

Roderick & Solange

MacArthur Justice Center

NEW ORLEANS

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CONTACT: Vanessa Carroll/Jim Craig
(504) 620-2259

Court Asked to Require Mississippi Department of Corrections to Disclose Execution Drug Information

JACKSON, Miss. -- A Mississippi state court was asked Monday to order the Mississippi Department of Corrections (MDOC) to identify the drugs it plans to use to carry out the possible execution of Michelle Byrom later this month and to disclose the manufacturers and distributors of those drugs.

Attorneys with the Roderick and Solange MacArthur Justice Center at New Orleans filed the Public Records Act complaint in the Chancery Court of the First Judicial District of Hinds County, Mississippi. The case has been assigned to Chancellor William Singletary.

“There is no justification in the law, common sense or moral decency for MDOC to refuse to disclose which narcotics it plans to use to carry out executions,” said Vanessa Carroll, an attorney with the New Orleans office of the MacArthur Justice Center. “These narcotics were obtained with public money for a public purpose. According to state law, the public has a right to know the kinds of narcotics to be used, how they were obtained and expiration dates for those drugs.”

The type of drug used in executions has become an issue of public concern in the wake of the execution of Dennis McGuire in Ohio in January 2014. McGuire, who was killed using a previously untested combination of narcotics, was described by a *Columbus Dispatch* reporter as struggling, gasping loudly, snorting and making choking noises for nearly 10 minutes before falling silent and being declared dead a few minutes later.

In a public records request submitted to MDOC on Feb. 7, the MacArthur Justice Center requested several public records and information related to MDOC’s lethal injection protocol. MDOC responded two weeks later with some but not all requested documents and redacted all information identifying the entity the supplied lethal injection drugs. “MDOC is either withholding information about recently-purchased lethal drugs, or plans on using expired drugs for the next execution,” according to the complaint.

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Carroll said both Ms. Byrom and the public are entitled to know which drugs the state will use to execute prisoners; whether Mississippi and federal laws permit them to be used for executions; and where, when and by whom the drugs were made.

“If the authorities in Mississippi are confident that they have legally obtained these drugs and that the public supports their use to carry out executions, then why are they afraid to answer these questions,” Carroll asked.

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About the Roderick and Solange MacArthur Justice Center

The Roderick and Solange MacArthur Justice Center is a public interest law firm founded by the family of J. Roderick MacArthur to advocate for human rights and social justice through litigation. The MacArthur Justice Center became part of Northwestern University School of Law’s Bluhm Legal Clinic in 2006. As one of the premier civil rights organizations in the United States, the MacArthur Justice Center has led battles against myriad civil rights injustices, including police misconduct, executions, fighting for the rights of the indigent in the criminal justice system, and winning multi-million dollar verdicts and settlements for the wrongfully convicted. In November 2013, the MacArthur Justice Center opened an office in New Orleans. The New Orleans office represents the plaintiff class in *Jones v. Gusman*, enforcing a consent decree requiring reform in the funding, staffing, and operation of the Orleans Parish Prison in New Orleans.

For additional information, visit

<http://www.law.northwestern.edu/legalclinic/macarthur/>