

FLORIDA DEATH ROW ADVOCACY GROUP



Working to maintain and improve living conditions
on death row in Florida



Supplemental Newsletter
DEATH PENALTY INFORMATION

Volume #3 – November, 2010

PUBLISHED BY FDRAG

The opinions of published writers in the Newsletter do not necessarily reflect the opinions of FDRAG or its members.

Death Penalty Information Newsletter
Florida Death Row Advocacy Group
South East Station
PO Box 15731
Washington DC 20003
www.FDRAG.org

2010 OA Schedule

- January - Oral Argument will not be held
- [February 9, 10, 11](#)
- [March 1, 3, 4](#)
- [April 4, 5, 6, 7, 8](#)
- [April 21](#) (one case for JTI participants to observe)
- [May 3, 4, 5](#)
- [June 7, 8, 9, 10](#)
- [August 18](#)
- [August 31, September 1, 2](#)
- [October 5, 6, 7](#)
- December 6, 7, 8 (calendar not yet posted)

March 31, 2010

Ohio Department of Rehabilitation and Corrections
770 West Broad Street
Columbus, OH 43222

To whom it may concern,

Our company is aware that three prescription drugs – Pentothal, (thiopental sodium for injections, USP), Pancuronium Bromide Injection and Potassium Chloride for Injection, USP – have been used by some correctional facilities in the United States to administer the lethal injection in capital punishment cases.

As a manufacturer of all three agents, I am writing to inform you about Hospira's position on this matter. Hospira provides these products because they improve or save lives and markets them solely for use as indicated on the product labeling. As such, we do not support the use of any of our products in capital punishment procedures.

We realize your correctional facility is able to acquire most products through a variety of sources without ordering directly from Hospira. Nonetheless, we felt it was important to communicate our position to you.

Yours sincerely,
KeesS Gioenhout, MD
Vice President, Clinical Research and Development
Hospira, Inc.

A copy of the actual letter can be found at the following address:

http://www.amnestyusa.org/pdf/hospira_letter_9_24_2010.pdf

Mailing address: 275 North Field Drive, Lake Forest, Illinois 60045. Write to them and thank them for their position. Customer care: 1-877-9HOSPIRA (1-877-946-7747). Have your families and friends call them or write to them as well.

The Society of Correctional Physicians (SCP)

In 1997, a Code of Ethics, applicable to SCP members and useful to all physicians practicing within a correctional setting, was promulgated. The Code embodies the spirit and commitment of individual physicians practicing correctional medicine.

Preamble

Correctional health professionals are obligated to respect human dignity and act in ways that merit trust and prevent harm. They must ensure autonomy in decisions about their inmate-patients and promote a safe environment.

Principles

The correctional health professional shall:

- Ensure that all medical information is confidential and health care records are maintained and transported in a confidential manner.
- Render medical treatment only when it is justified by an accepted medical diagnosis. Treatment and invasive procedures shall be rendered after informed consent.
- Afford inmates the right to refuse care and treatment. Involuntary treatment shall be reserved for emergency situations in which there is grave disability and immediate threat of danger to the inmate or others.
- Provide health care to all inmates regardless of custody status.
- Evaluate the inmate as a patient or client in each and every health care encounter.
- Not be involved in any aspect of execution of the death penalty.
- Collect and analyze specimens only for diagnostic testing based on sound medical principles.
- Provide privacy of sight and sound to the degree possible without creating a risk to the provider or other individuals.
- Perform body cavity searches only after training in proper techniques and when they are not in a patient-provider relationship with the inmate.
- Identify themselves to their patients and not represent themselves as other than their professional license or certification permits.
- Honor custody functions but not participate in such activities as escorting inmates, forced transfers, security supervision, strip searches or witnessing use of force.
- Undertake biomedical research on prisoners only when the research methods meet all federal guideline requirements (45 CFR 46) for experimentation on human subjects and individual prisoners or prison populations are expected to derive benefits from the results of the research.

Society of Correctional Physicians,
1145 West Diversey, Chicago, IL 60614 800-229-7380
<http://www.corrdocs.org>

Scheduled executions

2010

October 26: Jeffrey Landrigan, AZ
November 4: Phillip Hallford, AL
November 9: Stephen West, TN
November 16: Sidney Cornwell, OH
November 20: Jeffrey Matthews, OK
December 1: Steven Staley, TX
December 7: Billy Ray Irick, TN
December 16: John David Duty, OK

2011

January 11: Edmund Zagorski, TN
February 15: Edward Harbison, TN
February 17: Frank Spisak, OH
March 10: Johnnie Baston, OH
September 13: Joel Schmeiderer, TN
September 27: David Jordan, TN
October 4: John Henretta, TN

