

Expiry date: 01/13

Pancuronium Injection, pancuronium bromide 2 mg/mL, 2-mL amp packs of 10's
£58.73

Expiry date: 11/11

If you could supply me with the following information, I can produce a proforma invoice:

Invoice address

Delivery address, including contact person and contact person phone number

I will dispatch the goods to you by FedEx,

FedEx delivery charges is separate item.

In order to get the product easier through US customs, I think it would be a goods idea for you to write a letter in the department letterhead, attention of US custom and let them know why you need this product. I would include this letter in your shipment.

Please also email or fax me a copy of your DEA license, to include it in your shipment.

Please let me know if you need further information.

Many thanks,

Kind regards



From: [REDACTED]
To: McAuliffe, John@CDCR
Subject: RE: Pentothal update
Date: Monday, October 04, 2010 10:56:25 AM

No, we do not.

From: McAuliffe, John@CDCR [mailto:John.McAuliffe@cdcr.ca.gov]
Sent: Monday, October 04, 2010 12:53 PM
To: [REDACTED]
Subject: RE: Pentothal update

[REDACTED]
Question, do you have an import license?
John McAuliffe

From: [REDACTED]
Sent: Monday, October 04, 2010 10:38 AM
To: McAuliffe, John@CDCR
Subject: Pentothal update

John, I have spoken with Hospira today on the Pentothal...they have moved back delivery dates until sometime in the first quarter 2011.

I'll let you know if I find anything somewhere else.

[REDACTED]

From: [REDACTED]
To: [McAuliffe, John@CDCR](mailto:McAuliffe,John@CDCR)
Subject: Pentothal update
Date: Monday, October 04, 2010 10:36:25 AM

John, I have spoken with Hospira today on the Pentothal...they have moved back delivery dates until sometime in the first quarter 2011.

I'll let you know if I find anything somewhere else.

[REDACTED]

From: [REDACTED]
To: McAuliffe, John@CDCR
Subject: Re: Thiopental Injection
Date: Friday, October 01, 2010 6:13:06 AM

Hi John,
Since there is an 8 hours difference in time, if you need to get in touch with me by phone, the following is my mobile number:
I am available from 6:00AM until 8:00PM just about all the time.
My office number: 011-44-[REDACTED]
My mobile: [REDACTED]

Regards,
[REDACTED]

----- Original Message -----

From: McAuliffe, John@CDCR
To: [REDACTED]
Sent: 01 October, 2010 1:01 AM
Subject: Re: Thiopental Injection

[REDACTED]
We are trying to work with DEA and/or an Import pharmacy company to deal with the DEA/FDA/Customs. Any suggestions or advise to make this happen sooner than later would be greatly appreciated.
John McAuliffe

From: [REDACTED]
To: McAuliffe, John@CDCR
Sent: Thu Sep 30 05:27:27 2010
Subject: Thiopental Injection

30-09-10

Dear Mr. McAuliffe,

Thank you for your call and thank you for your interest in [REDACTED]
[REDACTED]

I would be happy to supply you:

Thiopental Injection , powder for reconstitution, thiopental sodium, 500-mg vial packs of 25's £196.75 (pounds sterling)
The current expiry date is February 2014.

POTASSIUM CHLORIDE 1.5GM 10ML INJ. PACKS OF 10 £15.55
Expiry date: 01/13

Pancuronium Injection, pancuronium bromide 2 mg/mL, 2-mL amp packs of 10's £58.73
Expiry date: 11/11

If you could supply me with the following information, I can produce a

proforma invoice:

Invoice address

Delivery address, including contact person and contact person phone number

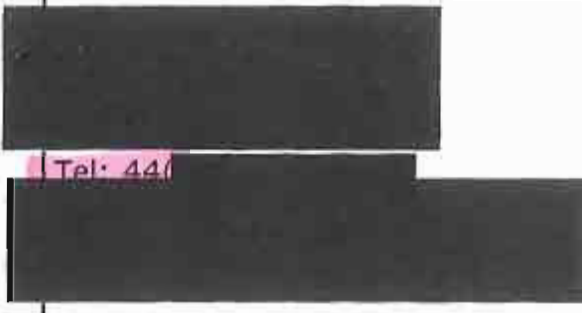
I will dispatch the goods to you by FedEx,
FedEx delivery charges is separate item.

