But we do not traffic in fairness here. The Eighth Amendment does not bar punishments which are unfair, or even shocking. *Bissonnette v. Cruz*, 595 U.S. 143, 155 (2027) ("In the same way that a method of execution not specifically contemplated at the founding could be cruel and unusual, what might have previously been thought of as tortuous would today be constitutional if the elements of consciousness and pain are removed.") All we can do for Petitioner is to ensure that the State of Texas does not intend to inflict pain when it ends her life. Once we are satisfied that it does not, our inquiry goes no further.

2. D.S. WHITE, CAPITAL PUNISHMENT IN THE TWENTY-FIRST CENTURY: EXECUTIONS FOR JUVENILE CRIMES 20 (2030).

> It is not this Court's role to critique the theatrics of a chosen method of execution. Afterall, capital punishment is primarily a deterrent, and undue interference from the courts would "reduc[e] its deterrent effect and retributive value." *Bucklew*, 139 S.Ct. at 1144 (Breyer, J., dissenting). And the proof is in the pudding: States which have followed the examples set by Mississippi and Kentucky in 2022 by implementing *lex talionis* protocols have enjoyed drastic reductions in violent crimes, particularly crimes against women.[3] Texas' efforts to protect the innocent should be applauded.
>
> Stitching together a patchwork of dicta and wishful thinking, the Dissent dusts off the old cudgel of "proportionality" in a last desperate attempt to convince the Court to set aside the Constitution, just this once. But even playing by the rules of this fictional test, Petitioner fails. The punishment *is* in proportion to the severity of the crime, erring, even, on the side of leniency. Petitioner is not some innocent child found guilty of witchcraft, and Texas is not going to burn her at stake. Petitioner and her accomplices committed cold-blooded murder. Mr. Hagopian testified at trial that it took "ten or eleven" passes with his forceps to evacuate Teresa Soto in her entirety. App. 129. ("The procedure was more difficult than normal. I did the best I could.")
>
> Mr. Hagopian and Mr. Green exchanged confessions for lighter sentences. Petitioner was also offered that bargain but elected to stand before a jury of her peers and be judged. When she did not like their judgment, she unleashed a storm of esoteric legal challenges which, while at times intellectually stimulating, forestalled justice. And now, with all the gall of a bank robber bringing a premises liability claim for having slipped in the vault, Petitioner tries to wring some mercy out of the Eighth Amendment. But Graciela Hope is out of angels

3. C. Praeger, *The Perfect Deterrent*, 27 LIBERTY U. L. REV. 32 (2023).

and out of pins, and the dance is over; the lights have come on, and we must all go home.

* * *

JUSTICE LAURENT, dissenting.

In announcing today that we must defer to a State's decision to butcher a woman on live television, the Court frets more over the funds expended by the State than it does the fate of the prisoner. Pity the coffers. Had Texas spent ten million dollars, instead of a mere five, would the Court allow it to gibbet Ms. Hope? For fifty, could it toss her to the lions? Is there even an amount with which a State could purchase complete circumvention of our meddling little court system? I fear time shall tell.

I write to address not only the way in which the execution method conjured up by the State of Texas is in clear violation of the Eighth Amendment, but to also pen a brief epitaph to the principle of judicial review, which the Court today gives a most dishonorable burial.

I

Graciela knew something was wrong in early November, but feared going to her doctor, knowing that he would have to file a report with the Texas Department of Faith and Family. For fear for her life, she dared not tell the father, her mother's ghoul of a brother. It took time, but through the whisper network of women who cannot afford a plane ticket,[4] Graciela connected with an obstetrician in Houston named Thomas Hagopian. Graciela did not want to involve anyone else, but she needed to get herself to Galveston, and Devin Green was her only friend who possessed both a car and sense of discretion. On the night of January 2, 2029, as her body was rejecting the anencephalic fetus in her womb, Graciela Hope was three days shy of her sixteenth birthday.

II

Alexander Hamilton envisioned a judiciary, "bound down by strict rules and precedents

4. *See* A. Olsen, *The Second White Flight: How Alberta Became the Center of Americans' Abortion Tourism*, 40 BERKELEY J. GENDER L. & JUST. 18 (2029).

which serve to define and point out their duty in every particular case that comes before them." THE FEDERALIST NO. 78, at 471 (Alexander Hamilton) (Clinton Rossiter ed., 1961). How quaint. Today the Court dances on Hamilton's grave by completely disregarding its own bright-line prophylactic rule against capital punishment for juvenile offenders under eighteen. *Roper v. Simmons*, 543 U.S. 551, 568 (2005). The reason for this abdication? Well, the winds are blowing in a different direction. The Court's role is apparently no longer to apply the text, history, meaning, and purpose of the Constitution to the issues at hand, but to act as a windsock, thrashing this way or that while State legislatures rewrite the Constitution with impunity.

That the Court does not wish to explicitly acknowledge its new subservient role is understandable, but does the Court not at least owe the People some guidance as to whom, if anyone, *cannot* now be killed at the hands of a State? One can extract from today's opinion that it is now constitutionally acceptable to execute an eighteen-year-old for a crime committed when she was fifteen; but is that the limit? Must we stop at fifteen, or can we go lower? Will the failure to reach puberty serve to save a criminal from the gallows, or will we return to the glory days when we could hang first graders from courthouse oaks? The Court remains silent, awaiting its orders from the States.

