

Ga. Executions off: DEA Seizes Critical Drug

Ga. executions off after DEA seizes lethal injection drug; questions how imported from England

The Associated Press

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A U.S. shortage of a key lethal injection drug deepened Wednesday as federal regulators investigated whether Georgia circumvented the law in obtaining its supply and Texas announced it was switching to an alternative.

The Drug Enforcement Administration seized Georgia's entire supply of sodium thiopental, which defense attorneys claim came from a fly-by-night British supplier operating from the back of a driving school in a gritty London neighborhood.

DEA agents have not said exactly why they seized the drug, except that there were questions about how it was imported into the U.S.

The supply issues have delayed executions in several states and forced at least five to turn to England for the drug, a sedative in the three-drug execution cocktail used by most of the nation's 35 death penalty states. Texas on Wednesday announced it is switching to another, stronger sedative that is often used to euthanize animals.

The seizure in Georgia effectively delays any executions until the federal probe is complete, which could take months. That's little comfort to friends of Emmanuel Hammond, a 45-year-old who was executed in January even after his attorneys argued that the state could have illegally obtained the drug.

"There's something terribly wrong when officials charged with enforcing criminal laws break them," said Brian Mendelsohn, an attorney for Hammond, who was put to death for the 1988 slaying of an Atlanta preschool teacher.

Georgia corrections spokeswoman Joan Heath said the state is cooperating with the DEA probe to ensure it is in "regulatory compliance with the DEA over how we handle controlled substances.

Georgia's stockpile of sodium thiopental — believed to be around 20 grams, enough for at least four executions — has been under scrutiny since corrections officials released documents in court that showed the state bought the drug from Dream Pharma, a company in London that has the same address as the Elgone Driving Academy.

The firm hasn't responded to several e-mail and phone calls seeking comment, and a reporter who visited the store Wednesday was told the owner was gone for the day.

The documents also show the drugs were manufactured by Link Pharmaceuticals, a firm purchased five years ago by Archimedes Pharma Limited. Both are British firms. Death penalty opponents say the name of Link Pharmaceuticals hasn't been on labels since May 2007, and since sodium thiopental typically has a shelf life of four years, the state's supply would expire in May of this year.

State corrections officials say the drug won't expire until 2014 and they don't have concerns about its quality.

Sodium thiopental has been in short supply since Hospira Inc., its sole U.S. manufacturer, decided in January to stop making it. An Associated Press review this year found that most of the nation's 35 death penalty states had run out of it or would soon; 17 states had no supply at all.

The Texas Department of Criminal Justice said Wednesday it was planning to substitute pentobarbital for sodium thiopental in its three-drug cocktail. Agency spokeswoman Michelle Lyons said the state picked the drug partly because it survived court challenges in Oklahoma, where it has been used in recent executions. Ohio has also switched to pentobarbital as the sole drug used for its executions.

In some other states, switching to another drug could prove a difficult, drawn-out process, fraught with legal challenges from death row that could put executions on hold.

The shortage has delayed executions in several states and the Associated Press review found that at least five states — Arizona, Arkansas, California, Georgia and Tennessee — had to turn to England for their supply of the drug. Nebraska, meanwhile, secured a stockpile from an Indian firm