

# New Year executions: Oklahoma, Florida and Georgia

**Kate Randall**  
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The first executions of the new year took place this week in three US states: Georgia, Florida and Oklahoma. In each case, a combination of state governors, appeals courts and the US Supreme Court declined to intervene, allowing the lethal injections to proceed.

## **Oklahoma: Thursday, January 15, 7:28 p.m. CT**

In Oklahoma on Thursday, Charles Frederick Warner received an injection of three lethal chemicals at the Oklahoma State Penitentiary in McAlester beginning at 7:10 p.m. local time. The execution came after the US Supreme Court denied a last-minute stay.

According to Associated Press reporter Sean Murphy, who witnessed the execution, once it started Warner said, “My body is on fire. No one should go through this.” Warner’s last words were, “They poked me five times. It feels like acid.”

Warner, 46, was convicted and sentenced to death in 2003 for the rape and murder of his then-girlfriend Shonda Waller’s 11-month-old infant, Adrianna, in 1997. He was initially scheduled to be executed on April 28, 2014, as part of a double execution planned by Oklahoma authorities.

On Wednesday, a federal appeals court rejected Warner’s appeal for a stay of execution. Warner’s attorney Dale Baich then filed the motion with the US Supreme Court asking for a stay, as well as asking the court to review Oklahoma’s lethal injection policies in general.

Warner was just hours from being strapped to the gurney last April 28 when his execution was put on hold following the horrific lethal injection of Clayton Lockett. Lockett’s execution began at 6:23 p.m. local time.

Oklahoma protocol called for the administering of three drugs: midazolam, a sedative, to supposedly render the prisoner unconscious; vecuronium bromide, a muscle relaxant, to paralyze the inmate; and potassium chloride, a common component of fertilizer, to induce cardiac arrest.

Within minutes of the beginning of Lockett’s lethal injection, witnesses observed the condemned inmate writhing in pain on the gurney. His attorney said that his client’s “whole upper body was lifting off the table” at times. Prison authorities abruptly drew the curtain to obscure the proceedings from witnesses’ view. Lockett was pronounced dead nearly three quarters of an hour after the execution began.

A court filing last month by lawyers on behalf of death row prisoners in Oklahoma provided new details about Lockett’s execution gone wrong, which included inadequate training of both the doctor and paramedic involved, improper administration of the lethal chemicals and inadequate supplies of the drugs. Prison authorities at one point called off the execution and considered resuscitating Lockett.

Prompted by the “botched” execution, Oklahoma Department of Corrections began what they claimed was an overhaul of their lethal injection protocol. The main change, however, was simply to up the dosage of midazolam from 100 milligrams to 500 milligrams.

On December 22, US District Judge Stephen Friot ruled that Oklahoma authorities could resume executions using the three-drug protocol, rejecting the arguments of medical experts that use of the three-drug combination constitutes what amounts to illegal human experimentation. The state has three more executions planned for 2015.

Since the US Supreme Court reinstated the death penalty in 1976, Oklahoma has carried out 112 executions, second only to Texas, with 518.

## **Florida: Thursday, January 15, 7:16 p.m. ET**

Also on Thursday, the state of Florida carried out the execution of Johnny Shane Kormondy. He was injected with the same three-drug protocol as was used in Warner's execution in Oklahoma.

Kormondy, 42, was pronounced dead at 7:16 p.m. local time, shortly after the lethal injection was administered at the Florida State Prison in Starke. The US Supreme Court denied a last-minute appeal for a stay of execution in his case as well.

Kormondy was convicted and sentenced to death for the 1993 murder of his brother, Gary McAdams, and his brother's wife during a home invasion in Pensacola. Two other men convicted in the home invasion and rape were sentenced to life in prison.

Kormondy was initially convicted and sentenced to death in 1994. In 1997, the Florida Supreme Court ordered a new sentencing hearing due to an issue regarding testimony that was allowed during the initial trial's sentencing phase. In 1999, another jury recommended the death penalty.

Governor Rick Scott, a Republican, issued Kormondy's death warrant in late November. Kormondy's execution was the 21st presided over by Scott, tying him with his predecessor, presumed Republican 2016 presidential contender Jeb Bush, for the number of death warrants signed and executed since the US Supreme Court reinstated the death penalty.

Florida has sent 90 condemned prisoners to their deaths since the high court's reinstatement of the death penalty, fourth behind Texas, Oklahoma and Virginia.

## **Georgia: Tuesday, January 13, 8:33 p.m. ET**

Two days earlier in Georgia, Vietnam veteran Andrew Brannan was executed for the 1998 murder of Lauren County Deputy Sheriff Kyle Dinkheller during a traffic stop. Brannan, 66, was injected with a lethal dose of pentobarbital at the Georgia Diagnostic and Classification Prison in Jackson, and was pronounced dead Tuesday at 8:33 p.m. ET, according to state authorities. His was the first US execution in 2015.

Less than an hour earlier, the US Supreme Court denied a request for a stay of execution in Brannan's case.

Earlier on Tuesday, the Georgia Supreme Court also denied a request for a stay. The state court also denied Brannan's request to appeal a Butts County court's dismissal of his claim that in light of "evolving standards of decency" it is unconstitutional to execute a person who suffers from post-traumatic stress disorder (PTSD) as a result of serving in combat.

Dinkheller's murder was captured on a video camera mounted on the officer's patrol car. In the video Brannan can be seen flailing his arms and acting erratically before shooting the officer nine times. Brannan served as a forward artillery observer during combat in Vietnam and had been rated 100 percent disabled by the Department of Veterans Affairs. He had no prior criminal history.

Brannan's lawyers' last-minute appeals also argued that the veteran was off his bipolar medication at the time of the shooting, and that his execution would violate state and federal constitutional standards governing executing the mentally impaired.

In three and a half hours of arguments before the State Board of Pardons and Paroles on Monday, Brannan's attorneys said that he was suffering severe PTSD and in the throes of a flashback when he pulled a rifle from his pickup truck to shoot Dinkheller, who exchanged fire with him. The attorneys asked that their client's sentence be commuted to life in prison without parole. The board declined to commute or reduce Brannan's sentence.

Attorney Joe Loveland released a statement following the sentence, which read: "On behalf of Andrew Brannan and his family, we are profoundly disappointed in the decision of the Board of Pardons and Paroles to deny clemency. The death of Deputy Sheriff Kyle Dinkheller was a terrible tragedy. Executing a 66-year-old decorated Vietnam veteran with no prior criminal record who was seriously ill at the time of the crime only compounds the tragedy."

Georgia has executed 56 prisoners since reinstatement of the death penalty in 1976. The three executions carried out this week bring the nationwide total to 1,397 during this same period.



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