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Unknown drug supplier among developments for Taylor execution

Mick Forgey | Feb. 21, 2014 NCR Today

Despite the recent controversy over lethal injection drugs in Ohio [1] and Louisiana [2], Missouri is forging ahead with the execution of convicted killer Michael A. Taylor next Wednesday [3]. The state of Missouri has secured a new pharmacy to provide the drug pentobarbital for use in Taylor's execution by lethal injection, *The Kansas City Star* reported [4].

The pharmacy that will supply the drug remains unidentified, since it is considered part of the state's execution team. It has not yet been confirmed if the pharmacy has already provided the drug to the state. According to Taylor's lawyers, Missouri prison officials said they do have alternative drugs that they could use instead of pentobarbital, if needed.

This follows a settlement between Taylor's lawyers and the Oklahoma pharmacy that was suspected of providing pentobarbital for Missouri's last three executions. Taylor filed a suit against the pharmacy, and earlier this week the pharmacy agreed not to provide the drug for use in Taylor's execution. Despite the implication of the lawsuit and settlement, the pharmacy did not confirm that it had supplied the drug to the state.

According to The Associated Press [5], the office of Attorney General Chris Koster "said in a court filing on Wednesday that Missouri had arranged for a different pharmacy to provide pentobarbital."

In addition, as reported in a separate AP story [6], Sen. Kurt Schaefer proposed legislation on Wednesday to imbue Missouri's prison officials with full discretion in deciding how to put inmates to death. Though current state law allows executions by lethal gas or chemicals, the Death Penalty Information Center said that U.S. law permits electrocutions, hangings and firing squads as well.

"Because there is some new unknown pharmacist supplying drugs, the same questions and concerns remain," said the Rev. Dr. Cathleen Burnett, vice chair of Missourians for Alternatives to the Death Penalty (MADP). Burnett is a Ph.D. who taught criminal justice for 34 years at UMKC. She is ordained in the Methodist Church and serves as its death penalty coordinator.

According to *The Kansas City Star [7]*, Taylor's lawyers renewed a request for a stay of execution on Thursday, the day after Missouri announced it had a new drug supplier. Taylor's lawyers allege that they don't have enough time to verify that the drug will work properly. The concern is that administering a poorly manufactured drug or combination of drugs may result in prolonged suffering and pain for Taylor. The use of a two-drug combination in Dennis McGuire's execution in Ohio led to a death for McGuire that lasted more than 19 minutes, according to witnesses.

"The defense is not able to know what it is that is being used and it's not able to assess its effectiveness. It is still very uncertain that this drug is appropriate for use in execution," said Burnett.

Taylor's execution would be Missouri's fourth in four months, the last taking place in the end of January. The state also used pentobarbital in its execution of Herbert Smulls Jan. 29 [8].

Burnett said she is afraid that next week's execution will take place. "I think the governor is very invested in going ahead with this execution. Short of some very good legal arguments that the Taylors have, I don't see the governor commuting the sentence," she said. "Missouri has had a long reputation for being eager to execute. I think that's a very sad reputation. The fact that in the last three executions the corrections department proceeded even as appeals were pending indicates that they're not willing to follow the law. I think that perverts our justice system and it turns us into persons that I don't think we want to be."

MADP is holding a vigil ahead of the Taylor execution from 4 to 5 p.m. Tuesday at the JC Nichols Fountain on the Plaza. Vigils will be held [9] throughout the state.

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