

Roderick & Solange

# MacArthur Justice Center

NEW ORLEANS

FOR IMMEDIATE RELEASE

CONTACT: Jim Craig (504) 620-2259

June 3, 2015

## **Prisoners Seek Injunction to Block Use of Compounded Lethal Injection Drug in Mississippi**

JACKSON, Miss. – Two Mississippi death-sentenced prisoners have asked a federal court to issue a preliminary injunction preventing the Mississippi Department of Corrections (MDOC) from using a compounded anesthetic as the first drug in its three-drug lethal injection series.

In a motion filed today by lawyers from the Roderick and Solange MacArthur Justice Center at New Orleans, Richard Jordan and Ricky Chase asked U.S. District Judge Henry T. Wingate to issue the injunction pending resolution of the lawsuit filed in April. The lawsuit challenges the continued use of a three-drug series in executions, the use of compounded pentobarbital as the first drug in the series, and the failure to use an “ultra short-acting barbiturate or other similar drug” as required by Mississippi law. Thomas Edwin Loden, Jr., a death-sentenced prisoner represented by separate counsel, has moved to join the lawsuit.

The motion argues:

- MDOC has purchased powder that it claims to be the raw ingredients for compounding pentobarbital. But the State admits in its answer to the lawsuit that it does not know the original source of this powder. The purity, potency, and integrity of drugs compounded from such raw ingredients have been a continuing concern for the FDA.
- If the first drug in Mississippi’s execution series does not sufficiently anesthetize the prisoner, the chemical paralytic agent and potassium chloride used as the second and third drugs will cause conscious suffocation and intense internal burning. Other states have decided the risk of torture presented by this method is unacceptably high, and now execute with a single, overwhelming dose of a barbiturate. Mississippi is one of the few states clinging to the use of the three-drug series.

- Pentobarbital is not an “ultra short-acting barbiturate or other similar drug,” as specifically required by Mississippi law. The speed of onset of the anesthetic is critical to whether the three-drug lethal injection protocol is constitutional.

Jim Craig, co-director of the MacArthur Justice Center at New Orleans and lead counsel in the lawsuit, said: “Mississippi law, the United States Constitution, and our shared ethical values do not permit the State to tie a prisoner down to a gurney and chemically torture him while he is still conscious. We will fight to prevent such atrocities from being committed in the name of the people of Mississippi.”

Additional information here: <http://bit.ly/1xSuioZ>

# # #

### **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. [www.MacArthurJusticeCenter.org](http://www.MacArthurJusticeCenter.org)