

Oklahoma carries out second execution this year using pentobarbital

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On Thursday evening, the state of Oklahoma carried out the execution of 52-year-old Kenneth Eugene Hogan, the second person put to death in the state this year. Hogan had been convicted of the 1988 stabbing murder of Lisa Stanley, a student at Oklahoma City Community College, and had been on death row for over 26 years.

Authorities at the Oklahoma State Penitentiary in McAlester carried out the execution using a three-drug protocol for the lethal injection, which included a lethal dose of pentobarbital, an anesthetic commonly used to euthanize animals.

Strapped to the gurney before being administered the lethal chemicals, Hogan stated, "I am guilty for what I'm here for, and I take full responsibility for my actions." Addressing the victim's family, he said, "And to Lisa's family, I say I'm sorry that I can't undo it."

As the toxic chemicals began to take effect seconds after the lethal injection, Hogan said, "There's a chemical taste in my mouth." According to witnesses, as he turned to look back at his family one last time he exclaimed, "I'm going, I'm going, I'm going." The condemned inmate's face grew ashen as he took his last breaths. He was pronounced dead at 6:13 p.m., about six minutes after the lethal dose was administered.

Another Oklahoma inmate, Michael Lee Wilson, was put to death in the state's death chamber using the same toxic chemical mixture on January 9. Witnesses reported he cried out "I feel my whole body burning" following the lethal injection, before being pronounced dead several minutes later.

Kenneth Hogan's initial death sentencing was overturned in 1999, when a federal court found that the jury should have been allowed to consider a verdict of manslaughter. Oklahoma appealed to the US Supreme

Court, which in 2000 refused to reinstate Hogan's conviction. In a new trial in 2003, Hogan was again found guilty and sentenced to death.

Meeting earlier this month, the state Pardon and Parole Board voted 4-1 to deny Hogan's final request for clemency. Hogan was the fifth death row inmate executed in the United States this year.

His execution came just days after Dennis McGuire, an Ohio man, was put to death in a botched lethal injection that took over 25 minutes to complete. During the execution McGuire was reported to have made "several loud snorting or snoring sounds" and strained against the straps on the gurney as the toxins took effect.

McGuire's family has since initiated a lawsuit against the state of Ohio, maintaining that the procedure was in violation of constitutional protections against cruel and unusual punishment.

Last week's execution in Ohio has evoked widespread revulsion against the death penalty. In particular, the newfound practice of states turning to unregulated and unidentified compounding facilities to continue propping up their supply of lethal drugs has raised numerous constitutional challenges.

In Missouri, attorneys representing condemned inmate Herbert Smulls have sought a 60-day stay of his execution, scheduled for January 29, on the grounds that the dosage of pentobarbital set to be administered to him has "high risk" of being defective.

"These are essentially experiments on human subjects," Cheryl Pilate, attorney for Smulls, told the *News Leader*. In appealing to the court for a stay of the execution, Smulls' attorneys argued that substances such as pentobarbital, a powerful sedative used in the procedure, were being stored by the Missouri Division of Adult Institutions at room temperature for several

weeks before being administered to prisoners, creating the likelihood that the drugs were degrading while in storage.

Pilate stated that this “reveals a shocking level of bureaucratic indifference regarding the lethal drug, including a failure to obtain even the most basic information about the background and reliability of the compounding pharmacy, including whether it is properly licensed or adheres to industry standards.” Missouri’s Board of Pharmacy has found that nearly 20 percent of all of the state’s drugs produced in such facilities are considered to be substandard.

The American Civil Liberties Union has also inquired about the source of the state’s drug supply, launching a lawsuit which orders Missouri to cease executions until it agrees to reveal the identity of the unnamed compounding facility, which the organization believes is unregistered to do business in the state, a Class C felony.

It is believed that the unnamed facility is also behind the spread of compounded drugs being sold to executioners in Oklahoma. Oklahoma was the first state to begin purchasing the drug in 2010, when another powerful chemical, sodium thiopental, became scarce. Hospira, the only US-based drug manufacturer to produce the substance, had its supply of sodium thiopental discontinued in 2011.

Despite the results of last week’s execution in Ohio, and the apparently botched execution of Michael Wilson two weeks ago, Oklahoma authorities have signaled their intent to proceed with future executions. “That issue on Oklahoma inmates has been well litigated,” stated Jerry Massey, spokesman for the Oklahoma Department of Corrections. Massey added that the state is “comfortable with the protocol” currently being used to execute prisoners.

In the coming weeks, Oklahoma is set to send two more prisoners to their deaths, Clayton Darrell Lockett and Charles Frederick Warner. Oklahoma has one of the highest rates of executions among the 32 US states that practice capital punishment, rivaled only by Texas, Florida and Ohio.

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