In order to get the product easier through US customs, I think it would be a goods idea for you to write a letter in the department letterhead, attention of US custom and let them know why you need this product. I would include this letter in your shipment.

Please also email or fax me a copy of your DEA license, to include it in your shipment.

Please let me know if you need further information.

Many thanks,
Kind regards



From: [REDACTED]
To: McAuliffe, John@CDCR
Subject: Customs-FDA Materials.pdf
Date: Thursday, September 30, 2010 11:28:57 PM
Attachments: [Customs-FDA Materials.pdf](#)
Importance: High

Hi John,
I think What Arizona had done was almost bullet proof.
I have attached the documentation that Arizona had send me to included them in their shipment.
I think this is something you can do.
Please note the contact people are all in Arizona, you need to change those contacts to California and write a similar letter.

We use FedEx as a transportation company, however, Arizona had requested the following:

Fed Ex is not to use their own/contracted Customs Broker to process the shipment. Fed Ex shall document on all necessary areas relating to this shipment the following customs broker selection:

[REDACTED]
[REDACTED]
[REDACTED]
(602) [REDACTED]
[REDACTED]

The Port of Entry shall be Phoenix, Arizona, without fail.
If Fed Ex ships first to their hub in Memphis, Tennessee, that Port shall only be the Port of Unladen, not the Port of Entry.
Fed Ex shall contact our Customs Broker, provide them all necessary shipping information and enter our Customs Broker's information on all necessary forms.

John,
If you do what Arizona had done, you should not have any problem.

Regards,
[REDACTED]

Arizona Department of Corrections



JANICE K. BREWER
GOVERNOR

1801 WEST JEFFERSON
PHOENIX, ARIZONA 85007
(602) 642-5407
www.azcorrections.gov



CHARLES L. RYAN
DIRECTOR

September 24, 2010

[REDACTED]
Food and Drug Administration
[REDACTED]

Re: Execution by Lethal Injection of Arizona Inmate
Jeffrey Timothy Landrigan #082157

Dear [REDACTED]:

The purpose of this correspondence is to advise your agency of our intent to receive certain pharmaceutical products from [REDACTED] of London, England. We have placed the order with this company for the purpose of securing the necessary drugs for carrying out an execution warrant issued by the Arizona Supreme Court in the matter of State v. Jeffrey Timothy Landrigan, CR-90-0323 AP.

In order to proceed with the execution we must have the products ordered through [REDACTED]. Our DEA Registration number is: [REDACTED] and it expires June 30, 2013. The execution is set by the court for October 26, 2010, and our agency is mandated to advise the court that it possesses the necessary chemicals for the lethal injection protocol as approved, no later than October 1, 2010.

Any steps your agency can take in attending to this shipment expeditiously would be of great assistance to our agency in its effort to abide by the court-ordered dates set by the court. Should your agency have any questions, do not hesitate to contact my office directly at [REDACTED] or after normal business hours through our command center at [REDACTED].

Thank you in advance for your professional assistance with the processing of this shipment.

Sincerely,

Charles L. Ryan
Director

cc: Charles Flanagan, Deputy Director
Robert Patton, Division Director, Offender Operations
Carson McWilliams, Warden, ASPC Florence

Arizona Department of Corrections



JANICE K. BREWER
GOVERNOR

1801 WEST JEFFERSON
PHOENIX, ARIZONA 85007
(602) 642-5487
www.azcorrections.gov



CHARLES L. RYAN
DIRECTOR

September 24 2010

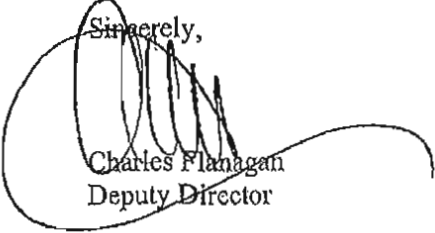
[REDACTED]
U.S. Customs and Border Protection
[REDACTED]

Dear [REDACTED]:

Thank you for your professional assistance with the processing of this shipment. I am enclosing the original letter addressed to your agency and a copy of our Substance Control Registration Certificate.

