

Terry Lenamon on the Death Penalty

Sidebar with a Board Certified Expert Criminal Trial Attorney



Terence M. Lenamon is a Florida Bar certified expert in the area of criminal trial law. With over 17 years experience he has built a reputation as one of Florida's most respected criminal defense lawyers. His defense has been sought by many high-profile clients and has led him through 20 first-degree murder trials and eight death penalty cases. That experience has brought him national recognition as a go-to commentator on death penalty issues. He is the force behind both deathpenaltyblog.com and Florida Capital Resource Center (floridacapitalresourcecenter.org), and can be reached at terry@lenamonlaw.com.

FDA Sued By Death Row Inmates: Goal to Stop Import of Sodium Thiopental – Consider The Ramifications Here, They're Not All Good

POSTED ON FEBRUARY 4, 2011 BY **TERRY LENAMON / REBA KENNEDY**

The **Food and Drug Administration (FDA)** became the **defendant in a civil suit** filed this week by six Death Row inmates who face execution in Arizona (3 plaintiffs), California (2 plaintiffs), and Tennessee (1 plaintiff) as they **seek a declaratory judgment** from the federal judge presiding over the United States District Court for the District of Columbia that it is against federal law for the FDA to allow states to use imported sodium thiopental in their executions -- and that the FDA was wrong to issue its announcement that doing so was okay. **No news to the FDA – there was a public meeting last month** where the players met to discuss the issue, clearly without resolution (or maybe, the meeting was just a chance for the opponents to eyeball each other).

The Wall Street Journal provides a **copy of the newly filed complaint here**, if you wish to read the entire pleading.

Represented by the Arizona District's **Federal Public Defender's Office** and the high-powered law firm of **Sidley Austin**, this looks to be a major courthouse fight over the use of lethal injection drugs purchased outside the U.S. borders – at least, until the F.D.A. approves them as being acceptable under

American standards. Sidley Austin is already instituting its media strategy, getting the word out with **a press release this week**, and we should all expect to see more new release updates from the plaintiffs as the fight progresses.

What's This Litigation Really Going to Do?

There are those that are hoping that closing the borders to the importation of this drug will somehow stop executions in this country. That's not going to happen: not only do we still have other American suppliers that may step into the gap (**and yes, we mean Besse Medical in Ohio**), but there are already other execution methods on the books – legal alternatives to the lethal injection method that have been sanctioned as constitutional by the U.S. Supreme Court.

Utah had its firing squad execution last year, without tremendous public outcry, remember? An argument can be made that not allowing **British companies**, for example, to sell sodium thiopental to **Arizona**, for example, can **force us all back to these alternative execution methods** – which seem much less merciful, somehow.