

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.

Death Penalty Lethal Injection Crisis Continues: New Problems for Georgia

POSTED ON MARCH 17, 2011 BY TERRY LENAMON / REBA KENNEDY

Georgia has halted its execution schedule now that the federal government has swooped in and taken its stash of sodium thiopental. Seems that **the Drug Enforcement Administration (DEA)** believes that the State of Georgia violated federal law when it bought sodium thiopental from a British supplier for use in its three-drug lethal injection execution cocktail.

The **DEA, as part of the Department of Justice**, is also reportedly looking into other states' purchases of sodium thiopental. Maybe other states have violated federal law, too. For one thing, **Georgia sold part of its sodium thiopental supply to Kentucky.** Kentucky's gotta be on the DEA's list.

Of course, this action didn't come in time to stop Georgia from using some of the British-supplied sodium thiopental to execute **Emmanuel Hammond** back in January. Importantly, the arguments against using this drug brought by Mr. Hammond's defense counsel didn't carry much weight with the United States Supreme Court.

As the **New York Times points out in its coverage of the DEA's action**, the Supreme Court okayed Georgia's execution with the British drug back then.

Now, is this more of an example of closing the barn door after

the horse is out, or the left hand not knowing what the right hand is doing? Or is it both?

And before anyone starts arguing that this really isn't a big deal, check out the [photograph provided by NPR](#) of the storefront in Great Britain where this stuff originated. The drug purchased by the State of Georgia came from this dirty, shoddy storefront -- actually, a second rate distributor that did business out of the back of a driving school.

Not a lab. Not a pharmacy. Not a drug manufacturing plant. Nope.

[Look at the photograph.](#) You have to wonder if someone in Georgia thought it best simply to surf around Craigslist or EBay to buy the drug that the state would use to kill a human being.

How did this all begin? One letter from one lawyer.

[According to the Wall Street Journal](#), seems everyone thought this was just fine over in Georgia. But things changed when U.S. Attorney General Eric Holder read a letter sent to him by [John Bentivoglio of Skadden, Arps, Slate, Meagher & Flom LLP](#), who represents Georgia death row inmate Andrew Grant DeYoung.

Up there in Washington, D.C., Mr. Bentivoglio wrote to Mr. Holder and explained that his client was facing what defense counsel believed to be an illegal execution by the State of Georgia, since the state had not registered as an importer of a controlled substance when it bought the sodium thiopental from the British supplier.

Interestingly, [Mr. Bentivoglio practices in the area of health care regulatory issues, not death qualified criminal defense.](#) He also has a background with the Justice Department.

According to his bio, Mr. Bentivoglio served for many years at the U.S. Department of Justice: Associate Deputy Attorney General (1998–2000); Counsel to the Deputy Attorney General & Special Counsel for Health Care Fraud (1997–1998); Trial Attorney, Criminal Division (1996–1997) and he served on the Committee on the Judiciary, U.S. Senate: Professional Staff Member (1988–1992); Legislative Assistant (1986–1988)

Well done, and thank you, Mr. Bentivoglio.