



**COMMONWEALTH OF KENTUCKY  
OFFICE OF THE ATTORNEY GENERAL**

**RUSSELL COLEMAN  
ATTORNEY GENERAL**

**CAPITOL BUILDING, SUITE 118  
700 CAPITAL AVENUE  
FRANKFORT, KY 40601  
(502) 696-5300  
FAX: (502) 564-2894**

June 17, 2025

*Via hand delivery*

Honorable Andy Beshear  
Governor of Kentucky  
700 Capital Avenue, Suite 100  
Frankfort, Kentucky 40601

Re: Setting an Execution Date for Ralph Baze

Dear Governor Beshear:

I write to inform you of my conclusion as Kentucky's chief law officer that you can and should sign a death warrant setting an execution date for Ralph Baze.

Mr. Baze's crimes were unspeakably evil. More than 30 years ago, he murdered two law-enforcement officers in Powell County: Sheriff Steve Bennett and Deputy Sheriff Arthur Briscoe. As Kentucky's high court recounted, Mr. Baze "shot each of the officers three times in the back with an SKS assault rifle at a time when the officers were attempting to serve five felony fugitive warrants from Ohio on him."<sup>1</sup> Mr. Baze then chillingly admitted, "You tell them that you have got the right man. I'm the one that killed them son of a bitches."<sup>2</sup> A jury convicted Mr. Baze of the murders and sentenced him to death. Mr. Baze has spent much of the decades since challenging his convictions and sentence. *But all his state and federal appeals have long been exhausted.*<sup>3</sup> Indeed, as far back as 2008, the Kentucky Supreme Court

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<sup>1</sup> *Baze v. Commonwealth*, 965 S.W.2d 817, 819 (Ky. 1997).

<sup>2</sup> *Id.*

<sup>3</sup> *Baze v. Commonwealth*, 965 S.W.2d 817 (Ky. 1997) (rejecting direct appeal), *cert. denied* 523 U.S. 1083 (1998); *Baze v. Commonwealth*, 23 S.W.3d 619 (Ky. 2000) (denying post-conviction relief), *cert. denied* 531 U.S. 1157 (2001); *Baze v. Parker*, 371 F.3d 310 (6th Cir. 2004) (denying federal habeas relief), *cert. denied* 544 U.S. 931 (2005); *see also Baze v. Commonwealth*, 2006 WL 1360188 (Ky. May 18, 2006), *cert. denied* 549 U.S. 1308 (2007); *Baze v. Commonwealth*, 2006 WL 1360281 (Ky. May 18, 2006), *cert. denied* 549 U.S. 1344 (2007); *Baze v. Commonwealth*, 276 S.W.3d 761 (Ky. 2008).

“admonished” Baze’s counsel “most forcefully” to stop “improper[ly]” contesting Mr. Baze’s convictions and death sentence.<sup>4</sup>

Mr. Baze’s death sentence would have been carried out long ago but for a “temporary” injunction entered by the Franklin Circuit Court back in 2010. Although part of the injunction is broadly worded, the circuit court recently clarified its meaning. In an April 21, 2025 opinion (enclosed), the court noted that “the regulations at issue in the 2010 temporary injunction are no longer in effect.” As you are likely aware, your Department of Corrections finalized the current execution protocols early last year. A renewed injunction against their enforcement has not been entered in the time since.<sup>5</sup> In fact, the circuit court’s recent decision emphasized that “[i]t is unclear the extent to which the 2010 injunction may continue to have effect.” As we understand the court’s opinion, it allows you to sign an execution warrant at which point the court can provide any necessary clarity.

Under these circumstances, it is our judgment based on our understanding of the record that you are authorized to set an execution date for Mr. Baze. Kentucky law directs that “the Governor, by a warrant under his hand and the seal of the Commonwealth, shall fix the day of the execution, which warrant shall be obeyed by the warden of the institution.”<sup>6</sup>

Like many of our fellow Kentuckians, I have heard you speak passionately about the importance of promoting the rule of law. Setting an execution date for Mr. Baze would do just that. It would fulfill your statutory duty discussed above, and it would be consistent with your responsibility under Section 81 of our Constitution to “take care that the laws be faithfully executed.”<sup>7</sup> Those laws, which were duly adopted by the people’s representatives in the General Assembly, authorize the death penalty as a punishment for heinous crimes. A jury of Mr. Baze’s peers authorized that sentence for him over 30 years ago. It is important to respect the judgment of both the General Assembly and the jury. It is also profoundly important to provide finality to the families of Sheriff Bennett and Deputy Sheriff Briscoe. To that end, I have attached a letter to you from Lisa Briscoe Lally, the sister of Deputy Sheriff Briscoe and sister-in-law of Sheriff Bennett, asking you to sign a death warrant for Mr. Baze.