Other outcomes 2010

February 18: Robert Melson, AL - Stayed
March 9: David Johnston, FL - Stayed
March 24: Hank Skinner, TX - Stayed
April 12: Don Davis, AR - Stayed
May 4: Stacey Johnson, AR - Stayed
May 4: Richard T. Smith, OK - Stayed
May 20: Richard Tabler, TX - Stayed
May 24: Jack Jones Jr., AR - Stayed
May 25: Richard T. Smith, OK - Commuted
June 10: Richard Nields, OH - Commuted
June 17: Jeffrey Matthews, OK - Stayed
June 30: Jonathan Green, TX - Stayed
July 20: Jeffrey Matthews, OK - Stayed
August 16: Tamir Hamilton, NV - Stayed
August 17: Jeffrey Mathews, OK - Stayed
September 15: Kevin Keith, OH - Commuted
September 16: Gregory L. Wilson, KY - Stayed
September 21: Brandon Rhode, GA - Stayed
September 24: Brandon Rhode, GA - Stayed
September 28: Gaile Owens, TN - Commuted
September 29: Albert Brown, CA - Stayed
September 30: Albert Brown, CA - Stayed
October 14: Gayland Bradford, TX - Stayed
October 16: Jeffrey Matthews, OK - Stayed
October 20: Roderick Nunley, MO - Stayed

National Coalition to Abolish the Death Penalty
Mailing address: 1705 Desales Street NW, 5th floor,
Washington DC, 20036
www.ncadp.org (202) 331-4090

Date	Name	Age	Sex	Race	Number and Race of Victims	State	Region	Method	Other
01/07/2010	Vernon Smith	37	m	Black	1 Black	OH	M	Lethal Injection	
01/07/2010	Kenneth Mosley	51	m	Black	1 White	TX	S	Lethal Injection	
01/07/2010	Gerald Bordelon	47	m	White	1 White	LA	S	Lethal Injection	Volunteer
01/12/2010	Gary Johnson	59	m	White	2 White	TX	S	Lethal Injection	
01/14/2010	Julius Young	60	m	Black	2 Black	OK	S	Lethal Injection	
02/04/2010	Mark Brown	37	m	Black	1 Other	OH	M	Lethal Injection	
02/16/2010	Martin Grossman	45	m	White	1 White	FL	S	Lethal Injection	
03/02/2010	Michael Sigala	32	m	Latino	1 Latino	TX	S	Lethal Injection	
03/11/2010	Joshua Maxwell	31	m	White	1 Latino	TX	S	Lethal Injection	
03/16/2010	Lawrence Reynolds	43	m	White	1 White	OH	M	Lethal Injection	
03/18/2010	Paul Powell	31	m	White	1 White	VA	S	Electrocution	
03/30/2010	Franklin Alix	34	m	Black	1 Black	TX	S	Lethal Injection	
04/20/2010	Darryl Durr	46	m	Black	1 White	OH	M	Lethal Injection	

04/22/2010	William Berkley	31	m	White	1 Latino	TX	S	Lethal Injection	
04/27/2010	Samuel Bustamente	40	m	Latino	1 Latino	TX	S	Lethal Injection	
05/12/2010	Kevin Varga	41	m	White	1 White	TX	S	Lethal Injection	
05/13/2010	Billy Galloway	41	m	White	1 White	TX	S	Lethal Injection	
05/13/2010	Michael Beuke	48	m	White	1 White	OH	M	Lethal Injection	
05/19/2010	Rogelio Cannady	37	m	Latino	1 Latino	TX	S	Lethal Injection	
05/19/2010	Paul Woodward	62	m	White	1 White	MS	S	Lethal Injection	
05/20/2010	Darick Walker	37	m	Black	2 Black	VA	S	Lethal Injection	
05/20/2010	Gerald Holland	72	m	White	1 White	MS	S	Lethal Injection	
05/25/2010	John Alba	54	m	Latino	1 Latino	TX	S	Lethal Injection	
05/27/2010	Thomas Whisenant	63	m	White	1 White	AL	S	Lethal Injection	
06/02/2010	George Jones	36	m	Black	1 Black	TX	S	Lethal Injection	
06/09/2010	Melbert Ford	49	m	White	2 White	GA	S	Lethal Injection	
06/10/2010	John Parker	42	m	White	1 White	AL	S	Lethal Injection	
06/15/2010	David Powell	59	m	White	1 Latino	TX	S	Lethal Injection	