Once again, thank you again for your assistance. Should you require additional information, please do not hesitate to contact me.

Sincerely,


Charles Flanagan
Deputy Director

cc: File

Arizona Department of Corrections



JANICE K. BREWER
GOVERNOR

1801 WEST JEFFERSON
PHOENIX, ARIZONA 85007
(602) 542-5497
www.azcorrections.gov



CHARLES L. RYAN
DIRECTOR

September 23, 2010

United States Customs
[REDACTED]

Re: Execution by Lethal Injection of Arizona Inmate
Jeffrey Timothy Landrigan #082157

To Whom It May Concern:

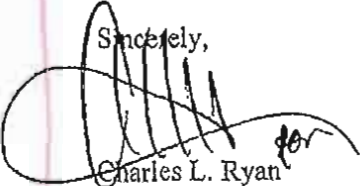
The purpose of this correspondence is to advise your agency of our intent to receive certain pharmaceutical products from [REDACTED] of London, England. We have placed the order with this company for the purpose of securing the necessary drugs for carrying out an execution warrant issued by the Arizona Supreme Court in the matter of State v. Jeffrey Timothy Landrigan, CR-90-0323 AP.

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Thank you in advance for your professional assistance with the processing of this shipment.

Sincerely,


Charles L. Ryan
Director

cc: Charles Flanagan, Deputy Director
Robert Patton, Division Director, Offender Operations
Carson McWilliams, Warden, ASPC Florence

| | | |
|---|---------------------------|-------------|
| CONTROLLED SUBSTANCE REGISTRATION CERTIFICATE UNITED STATES DEPARTMENT OF JUSTICE DRUG ENFORCEMENT ADMINISTRATION WASHINGTON, D.C. 20537 | | |
| DEA REGISTRATION NUMBER | THIS REGISTRATION EXPIRES | FEE PAID |
| [REDACTED] | 06-30-2013 | Exempt |
| SCHEDULES | BUSINESS ACTIVITY | DATE ISSUED |
| 2,2N,3 3N,4,5 | HOSPITAL/CLINIC | 08-25-2010 |
| ARIZONA STATE PRISON - FLORENCE, CARSON A., WARDEN 1306 BUTTE AVE. P.O. BOX 629 FLORENCE, AZ 85232-0000 | | |
| This registration is only for use at Federal or State institutions. Sections 304 and 1008 (21 U.S.C. 824 and 858) of the Controlled Substances Act of 1970, as amended, provide that the Attorney General may revoke or suspend a registration to manufacture, distribute, dispense, import or export a controlled substance. THIS CERTIFICATE IS NOT TRANSFERABLE ON CHANGE OF OWNERSHIP, CONTROL, LOCATION, OR BUSINESS ACTIVITY, AND IS NOT VALID AFTER THE EXPIRATION DATE. | | |

| | | |
|--|---------------------------|-------------|
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| DEA REGISTRATION NUMBER | THIS REGISTRATION EXPIRES | FEE PAID |
| [REDACTED] | 06-30-2013 | Exempt |
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Form DEA-223 (05/04)

Procurement Services
1601 W. Jefferson, M/C 56302
Phoenix, AZ 85007
(802) 542-1172
Fax: (802) 384-3780

**AZ Department of
Corrections**

Fax

To:



From:



Company/
Institution:

Pages: 1

Fax:

Date: 9/23/10

Phone:

Re: Urgent Order USA

Urgent For Review Please Comment Please Reply Please Recycle

◆ **Comments:** THIS ORDER MUST BE RECEIVED BY THE DEPARTMENT NO LATER THAN OCTOBER 1, 2010.

