

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.

Oklahoma Executes Man Just Like Vet Euthanizes Dog: Where Is the Outcry?

POSTED ON DECEMBER 21, 2010 BY **TERRY LENAMON**

Last week, **John David Duty** was executed by the State of Oklahoma and in doing so, Mr. Duty made the history books – we may all remember his name for many years in the future as the first man to be executed in the same way that vets put down beloved pets.

Because, while **other states are putting their execution schedules on hold due to a lack of drugs needed for the lethal execution method**, some states are moving forward with innovative execution procedures. Which should give us all great concern.

Here's why:

First, there was the switch to a single-drug execution method led by Ohio.

It's been over a year since **Ohio changed its method of capital punishment to a single-dose lethal injection method**. Ohio argued that it did so to be merciful after the **botched execution of Romell Broom**, where witnesses saw Mr. Broom's

agony during an attempted three–drug cocktail form of lethal injection.

Some debate was had over this change -- it's easier to kill with one injection rather than three. Was this constitutional? Wasn't this getting pretty close to the same methods used to euthanize dogs and cats?

Next, Arizona buys sodium thiopental overseas to circumvent a domestic shortage.

Then came the shortage of chemicals used in these lethal injection procedures. Arizona opted to buy the drug that was traditionally used but no longer available domestically via an overseas supplier. Not vetted by the FDA, opting for the British product has been made subject to constitutional scrutiny and the U.S. Supreme Court allowed the Arizona execution of Jeffrey Landrigan with foreign–made sodium thiopental.

Now, Oklahoma takes it one step further: using readily available toxic drug used by vets to execute a human being.

Oklahoma's answer to the shortage of sodium thiopental? Try pentobarbital as a substitute. Pentobarbital: the exact same drug that veterinarians all over the country use to put down pets. After all, they could buy it domestically right?

So, earlier this month, Oklahoma executed John David Duty with a three–drug cocktail that included pentobarbital in lieu of sodium thiopental. The only difference between Mr. Duty's manner of death and the manner of death implemented by vets all over the country that same day was that Mr. Duty had two

additional injections given to him.

One wonders if Ohio would even grant him that mercy.

And, where is the public outcry to this slippery slope we're sliding down in how executions are being done in this country?

The [Huffington Post](#) wrote about the [Duty Execution](#) and as of this post, has received almost 800 comments to the story.

[Richard Dieter of the Death Penalty Information Center](#) has been quoted in the news media as predicting other states may follow Oklahoma's lead since it's an easy answer to the drug shortage.

Over at [New Scientist](#), there is a short discussion on the event – with a warning that if not properly administered, pentobarbital will only paralyze and not kill. Meaning, the man lays on the gurney unable to move but not dead. Sounds cruel, doesn't it?

Of interest, the [single comment](#) to the New Scientist article: Speaking as a veterinary surgeon, I should point out that pentobarbital is an anaesthetic and causes unconsciousness before anything else – certainly not paralysis!. It kills in overdose, which is how we use it, by depressing respiration and then stopping the heart. If an underdose is given it can cause temporary excitement at the worst.

So, if we as a nation continue to blur the lines between executing men and euthanizing dogs, then let's hope at least that we get the dosage right.