

Oklahoma prisoner executed with animal anesthetic

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In an especially brutal and grisly act, an Oklahoma prisoner was put to death December 16 using a drug commonly used to euthanize animals. John David Duty, a 58-year-old inmate at the Oklahoma State Penitentiary, was the 45th person to be executed in the United States in 2010.

Duty was killed by the injection of a combination of chemicals, including a massive dose of the veterinary anesthetic pentobarbital. The drug is commonly used to euthanize dogs, cats, and other animals and was at one time used as a human anesthetic. Duty is the first US prisoner to be killed in this manner.

Lethal injection consists of a three-drug combination. First, a prisoner is injected with the barbiturate sodium thiopental to render him or her unconscious. Next, pancuronium, a muscle relaxant, causes immediate and complete paralysis of the muscles and lungs, inducing asphyxiation. Finally, the prisoner is injected with potassium chloride, which causes a massive heart attack.

Shortages of sodium thiopental have led to delays in scheduled executions over the past several months. Hospira, the only US-based producer of the drug, has halted production due to a shortage of raw materials and is not scheduled to resume manufacture until next year. In response to the shortage, state legislatures have pursued importing the drug or substituting other chemicals.

After Oklahoma moved to substitute pentobarbital in November, Duty and two other death row inmates challenged the state's decision as inhumane, arguing it could cause excruciating pain if the drug did not completely knock a prisoner out before the other drugs were introduced. Lawyers for the prisoners also argued that the efficacy of the drug has not been tested on humans, and that the Food and Drug Administration

has not approved its use. A federal judge upheld the change in Oklahoma protocol November 19.

Like several other challenges to scheduled executions since 2008, when the Supreme Court upheld the use of lethal injection, the Oklahoma case focused not on the cruelty and constitutionality of capital punishment itself, but rather on the specific method of execution. In October, the Supreme Court lifted a stay of execution in the case of Arizona death row prisoner Jeffrey Landigran, who was killed by lethal injection October 26. Landigran's defense had argued that the method of execution could result in a painful death, in violation of the Constitution's Eighth Amendment banning cruel and unusual punishment.

Oklahoma's 10th Circuit Court of Appeals ruled December 14 that Duty's execution could go forward. "According to the record, sodium thiopental is now effectively unobtainable anywhere in the United States, thus requiring Oklahoma and other death-penalty states to revise their lethal injection protocols," the ruling read. The decision will likely open the way for more executions using pentobarbital in Tennessee, Arkansas, California, Maryland, and elsewhere. Arizona, Ohio, and Kentucky are also short on sodium thiopental.

Duty, serving life in prison for rape, robbery and shooting from a 1978 conviction, was sentenced to death in 2002 after he pleaded guilty to murdering his cellmate. In post-conviction proceedings, Duty said he was suffering from depression and had had ineffective legal counsel when he entered the guilty plea. He was denied numerous appeals.

The Associated Press reported that Duty's final words before his execution were apologies to relatives of the victim. "I hope one day you'll be able to forgive me, not for my sake, but for your own," he said.

At 6:12 p.m., the pentobarbital was injected, and,

according to the AP, Duty's breathing became labored after one minute. At 6:15, he appeared to stop breathing. He was declared dead at 6:18 p.m. Oklahoma Department of Corrections spokesman Jerry Massie commented afterward, "There didn't appear to be any issues with the new drug."

Another Oklahoma prisoner, Jeffrey David Matthews, faces execution January 11. Matthews, who was convicted of killing his great-uncle during a robbery in 1994, has exhausted his appeals. Originally scheduled to be put to death last June, his execution was granted a series of reprieves to allow for review of questionable evidence in the case.

Unidentified fingerprints from the crime scene do not match his, and the main accuser in the case has recanted his testimony in an affidavit. In another affidavit, the deputy who arrested Matthews stated that he believes some evidence was planted, and that Matthews did not receive a fair trial.

Oklahoma was the first state to approve lethal injection in 1977. According to the Death Penalty Information Center, Oklahoma currently holds 84 prisoners on death row. In the past 20 years, the state has executed 94 prisoners. Ten innocent people have been freed from the state's death row.

The state's assembly line of death continues in the US. Nationwide, 13 executions are slated for 2011, with five scheduled in January. Four other planned executions for the coming year have been granted temporary stays, three of them in response to legal challenges to the new lethal injection procedures.



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