

An AP article on problems with administering lethal injections in Ohio quotes Professor Dow.

Ohio considering bone, muscle for lethal injection

By STEPHEN MAJORS (AP) – 19 hours ago

COLUMBUS, Ohio — Ohio is considering new ways of administering lethal drugs to condemned inmates in the wake of a failed execution last month.

A prisons department spokeswoman says one possible alternative is to inject drugs into inmates' bone marrow or muscles. Such ideas might only be backups to traditional intravenous injections.

Romell Broom couldn't be executed last month because a suitable vein couldn't be found. The execution is on hold at least until a federal court hearing takes place on Nov. 30.

The governor issued reprieves for two other death-row inmates on Monday, saying that more time is needed to study the execution procedure.

The nonprofit Death Penalty Information Center says it isn't aware of other states that inject into bone marrow or muscle.

THIS IS A BREAKING NEWS UPDATE. Check back soon for further information. AP's earlier story is below.

COLUMBUS, Ohio (AP) — The national impact of the unprecedented halting of a rapist's execution after two hours and temporary reprieves for other condemned inmates likely will become clear over the next few months as courts examine the state's lethal-injection procedures, experts say.

Gov. Ted Strickland ordered the five-month reprieves to give the prisons department more time to update protocols for dealing with long delays in finding suitable veins on inmates for injecting lethal chemicals. The order represents only a brief moratorium, since inmates still are scheduled to die in December, January and February.

Strickland's reprieves for Lawrence Reynolds, scheduled to be executed Thursday for killing a neighbor, and Darryl Durr, scheduled to die next month for strangling a girl, ended a series of rapid-fire events Monday focused on the state's lethal-injection process.

Earlier in the day, a panel of the 6th U.S. Circuit Court of Appeals had delayed Reynolds' execution, citing problems with another one, the unsuccessful attempt on Sept. 15 to put Romell Broom to death for raping and killing a teenage girl he had abducted at knifepoint in Cleveland in 1984.

Strickland stopped that execution after two hours when executioners couldn't find a usable vein.

Until it was halted, the execution attempt had taken the longest in Ohio to date, and Strickland's order to stop it was unprecedented nationally since the country resumed executions in the 1970s.

Ohio has put 32 people to death since 1999, when executions resumed there.

The U.S. Supreme Court was weighing whether to uphold the delay for Reynolds when Strickland issued his reprieves.

Strickland said prison staff since Sept. 15 have been researching backup or alternative procedures for lethal injection that would comply with state law.

"Although they have made substantial progress in this regard, more research and evaluation of backup or alternative procedures is necessary before one or more can be selected," Strickland said.

The backup procedure also will require training and other preparation, Strickland said.

Texas executed two people immediately after Broom's execution was stopped. Virginia is preparing to put Washington-area sniper John Allen Muhammad to death next month.

Muhammad's attorney Jon Sheldon said he had no plans to raise an injection issue as part of an upcoming appeal. He said it's difficult to challenge the constitutionality of injection in Virginia because the state keeps many details of its process secret.

Virginia, unlike Ohio, doesn't permit witnesses to view the insertion of the IVs. It also shields its protocols, considering them related to security, said Larry Traylor, spokesman for the Virginia Department of Corrections.

Texas also doesn't permit anyone to witness the placement of the IVs.

Broom's case is likely to affect inmates whose cases most closely resemble his, such as condemned killers who argue they also have veins that might be difficult to find, said **David Dow**, litigation director for the Texas Defender Service.

Broom's execution is on hold while his attorneys prepare for a Nov. 30 federal court hearing. The attorneys argue that a second execution attempt on Broom would violate a constitutional ban on cruel and unusual punishment.

The impact of Broom's case nationally will probably become clearer once U.S. District Judge Gregory Frost holds that hearing, said Deborah Denno, a Fordham University law professor and lethal-injection expert.

The reprieves Strickland issued provide some insight into his position on how the state executes people, since he could have gone even further, said Lori Shaw, a University of Dayton death penalty expert.

"What he hasn't done is put a moratorium on executions," she said. "He took this step, but he didn't take a greater leap."

Judge Boyce Martin said Broom's case raises questions about the state's lethal-injection procedures, including the competence of the state's execution team.

"Given the important constitutional and humanitarian issues at stake in all death penalty cases, these problems in the Ohio lethal-injection protocol are certainly worthy of meaningful consideration," the judge wrote.

He said Frost should consider the cases of Broom and Reynolds together in November.

Judge Jeffrey Sutton dissented, arguing that the state's policy addresses a scenario in which executioners can't find suitable veins after repeated attempts.

"Why assume an execution protocol is unconstitutional when one of the humane features of the protocol — that the state will not continue trying to access a usable vein beyond a sensible time limit — is being followed?" he wrote.

Strickland delayed Reynolds' execution until March 9 and Durr's until April 20.

Prosecutors say Reynolds strangled Loretta Foster, who lived three doors down from him in Cuyahoga Falls, near Akron, when he needed money to fuel his alcohol addiction.

"We are disappointed for Loretta Foster's family, who has waited a very long time to see Reynolds' sentence carried out, and ultimately, to see final justice for her murder," said Brad Gessner, criminal division chief at the Summit County prosecutor's office.

Durr, of Elyria, in Lorain County, was scheduled to die Nov. 10 for raping and strangling a 16-year-old girl, Angel O'Nan, in 1988.

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