

Inmate to Get 1-Drug, Slower Execution
By ANDREW WELSH-HUGGINS, AP

posted: 16 DAYS 9 HOURS AGO

COLUMBUS, Ohio (Dec. 7) -- Condemned killer Kenneth Biros could become the first person in the country put to death with a single dose of an intravenous anesthetic instead of the usual — and faster-acting — three-drug process if his execution proceeds Tuesday.

The execution could propel other states to eventually consider the switch, which proponents say ends arguments over unnecessary suffering during injection. California and Tennessee previously considered then rejected the one-drug approach.

Though the untested method has never been used on an inmate in the United States, one difference is clear: Biros will likely die more slowly than inmates put to death with the three-drug method, which includes a drug that stops the heart.

Lethal injection experts on both sides of the debate over injection say thiopental sodium, which kills by putting people so deeply asleep they stop breathing, will take longer.

How much longer is unclear: Mark Dershwitz, an anesthesiologist who advised Ohio on its switch to the single drug, has written death should occur in under 15 minutes.

Ohio inmates have typically taken about seven minutes to die after the three-drug IV injection, which combines thiopental sodium with the drugs pancuronium bromide — which paralyzes muscles — and potassium chloride, which causes cardiac arrest. Dershwitz also said in a court filing last week that a single dose of thiopental sodium would take longer than the three drugs, though he didn't specify a time.

The switch from three drugs to one was ordered last month because of the state's botched attempt on Sept. 15 to execute convicted rapist and killer Romell Broom. His executioners tried unsuccessfully for two hours to find a usable vein for injection, painfully hitting bone and muscle in as many as 18 needle sticks. Gov. Ted Strickland halted the execution.

Broom, 53, has appealed the state's attempt to try again.

Ohio officials contend the single-drug method should end a five-year-old lawsuit against the state that claims injection can cause inmates severe suffering.

Lethal injection experts and defense attorneys for death row inmates have said the one-drug method, a single dose of an anesthetic, would not cause pain.

Biros, 51, killed 22-year-old Tami Engstrom near Warren in 1991 after offering to drive her home from a bar, then scattered her body parts in Ohio and Pennsylvania.

All 36 death penalty states use lethal injection, and 35 rely on the three-drug method. Nebraska, which recently adopted injection over electrocution, has proposed the three-drug method but hasn't finalized the process.

States with active death chambers are keeping an eye on Ohio's switch but have no immediate plans to switch. Florida, South Carolina, Texas and Virginia are among those keeping the three-drug system for now.

"Virginia's method has been successfully used in over 75 executions and repeatedly been upheld as constitutionally acceptable," state prisons spokesman Larry Traylor said Friday.

States will likely watch Ohio's experience and the court challenges before making a decision, said Richard Dieter, executive director of the Death Penalty Information Center.

The U.S. Supreme Court said last year that states would only have to change the three-drug process if an alternative method lessened the possibility of pain. Defense attorneys have also supported the one-drug option, reducing the possibility of legal challenges, Dieter said.

If Ohio is successful "in making this transition, and if a few other states follow that lead, I think we will see the majority of states changing to this method of lethal injection," Dieter said.

Biros' attorneys want his execution delayed, saying the new untested method has never been used in "any other civilized country" and would amount to human experimentation. But the same attorneys earlier advocated for the state to switch to the one-drug method.

The state "could and should shift to a one-drug protocol designed to cause death by means of an overdose of an anesthetic," John Parker, one of Biros' attorneys, said in a court filing last year. Doctors conducting euthanasia in Europe administer thiopental sodium but also usually add pancuronium bromide.

Ohio has executed 32 men by injection since 1999, three of them with complications. In 2006, executioners needed more than an hour to put inmate Joseph Clark to death after the drugs initially failed to work because of problems with his veins.

In 2007, executioners took several minutes to find a usable vein on inmate Christopher Newton because of his large size, and he then took 15 minutes to die, twice as long as normal.

The state says this history supports Ohio's success with injections: "in over thirty executions, Ohio has encountered difficulties three times, and only on one occasion has it been necessary to postpone the execution," Charles Wille, an assistant Ohio Attorney General, said Friday.

Copyright 2009 The Associated Press. The information contained in the AP news report may not be published, broadcast, rewritten or otherwise distributed without the prior written authority of The Associated Press.

2009-12-07 00:06:32

