

**Testimony of Floyd Bledsoe
In Opposition to HB 2782
House Judiciary Committee
February 15, 2024**

My name is Floyd Bledsoe and I served over sixteen years incarcerated in the State of Kansas for a crime the State knew from the beginning I did not commit. In 2000, I was convicted of the murder use of my sister-in-law, despite evidence that my brother Tom had committed the crime. Because my sister-in-law was just 14 years old when she was killed, had it chosen to, the State could have pursued the death penalty. And if it had done so, and if the State of Kansas had adopted an execution method, I would not be standing here today. This is not simply a hypothetical worry—my trial attorney at the time told me the prosecution was contemplating the death penalty and that if they pursued it, he would no longer be my attorney and I would be transferred to the Kansas death penalty trial team.

It took 16 years for my innocence to be proven in Court. In that time, I raised my innocence at every opportunity, in appeal after appeal. In 2004, after the Kansas Supreme Court upheld my convictions on direct appeal, a court held a hearing on my K.S.A. 60-1507 motion, where I presented the evidence that I my trial counsel was ineffective when he failed to present the evidence implicating Tom. Although the Kansas Supreme Court found that the prosecution had misstated facts and that my attorney made numerous mistakes, it denied my motion and still I waited in prison.

Four years later, I thought the nightmare would end. In 2008, United States District Court judge granted my federal habeas petition and I was released on bond while the State appealed the decision. *Bledsoe v. Bruce*, No. 07-3070-RDR, 2008 WL 2549029 (D. Kan. June 23, 2008). But a year later, the 10th Circuit Court of Appeals reversed the decision, and reinstated my

conviction and sentence. *Bledsoe v. Bruce*, 569 F.3d 1223 (10th Cir. 2009). As a result, I had to turn myself in and go back to prison for a crime I did not commit.

At that moment, in 2009, I had exhausted all appellate avenues—direct appeal, post-conviction, and federal habeas. And had I been sentenced to death, I would have been eligible for the State to set an execution date. And had this bill been enacted and provided that hypoxia could be used as a method to kill someone, I would have been executed. And I would not have lived to be exonerated six years later in 2015, after DNA testing proved that I was innocent and Tom had committed the crime.

No one should suffer such a fate. And no one should suffer such a fate at the hands of a cruel method like hypoxia – suffocation. Once you execute someone there is no appealing, no “it was a mistake,” no “well we did what we thought was right, but I guess we were wrong.” There is no correction of misjustice when you execute someone. I oppose HB 2782 and hope this committee will, too.