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**Steve Marshall**  
Alabama Attorney General



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**Attorney General Marshall Victorious in Nitrogen Hypoxia Suit**  
*Judge Denies Kenneth Smith's 'Speculative' Request for an Injunction*

(**Montgomery**) – Alabama Attorney General Steve Marshall issued a statement following a Federal District Court's decision to deny Kenneth Smith's request to enjoin his execution by nitrogen hypoxia. The court found that “there is simply not enough evidence to find with any degree of certainty or likelihood that execution by nitrogen hypoxia under the Protocol is substantially likely to cause Smith superadded pain.” The State is scheduled to execute Smith on January 25, 2024.

“With today’s order, Alabama is an important step closer to holding Kenneth Smith accountable for the heinous murder-for-hire slaying of an innocent woman, Elizabeth Sennett,” said Attorney General Marshall. “Smith has avoided his lawful death sentence for over 35 years, but the court’s rejection today of Smith’s speculative claims removes an obstacle to finally seeing justice done.”

In March 1988, Charles Sennett, the pastor of the Westside Church of Christ in Sheffield, Alabama, sought to hire a hitman. Reverend Sennett, who had incurred substantial debts and was having an extramarital affair, had taken out a large insurance policy on his wife. His scheme was to have his wife murdered, which would enable him – in one cowardly fell swoop – to escape both his financial obligations and his marital vows. Through an intermediary, Reverend Sennett hired Kenny Smith and Smith’s friend, John Parker, for \$1,000 each to conduct the murder. Elizabeth was ambushed, violently punched, beaten, and bludgeoned, and stabbed over and over again with the six-inch survival knife that Smith and Parker had brought with them. In addition to countless lacerations and abrasions that she sustained to her body, Elizabeth suffered a total of ten stab wounds – eight to her chest and two to her neck – which proved fatal.

Kenneth Smith was tried for his crimes in 1989 and again in 1996. In both trials, Smith was convicted of capital murder by a jury of his peers and sentenced to death for his crimes. He was previously scheduled to be executed on November 17, 2022.

Attorney General Marshall commends members of the Capital Litigation Division for their work on this case, Assistant Attorneys General Rich Anderson, Polly Kenny, Beth Hughes, Henry Johnson, John Hensley, and Jordan Shelton.

[Read full decision.](#)