06/17/2010	Ronnie Gardner	49	m	White	1 White	UT	W	Firing Squad	
07/01/2010	Michael Perry	28	m	White	1 White	TX	S	Lethal Injection	
07/13/2010	William Garner	37	m	Black	5 Black	OH	M	Lethal Injection	
07/20/2010	Derrick Jackson	42	m	Black	2 White	TX	S	Lethal Injection	
07/21/2010	Joseph Burns	42	m	White	1 White	MS	S	Lethal Injection	
08/10/2010	Roderick Davie	38	m	Black	1 Black 1 White	OH	M	Lethal Injection	
08/12/2010	Michael Land	41	m	White	1 White	AL	S	Lethal Injection	
08/17/2010	Peter Cantu	35	m	Latino	2 White	TX	S	Lethal Injection	
09/09/2010	Holly Wood	50	m	Black	1 Black	AL	S	Lethal Injection	
09/10/2010	Cal Brown	52	m	White	1 White	WA	W	Lethal Injection	
09/24/2010	Teresa Lewis	41	f	White	2 White	VA	S	Lethal Injection	
09/27/2010	Brandon Rhode	0	m	White	3 White	GA	S	Lethal Injection	
10/06/2010	Michael Benge	49	m	White	1 White	OH	M	Lethal Injection	
10/14/2010	Donald Wackerly	41	m	White	1 Asian	OK	S	Lethal Injection	
10/21/2010	Larry Wooten	51	m	Black	2 Black	TX	S	Lethal Injection	

Arizona Obtains Lethal Injection Drug

Today's Arizona Republic reports, "[Arizona death row inmate's lawyers want drug info from state](#)," written by Michael Kiefer. Friday, October 15, 2010

Attorneys for Jeffrey Landrigan, who is scheduled for execution Oct. 26, have filed a second motion asking the courts to force Arizona to reveal its source for one of three drugs used in the state's lethal injection procedure.

The drug, sodium thiopental, a barbiturate, is in short supply nationwide. Several states have had to postpone executions because they could not obtain the drug.

Like Arizona, California recently obtained a supply of thiopental, but the expiration date that state gave for its supply suggests it was not manufactured by the apparent sole provider of thiopental authorized by the U.S. Food and Drug Administration.

That raises questions about where the drug is coming from.

In a sworn affidavit, Arizona Department of Corrections Director Charles Ryan stated, "The Department has lawfully obtained the necessary chemicals under its current written protocol (. . .) in sufficient quantity for an execution."

But neither Ryan's department nor the Arizona Attorney General's Office will reveal details about where and how it obtained the drug despite the shortage, or when the new supply expires.

"The refusal to provide information or solidly commit to its protocol gives the appearance that the State is hiding something," attorney Sylvia Lett of the Federal Public Defender's Office wrote in a motion filed Thursday. "Why is the State being so secretive when the Arizona Department of Corrections is about to carry out the most severe sanction allowed by law?"

Landrigan was supposed to be executed in November 2007 for the 1989 murder of Chester Dean Dyer in Phoenix. His execution was stayed as the U.S. Supreme Court pondered the constitutionality of lethal injection.

When the high court approved the procedure in principle, it gave death row prisoners the right to challenge lethal-execution protocols in their states. Landrigan appealed, and his defense attorneys, prosecutors and the Corrections Department hammered out an acceptable protocol in 2009.

Landrigan has since reached the end of his appeals. On Sept. 21, the Arizona Supreme Court issued a death warrant for his execution.

And: Anesthesiologists, the FDA and the drug manufacturer are hesitant to discuss its use for executions, however, because that was not why the drug was manufactured.

"It's not an approved use," FDA spokeswoman Karen Riley told The Arizona Republic.

Hospira, the Chicago-based pharmaceutical firm that is the drug's sole U.S. manufacturer, also discourages that use. Clinically, the 65-year-old drug is used for short-acting anesthesia in such procedures as caesarian sections and intubations.

Hospira has not made the drug since 2009, and does not expect to produce more before next year because of difficulties in obtaining the raw materials to do so.

On Oct. 6, the California Attorney General's Office filed a notice in federal court that it had obtained thiopental with an expiration date of 2014 to use in executions there.

Daniel Rosenberg, a spokesman for Hospira told The Republic in an e-mail, "The expiration dates for lots last manufactured by Hospira are for 2011. Therefore, product with an expiration date of 2014 cannot be Hospira product."

Hospira is the only U.S. manufacturer of thiopental.

Donna Benjamin of the American Society of Health-System Pharmacists, which tracks drug shortages, said, "There are not any approved manufacturers of thiopental outside the United States, and the FDA isn't aware of any sites that are making thiopental that would import it. Any import to alleviate a drug shortage would have to come from an FDA-approved source."

When asked where California obtained its thiopental, Terry Thornton, a spokeswoman for the California Department of Corrections and Rehabilitation said, "I'm not at liberty to disclose that."

But Thornton said that the drug was obtained lawfully within the U.S.

That is more information that Arizona's corrections officials will share.

In late September, Assistant Arizona Attorney General Kent Cattani told The Republic that the state was seeking the drug in other states and possibly other countries.

The Arizona Department of Corrections announced it had obtained its supply on Sept. 30, the same day that California obtained its supply, according to the filing by the California Attorney General's Office

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