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<sup>4</sup> *Baze v. Commonwealth*, 276 S.W.3d 761, 768 (Ky. 2008).

<sup>5</sup> On April 24, 2025, the circuit court issued a narrow, nonfinal ruling about one of the regulations. We do not read that ruling as an impediment, given that the court emphasized four times that its ruling applies “to the extent” that the Department of Corrections applies the regulation in a prohibited way.

<sup>6</sup> KRS 431.240(4).

<sup>7</sup> *Bowling v. Commonwealth*, 926 S.W.2d 667, 669 (Ky. 1996) (“The Governor of Kentucky is constitutionally charged with enforcement of the law and expressly authorized to set the date of execution.”).

Our office stands ready to assist your administration. For example, you have publicly expressed concern about getting the drugs necessary to carry out an execution. President Trump has already taken steps to address this concern. On his first day in office, President Trump signed an executive order directing Attorney General Bondi to “take all necessary and lawful action to ensure that each state that allows capital punishment has a sufficient supply of drugs needed to carry out lethal injection.”<sup>8</sup> To the extent you believe that the Department of Corrections lacks the drugs to carry out an execution, I pledge to zealously collaborate with your administration and with President Trump’s administration.

In conclusion, this case unfortunately brings to mind the legal maxim that “Justice delayed is justice denied.” The families of Sheriff Bennett and Deputy Sheriff Briscoe know this all too well. They have been denied justice for over 30 years. Although we cannot wind back the clock, we must do what we can today to ensure that justice is not further delayed.

Very respectfully,



Russell Coleman  
Attorney General of Kentucky

cc: S. Travis Mayo, General Counsel to the Governor (via email)  
Keith Jackson, Secretary, Justice and Public Safety Cabinet (via email)  
Cookie Crews, Commissioner, Department of Corrections (via email)

Enclosures

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<sup>8</sup> Exec. Order 14,164, § 4(a), *Restoring the Death Penalty and Protecting Public Safety* (Jan. 20, 2025); see also Memo. from Attorney General Bondi, *Reviving the Federal Death Penalty and Lifting the Moratorium on Federal Executions* at 4 (Feb. 5, 2025).

Andy Beshear  
Governor of Kentucky  
700 Capital Avenue, Suite 100  
Frankfort, Kentucky 40601

Dear Governor Beshear,

I am writing to you in connection with Attorney General Russell Coleman's request that you sign a death warrant as to Ralph Baze.

My family and I want justice.

My family and I need justice.

And we have been waiting on it since February 4, 1994 when a jury handed down the punishment of the death penalty to a man who ambushed two police officers – a sheriff and a deputy - in Powell County Kentucky on January 30, 1992 who were simply trying to serve an out-of-state warrant. They were killed with an SKS semi-automatic assault rifle.

Sheriff Steve Bennett, only 40 years old, bled to death in the back seat of his cruiser after Baze shot him three times on the left side of his back. He left behind a daughter in elementary school and a son not quite four years old at the time. Steve was actually my brother-in-law.

Deputy Arthur Briscoe was my big brother and just 39 years old. Baze shot him twice in the back and once in the back of the head. Arthur left behind a 14-year-old son.

I'll never forget the words of my mother as we pulled away from the courthouse after the verdict came in. She said, "Me and your Daddy may never see it carried out but maybe you kids will." I remember thinking at the time how ridiculous that sounded but my how prophetic her words became over the many years that we have been waiting for Baze to pay for what he did.

I have been encouraged by your belief in the death penalty and that of Attorney General Coleman. Unfortunately my father never lived to see justice for his son. Dad died three years ago at the age of 93 but I sincerely hope my Mom, who will turn 92 in a few weeks, will not have the same fate.

I appreciate your concern and attention to this very important and long-overdue matter. I have felt over the past three decades that Kentucky officials had forgotten all about how brutally Steve & Arthur were murdered but hopefully that wrong can be righted in the near future.

