

As Missouri execution pace quickens, so, too, does controversy

Thomas C. Fox | Feb. 12, 2014 NCR Today

Michael A. Taylor, a 47-year-old inmate at the Missouri state prison in Bonne Terre, Mo., is set to be executed Feb. 26, though the means of the execution officially remain a secret.

Taylor was [convicted](#) [1] of raping and murdering 15-year-old Ann Harrison after abducting her from a school bus stop in Raytown, Mo. on March 22, 1989. He was aided by Roderick Nunley, also currently on Missouri's death row for the same crime. The men, by their own admissions, were under the influence of crack cocaine at the time of the crime.

If carried out, it would be Missouri's fourth execution since November 2013, and the fourth since switching to a new but not fully disclosed execution protocol.

For a quarter century until just two years ago, Missouri had used a three-drug protocol for its executions: an anesthetic -- sodium thiopental used in every state but Oklahoma -- intended to prevent pain, followed by a muscle relaxant, and then a drug that stops the heart.

However, in early 2011 with opposition to the death penalty rising, the sole U.S. manufacturer of sodium thiopental announced it would stop making the drug because of objections it was being used in capital punishment cases.

As the drug supply diminished, states, including Missouri, scrambled to find alternatives. Some began using untested drug combinations that have resulted in what a number of critics call "botched" executions.

In Ohio last month, for example, an inmate named Dennis McGuire was executed with an untested two-drug method despite warnings it might cause immense suffering. McGuire, according to a journalist [who witnessed the execution](#) [2], "struggled, made guttural noises, gasped for air and choked for about 10 minutes before succumbing to a new, two-drug execution method."

The [Eighth Amendment](#) [3] prohibits "cruel and unusual" punishment, and now there are new questions about whether these new injection cocktails cause such suffering.

Missouri is among those states whose use of new drugs has caused controversy and has led to a lawsuit Taylor hopes could delay his pending execution.

Lacking sodium thiopental, Missouri declared it would use another drug, [propofol](#) [4], the one involved in the death of pop star Michael Jackson. But objections quickly followed.

The European Union threatened to forbid or restrict the exportation of propofol to the United States, where it is commonly used as an anesthetic in routine operations, if it were to be used in capital punishment cases.

Missouri backed down and then reportedly decided to try [pentobarbital](#) [5]. But officials have not been forthcoming about the drug use or from where it is being purchased.

One published report found the state had sent a cash-carrying courier to a neighboring state, Oklahoma, to retrieve the drug. Meanwhile, other published reports pointed the finger at an out-of-state compounding pharmacy, Apothecary Shoppe, in Tulsa, Okla., as the Missouri supplier.

By state law any pharmacy that sells an execution drug is considered a part of the execution team and its identity is kept secret. However with national interest growing, death penalty opponents seized on the issues of secrecy, questioning the constitutionality of the executions.

“The secrecy means we can’t know whether we’re violating the constitutional prohibition against cruel and unusual punishment,” Missouri state Sen. Rob Schaaf recently [told the Kansas City Star](#) [6].

The Missouri saga takes place in the wake of a 2012 civil case, which sought George Lombardi, the director of the Missouri Department of Corrections, to provide information about the chemicals.

Notre Dame Sr. Theresa Maly, of Kansas City, Mo., is among the death penalty opponents who have worked to commute Taylor’s death sentence. She was one of several anti-death penalty advocates who traveled to Tulsa last week to stand in front of the Apothecary Shoppe. The group met with one of the staff at the compounding pharmacy.

Said Maly, “We told him a pharmacy should be a place of healing, not death.”

She and others at the Missourians for Alternatives to the Death Penalty are involved in a [petition](#) [7] [drive](#) [8] that seeks for Gov. Jay Nixon and the state board of probation and patrol to commute Taylor’s sentence.

“The difficulty the state of Missouri has had in obtaining lethal injection drugs points to the fact that there is no humane way to carry out an execution. We hope that doctors and pharmacist around the country will realize that America’s sense of justice has evolved beyond the death penalty and agree to stop participating in the process,” said Cathleen Burnett, vice-chair of Missourians for Alternatives to the Death Penalty, [in a Feb. 3 statement](#) [9].

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Links:

[1]

[http://www.courts.mo.gov/sup/index.nsf/0/95aecea24a9448df862577de006f0641/\\$FILE/SC90925_State_of_Missouri_b](http://www.courts.mo.gov/sup/index.nsf/0/95aecea24a9448df862577de006f0641/$FILE/SC90925_State_of_Missouri_b)

[2] <http://www.dispatch.com/content/stories/local/2014/01/16/mcguire-execution.html>

[3] <http://constitutioncenter.org/constitution/the-amendments/amendment-8-cruel-and-unusual-punishment>

[4] <http://www.health.harvard.edu/blog/propofol-the-drug-that-killed-michael-jackson-201111073772>

[5] <http://en.wikipedia.org/wiki/Pentobarbital>

[6] <http://www.kansascity.com/2014/02/07/4806740/execution-secrecy-draws-criticism.html>

[7] <http://madpmo.org/CommuteMichaelsSentence>

[8] <https://www.ncronline.org/madpmo.org/CommuteMichaelsSentence>

[9] <http://www.ncadp.org/blog/entry/missourians-for-alternatives-to-the-death-penalty-launch-vigil-protesting-p>

[10] <https://twitter.com/NCRTomFox>