

# Ohio Executes Convict Using Single Controversial Drug

## Other States Watch as Ohio Makes It Easier After Illinois Bans Executions

By **RUSSELL GOLDMAN**

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Johnnie Baston, 37, was pronounced dead at 10:30 a.m. at the Southern Ohio Correctional Facility in Lucasville following a single dose of just pentobarbital, a drug similar to the one used to euthanize horses.

An official at the Ohio Department of Corrections told ABCNews.com that Baston's execution went smoothly.

"It was identical to previous procedures," said spokesman Carlo Lo Paro.

Baston's execution was closely monitored by 32 other states, each grappling with how to adjust their lethal injection protocols following the discontinued manufacture of sodium thiopental, the workhorse of American death chambers for more than a decade.

The execution also comes just one day after Illinois repealed the death penalty, commuting the death sentences of 15 convicts to life sentences.

But for the states that still have lethal injection on the books, determining how to execute convicts without the use of sodium thiopental has led to confusion.

The old cocktail included sodium thiopental, a powerful barbiturate, that was administered with vecuronium bromide which paralyzes the body and potassium chloride which slowed breathing and stopped the heart.

Corrections departments around the country have been scrambling to find alternatives and most of those states have settled on pentobarbital as part of a lethal cocktail.

In Ohio, pentobarbital is being used by itself.

But critics maintain the new drug is a hastily chosen and mostly unproven drug for use in executions.

"It's an untested protocol and an untested drug. We've had three botched executions in this state already and now we're moving to something untried. There is a risk," said Tim Young, the Ohio public defender who represented Baston and appealed his execution.

Baston did not request a special last meal, eating instead the dinner served all inmates: a beef and macaroni casserole, spinach, peas, fresh fruit and wheat bread.

After years of legislation, litigation and consulting with experts, 33 states developed multiple-drug execution protocols, in which an injection of sodium thiopental was used to deliver the final painless killshot.

Drug manufacturer Hospira announced last month it would no longer make the sodium thiopental, following several months of delays in production.

### **Shortly of Execution Drug Prompts Ohio to Use Pentobarbital**

Oklahoma became the first state to execute an inmate using pentobarbital, but administered it with several other drugs. Baston was killed using the drug by itself.

The sodium thiopental shortage and states' scramble to find alternatives has already resulted in several lawsuits and will likely lead to more, said Richard Dieter, executive director of the nonpartisan Death Penalty Information Center.

"We should very much expect lawsuits and legal challenges to specific executions," he said.

"More eleventh hour cases are going to occur. Every lawyer who has got a client is going to file. Every state uses sodium thiopental and is going to face this," Dieter said.

This month Texas, which has the country's largest death row with 317 convicted murderers awaiting executing, will run out of sodium thiopental and begin seeking an alternative.