III

At the heart of the Constitution is the sacred "precept of justice that punishment for crime should be proportioned to [the] offense." *Weems* v. *United States*, 217 U.S. 349, 367 (1910). "Because the death penalty is the most severe punishment, the Eighth Amendment applies to it with special force." Thompson v Oklahoma, 487 U.S. 815, 856 (1988) (O'Connor, J., concurring in judgment). The Eighth Amendment proscribes not only punishments which are intentionally

designed to inflict pain, but also those which are "inherently 'barbaric'" or "'excessive in relation to the crime committed.'" *Roper*, 543 U.S. at 589 (O'Connor, J., dissenting) (quoting *Coker v. Georgia*, 433 U.S. 584, 592 (1977) (plurality opinion)). "A sanction is therefore beyond the state's authority to inflict if it makes "no measurable contribution" to acceptable penal goals or is "grossly out of proportion to the severity of the crime." *Coker,* 433 U.S. at 592.

Graciela, at fifteen years old, exercised sovereignty over her own body. Seven months later, it took an all-male jury not twenty minutes to find her guilty of capital murder[5] and sentence her to death. Texas justice is not swift, it is a blur. In purely technical terms, Graciela stands in incontrovertible violation of Texas' homicide law. But whereas Texas enjoys certain latitude in redefining words, this Court is obligated to abide by controlling precedence, which requires the Court to bring its independent judgment to bear on the proportionality of the death penalty for a particular crime or criminal. *See Roper*, 543 U.S. at 564, 575.

The Court pretends to wrestle with this weighty obligation before ultimately twisting *Bucklew* and its precursors into an unnavigable map in which all roads lead to the death chamber. To paraphrase, the Court says this: the Eight Amendment is only concerned with pain…but only if that pain is inflicted intentionally…oh, but intention only matters if the petitioner can also prove that there is a less painful method that the State can easily implement. A prisoner's time would be more wisely spent tunneling to freedom.

Of course, this insurmountable test is not the true standard set forth by our Constitution. Just as the supposed deterrent effect applauded

5. Texas did not immediately criminalize abortion after the ratification of the Twenty-Eighth Amendment. This restraint was not a result of reluctance, but of strategy. Proponents of amending the Penal Code worried that doing so before the Court was reformed would be found to be unconstitutional. House Research Organization Bill Analysis, Feb. 12, 2023.

by Justice Barnett is a fiction[6], so too is the notion that pain holds a position of preeminence in Eighth Amendment jurisprudence. Nothing could be further from the truth. The Eighth Amendment has always prohibited barbarous punishments. "The historical evidence shows that the Framers sought to disable Congress from imposing various kinds of torturous punishments…" *Bucklew*, 139 S.Ct. at 1135 (Thomas, J., dissenting). "Do not torture" is a low bar for a twenty-first century civilization to clear, and yet, with the Court's blessing, Texas trips over it.

An engraving of the quartering of Sir Thomas Armstrong, in 1684, shows the executioner cutting his spine and removing his legs at the hip.[7] Queen Brunhilda of Austrasia was, "tied to the feet of wild horses and torn apart limb from limb. Finally, she died."[8] Other historical methods of quartering include being tied to elephants; tied to ships sailing in different directions; or being bound to bent-down trees, which would then be released, halving the condemned. While we will have to tune in to learn precisely how the State of Texas will dismember Graciela Hope, reasonable minds cannot deny that Texas' method of execution is in clear violation of the Eighth Amendment.

IV

"It has been some [seventy] years since Albert Camus commented that if our society really meant for the death penalty to deter crime, 'it would exhibit the heads. Society would give executions the benefit of the publicity it generally uses for national bond issues or new brands of drinks.' Still, the machinery proceeds

6. *See* Brief for Paxton Smith et al. as *Amici Curiae* at 11; *see also* Brief for Canadian College of Obstetricians and Gynecologists as *Amicus Curiae* at 18 ("The dramatic decline in abortions among American women since 2021 is entirely a result of decreased reporting.").

7. Mary E. Lewis, *A Traitor's Death? The Identity of a Drawn, Hanged and Quartered Man from Hulton Abbey, Staffordshire*, 82 ANTIQUITY 113, 113–124 (2008).

8. LISA M. BITEL, WOMEN IN EARLY MEDIEVAL EUROPE 400–1100 83 (2002).

in secret, not on pay-per-view."[9] Though it has deterred nothing,[10] televised executions have proven to be a popular and profitable undertaking for States in recent years. And if this is indeed Graciela Hope's last dance, we will, should we choose, witness the end of her young life through the lens—a fact of which she is keenly aware.

When she learned of how she was to die, Graciela filed a petition for habeas corpus complaining not of her proposed dismemberment, but of the use of anesthetics. Graciela suffered no delusions that, regardless of whether she prevailed this time, Texas would eventually find a way to kill her in horrific and spectacular fashion. Graciela's petition was simply an attempt to assert a degree of ownership of the spectacle. In lieu of a last meal or final walk outside, Graciela Hope wants to scream for the cameras. I would let her. Perhaps her cries will awaken our diseased nation from this nightmare.

I dissent.

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9. MARK OSLER, JESUS ON DEATH ROW: THE TRIAL OF JESUS AND AMERICAN CAPITAL PUNISHMENT (2009) (quoting ALBERT CAMUS, REFLECTIONS ON THE GUILLOTINE: RESISTANCE, REBELLION, AND DEATH (1960).

10. From 2024 to 2029, the number of murders in Kentucky, Oklahoma, Arkansas, Texas, Louisiana, Mississippi, Alabama, and South Carolina increased 275%. S. Welch, *The Towering Yell: Consequences of Televised Death*, 81 CRIM. L. STATS. 9 (2030).