Sincerely,

Lisa Briscoe Lally

**COMMONWEALTH OF KENTUCKY  
FRANKLIN CIRCUIT COURT  
DIVISION I  
CIVIL ACTION NO. 06-CI-00574**

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**RALPH BAZE, et al.**

**PLAINTIFFS**

**v. FINDINGS OF FACTS, CONCLUSIONS OF LAW, AND ORDER  
ON ATTORNEY GENERAL'S MOTION TO DISSOLVE INJUNCTION**

**KENTUCKY DEPARTMENT OF CORRECTIONS, and  
COMMONWEALTH OF KENTUCKY**

**DEFENDANTS**

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This matter was before this Court on January 10, 2025, at 2:30 p.m. in Courtroom D, during which time parties presented arguments on numerous motions pending before this Court. This Order specifically addresses Defendant Commonwealth of Kentucky's ("Commonwealth") *Motion to Dissolve Injunction and Memorandum in Support* (file date March 7, 2024). In its Motion, the Commonwealth requests the Court to dissolve this Court's September 10, 2010 injunction. Plaintiffs filed their *Response in Opposition to Commonwealth's Motion to Dissolve Injunction* on April 12, 2024, and the Commonwealth filed its *Reply to the Plaintiff's Response to the Motion to Dissolve the Injunction* on April 22, 2024. This Court entered an Order on May 1, 2024, which reserved ruling on the Commonwealth's motion. On December 4, 2024, the Commonwealth filed a *Motion for Rulings* moving this Court to issue a definitive ruling resolving whether the injunction should continue or be dissolved and specific findings of fact and conclusions of law in accordance with the Supreme Court of Kentucky's recommendation in *Department of Corrections v. Baze*, 701 S.W.3d 549, 552 (Ky. 2024). This Court, having reviewed the record and being otherwise sufficiently advised, issues the following **FINDINGS OF FACTS, CONCLUSIONS OF LAW, AND ORDER.**

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### FINDINGS OF FACT

1. In its May 7, 2024 *Motion to Dissolve Injunction*, the Commonwealth requests this Court to dissolve its injunction issued on September 10, 2010, against the execution of then-Plaintiff Gregory Wilson.

2. This Court's September 10, 2010 injunction was entered as a result of the motion by Wilson, who had an actively pending death warrant, signed by the Governor. At that time, the Court found that there were substantial questions of law regarding the validity of the administrative regulations that required the Court to issue an injunction to preserve the *status quo* until the entry of a final judgment. Those questions included issues concerning Wilson's allegations of mental disability as well as unresolved issues concerning the lethal injection protocols that were in effect at that time, but which have since been amended and replaced.

3. The 2010 injunction was issued when there was a specific factual situation before this Court that involved the imminent execution of inmate Gregory Wilson.

4. The 2010 injunction was issued in response to a signed death warrant which was to go into effect two weeks from that time. This life-and-death concrete legal dispute, in which irreparable injury was imminent, created the basis for injunctive relief.

5. Since the injunction was issued, Plaintiff Wilson's death sentence has been commuted by Governor Bevin. There is no evidence of any other death warrants that are active.

6. The Department of Corrections ("DOC") has made significant changes to the pertinent administrative regulations, so the regulations at issue in the 2010 temporary injunction are no longer in effect.

7. The updated regulations replacing the regulations at issue in the 2010 injunction became final last year and have not yet been adjudicated through judicial review.

8. There are still substantial questions about how those regulations deal with condemned inmates with intellectual disabilities, and how they apply in cases with post-conviction challenges still pending. The Commonwealth and Plaintiffs have submitted lists of inmates without intellectual disabilities or any post-conviction challenges still pending. However, there are additional claims that have been asserted in this case, including, among others, the constitutional right to counsel, which have not been finally adjudicated.

9. There are currently no active pending death warrants that have been requested or signed by the governor.

### CONCLUSIONS OF LAW

1. The Supreme Court of Kentucky has stated that this Court's 2010 injunction "essentially forbids the Commonwealth from performing any more executions until the Franklin Circuit Court enters a final judgment in the declaratory judgment action." *Department of Corrections v. Baze*, 701 S.W.3d 549, 550 (Ky. 2024) (quoting *Commonwealth ex rel. Conway v. Shepherd*, 336 S.W.3d 98 (Ky 2011)).

2. It is unclear the extent to which the 2010 injunction may continue to have effect but even if it does continue to have effect, the last paragraph of the 2010 injunction states that the DOC and its employees and agents are restrained and enjoined "from taking any steps to implement the administrative regulations at issue in this action (501 KAR Chapter 16), or to otherwise execute the Governor's death warrant, until the entry of a final judgment in this action, or until further orders of this Court entered after adequate notice and a hearing." The injunction therefore provides for its modification after notice and a hearing, for good cause shown, if there is any specific action that the Commonwealth seeks to take that would potentially run afoul of the injunction.

