

INTERNATIONAL
Herald Tribune

Doctors say botched execution methods in Florida likely caused slow, painful death

The Associated Press

Sunday, December 17, 2006

JACKSONVILLE, Florida

Death penalty foes have warned for years of the possibility that an inmate being executed by lethal injection could remain conscious, experiencing severe pain as he slowly dies.

That day may have arrived.

Angel Nieves Diaz, a career criminal originally from Puerto Rico executed for killing a Miami topless bar manager 27 years ago, was given a rare second dose of deadly chemicals as he took more than twice the usual time to succumb. Needles that were supposed to inject drugs into the 55-year-old man's veins were instead pushed all the way through the blood vessels into surrounding soft tissue. A medical examiner said he had chemical burns on both arms.

"It really sounds like he was tortured to death," said Jonathan Groner, associate professor of surgery at the Ohio State Medical School, a surgeon who opposes the death penalty and writes frequently about lethal injection. "My impression is that it would cause an extreme amount of pain."

The error in Diaz's execution led Florida Governor Jeb Bush to suspend all executions Friday. Separately, a federal judge extended a moratorium on executions in California, declaring that its method of lethal injection violates the constitutional ban on cruel and unusual punishment.

They were just the latest challenges to lethal injection — the preferred execution method in 37 states. Missouri's injection method, similar to California's, was declared unconstitutional last month by a federal judge. The U.S. Supreme Court has upheld executions despite the pain they might cause, but has left unsettled the issue of whether the pain is unconstitutionally excessive.

Diaz was given three drugs: to deaden pain, paralyze the body and cause a fatal heart attack. A study published last year in the British medical journal *The Lancet* concluded that the painkiller, sodium pentothal, could wear off before inmates die, subjecting them to excruciating pain when the potassium chloride causes a heart attack.

That study has been cited in unsuccessful appeals for death row inmates, who have claimed any pain experienced during lethal injection violates the cruel and unusual standard.

Dr. Nik Gravenstein, professor and chairman of anesthesiology at the University of Florida, said it is impossible to say how much pain the chemicals produce since inmates cannot be interviewed while being executed, but he said patients given lower levels of the same chemicals for various treatments "describe this as being painful."

Dr. William Hamilton, the Gainesville medical examiner who performed the autopsy on Diaz, has refused to say if Diaz died painfully until the autopsy is complete.

Florida Corrections Secretary James McDonough said the execution team did not see any swelling of Diaz's arms that would have indicated that the chemicals were going into tissues and not his veins.

McDonough also said reports that he received indicated Diaz had fallen asleep and was snoring.

However, witnesses reported Diaz was moving as long as 24 minutes after the first injection, including grimacing, blinking, licking his lips, blowing and attempting to mouth words.

It took 34 minutes for Diaz to die. Executions by lethal injection normally take about 15 minutes, with the inmate unconscious and motionless within three to five minutes.

Gravenstein said it can be difficult to get IV needles in their proper place. In a hospital setting, the average is 1.6 tries to successfully place an IV.

"The whole process has a lot of opportunity not to go as intended," he said.

He said someone should have realized what was happening.

"To have given somebody many times what is necessary and then to give them many more times again . . . It just doesn't make sense. You have to be suspicious that something's not right," Gravenstein said.

Meanwhile, in California, a judge's ruling to extend a moratorium on executions is not expected to have much of an impact because the state carried out few death sentences anyway, legal experts said Saturday.

California has the United States' largest death row, with more than 650 condemned prisoners. But the state has executed just 13 prisoners since voters reinstated capital punishment in 1978.

Four times as many condemned prisoners in California have died of natural causes, suicide or murder after their cases meandered through the appeals courts for decades. Texas, by contrast, has carried out 380 executions in roughly the same period.

"The leading cause of death on death row right now is old age," said Gerald Uelmen, a professor at the Santa Clara University School of Law. "We've just overburdened the system."

U.S. District Judge Jeremy Fogel, who had imposed a moratorium on executions in February, extended the ban Friday, ruling in San Jose that the state's "implementation of lethal injection is broken, but it can be fixed."

The judge ruled that California's lethal injection method is unconstitutionally cruel. On Friday he gave the state 30

days to decide whether to revise the procedures and suggest a timeline for implementation, which legal experts said could take a year or longer.

"We're going to be reviewing the decision, but there's certainly room to make changes to the procedures we use," said Bill Sessa, press secretary for the state Department of Corrections.

Associated Press writers Adrian Sainz and Laura Wides-Munoz in Miami and Jordan Robertson in San Francisco contributed to this report.

ADVERTISER LINKS

Enviros Consulting

Environment, energy, sustainability consultancy and software
www.enviros.com

Join The Peace Corps

Official Peace Corps Website Volunteer Overseas. Apply Now!
www.PeaceCorps.gov

Say "No" to SPP

Mexico + Canada + U.S.? North American Union?
www.AugustReview.com

Arvada Cohousing

A sustainable community forming in Colorado.
ArvadaCohousing.com



Copyright © 2006 The International Herald Tribune | www.iht.com