Accordingly, if the Governor or DOC seek to proceed to implement the new regulations by issuing a death warrant, they are authorized under the prior injunction file a motion to modify the injunction if necessary, or to authorize additional actions they deem necessary to implement the death penalty in any given case. Only upon the filing of such a motion, and a hearing thereon, can the Court determine if such action gives rise to irreparable injury, if it presents a substantial legal issue, determine the public interest and balance the equities, as required in ruling on injunctive relief under *Maupin v. Stansbury*, 575 S.W.2d 695 (Ky. App. 1978). The Court cannot decide such issues in the abstract, as the Attorney General urges here. In effect, the Attorney General seeks an advisory opinion as to whether undefined or speculative actions in the future would run afoul of the 2010 injunction.

3. However, at the present time, there is no action that the Commonwealth has taken to implement the new regulations and accordingly, any controversy regarding implementation of the new regulations is not ripe for consideration.

4. If the Commonwealth thinks there is a particular action that needs to be taken in implementation of the death penalty regarding any plaintiff in this case, it should file a motion and bring it before this Court. Each condemned inmate has a unique set of facts and circumstances relevant to the potential legal consequences of the implementation of the death penalty regulations against that inmate. It is impossible to predict the facts could form the basis for a modification to the original injunction in any individual case. Without a specific case with specific facts to consider, the Court cannot evaluate the factual and legal issues involved a motion to dissolve or modify the 2010 injunction. Likewise, there may be actions proposed by the Commonwealth that are outside the scope of the original injunction. Therefore, the Commonwealth may seek modification or dissolution of the injunction with regard to any specific situation in which it

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believes further action to implement the death penalty is immediately warranted, but such issues cannot be decided in the abstract.

5. When the 2010 injunction was issued in this case, it was issued in regard to a specific factual situation pertaining to Plaintiff Gregory Wilson. The pardon of Gregory Wilson has eliminated any application of the injunction to that specific case. No plaintiff currently has a signed death warrant in place, as Gregory Wilson did, and the merits of the administrative regulations in their present form have not yet been litigated. As such, the Court declines to render an advisory opinion concerning whether or under what circumstances the prior September 2010 temporary injunction has any continuing applicability to matters currently before the Court. *See Newkirk v. Commonwealth*, 505 S.W.3d 770, 774–75 (Ky. 2016) (declining to rule on issues deemed moot due to lack of authority to render purely advisory opinions).

6. *Sturgeon Min. Co. v. Whymore Coal Co.*, 892 S.W.2d 591, 592 (Ky. 1995) outlines a three-part test for injunctive relief requiring a showing of irreparable injury, weighing the equities involved, and a finding by the issuing trial court that a substantial question is at issue. Here, the absence of a specific case or controversy presenting a concrete factual or legal dispute weighs in favor of denying the Attorney General's motion to issue a blanket ruling dissolving the injunction.

7. The motion to dissolve the injunction is **MOOT** with regard to inmate Gregory Wilson (the only named party to whom it originally applied), and it is **NOT RIPE** with regard to any other named Plaintiffs in this action.

8. The Court finds that the remaining legal issues to be adjudicated in this action include substantial legal questions regarding, among other issues: a) the procedure for determining if a death sentenced inmate has an intellectual disability that renders him constitutionally ineligible for execution, and b) the scope of a death sentenced inmate to access to counsel during the time

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preceding an execution. Accordingly, the public interest supports maintaining the status quo until those issues, and the validity of the most recent administrative regulations, have been resolved by the Supreme Court of Kentucky.

### CONCLUSION

The Commonwealth's Motion to Dissolve the Injunction is not ripe for adjudication. The Commonwealth has not shown that the 2010 injunction is preventing it from taking any specific action to implement the death penalty. If and when the Commonwealth shows it is actively seeking to take specific steps to implement the death penalty with regard to any specific death sentenced inmate, the Commonwealth should present that matter to the Court, and the Court will address whether the injunction wrongfully prevents the Commonwealth from taking those specific actions, or whether the injunction even applies to the Commonwealth's actions. This Court will carefully consider any motion to modify the injunction regarding any such specific situation, applying the standard that controls injunctive relief. Likewise, the Court will consider any argument that a specific action to implement a death sentence is outside the scope of the original injunction. But the Court will not issue an advisory opinion or decide an abstract dispute regarding the potential application of the injunction to an undefined situation. The Court will consider any such dispute on its own merits in terms of injunctive relief when such dispute is ripe for decision. Accordingly, the Attorney General's motion for to dissolve the 2010 injunction is **DENIED** without prejudice, for lack of ripeness, and for failure to present any concrete case or controversy with regard to the continued application of the injunctive relief ordered in 2010 barring the execution inmate Gregory Wilson, who has since had his death sentence commuted.

**SO ORDERED** this 21st day of April, 2025.



PHILLIP J. SHEPHERD, JUDGE  
Franklin Circuit Court, Division I

**DISTRIBUTION:**

All counsel of record

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