Based on previous conversations between the Arizona Department of Corrections, we are placing the following order:

1. **THIOPENTAL INJECTION** (powder for reconstitution, thiopental sodium, 500-mg vial packs of 25's)
Item Cost: £196.76 (pounds Sterling)
Quantity: 6 packs
2. **PANCURONIUM INJECTION** (pancuronium bromide 2 mg/ml, 2-ml amp)
Item Cost: Awaiting cost from Vendor – please confirm the price once obtained
Quantity: 450 amp
3. **POTASSIUM CHLORIDE** (1.5gm, 10ml, injection packs of 10)
Item Cost: £15.55
Quantity: 18 packs

Payment for this order
Information.



Contact me for additional

From: Kernan, Scott@CDCR
To: McAuliffe, John@CDCR
Subject: RE: Thlopental Injection
Date: Thursday, September 30, 2010 2:19:26 PM

When he responds please get a name and number of superior who can approve an exemption for this specific purpose. I'll call or even get Matt or somebody in Gov's office to call. Thx

Scott

From: McAuliffe, John@CDCR
Sent: Thursday, September 30, 2010 1:59 PM
To: Kernan, Scott@CDCR
Subject: Re: Thlopental Injection

No, DEA tracks drugs by Dr.'s DEA #. Since we can no longer use pharmacy at SQ (which would answer your question as yes) the Importer would be [REDACTED] with final shipment into the USA identified as SQ. Dr.s can not import/export scheduled drugs unless DEA approves. That is why we asked the Dr's to to get an additional DEA # with SQ address so that we could request DEA to approve the Dr's DEA # for import to SQ thus eliminating the need for [REDACTED]. I finally talked to DEA, [REDACTED] who is in charge of import/export division and he acknowledged receiving our letter. Unfortunately he said all import approvals are above him? [REDACTED] is approving authority). [REDACTED] did say he would talk to his bosses and get back to me. That was 3 hours ago.
John

From: Kernan, Scott@CDCR
To: McAuliffe, John@CDCR
Sent: Thu Sep 30 13:33:57 2010
Subject: RE: Thlopental Injection

Does this mean that we can be identified as the importer using our doc's DEA number?

From: McAuliffe, John@CDCR
Sent: Thursday, September 30, 2010 12:56 PM
To: Kernan, Scott@CDCR
Subject: FW: Thlopental Injection

Scott
Please look at and advise and I will complete.....
John

From: [REDACTED]
Sent: Thursday, September 30, 2010 12:50 PM
To: McAuliffe, John@CDCR
Subject: RE: Thlopental Injection

I need to know the entity that will serve as the actual importer...

- Name of entity (California Department of Corrections)
- Address of entity
- DEA Registration #

- Quantity of Thiopental Sodium you will be ordering

FORM 236 will be used for this transaction. Once we have all the data, the product will be ordered and this will be submitted with the order. A summary of the different Parts of Form 236 are included below. [REDACTED] will coordinate the shipment and importation of the drug to its warehouse for clearance. Once released by customs and FDA, [REDACTED] will ship to you when requested. Part of 5 would be [REDACTED] address and DEA registration.

Part "IMPORTER" means the authorized DEA registrant who receives the controlled substance;

- "EXPORTER" means the authorized DEA registrant who ships the controlled substance.

| | | | |
|-------------|----------------------------|----------------|----------------------|
| Part | Typical entries might read | Strength: | 10 mg tablets |
| 2. | | Size or | 1,000 tablets/bottle |
| | | Weight (Bulk): | 100 kilo/drum |
| | | Quantity: | 100 bottles, 2 drums |

If needed, use additional forms and distribute in the prescribed manner after the required documents are attached to each copy.

Part Self-explanatory.

3.

Part Insert name of vessel or airline and flight number, together with all intermediate carriers.

- Furnish all information concerning the transportation of the goods known at the time of preparing form DEA-236.

Part Enter DEA registration number, if known, for "Import Declaration", or foreign registration

- number, if applicable, for "Export Declaration".

If this form is prepared as a **Controlled Substance Import Declaration**, distribute as follows:

Copies 1, 2, and 3 must be forwarded to the foreign shipper. These copies will accompany the shipment to certain points.

Upon receipt of **Copies 1, 2, and 3**, the foreign shipper will present **Copy 1** to the proper foreign government agency or authority, if required, as a prerequisite to export authorization. **Copy 1** shall then accompany the shipment to its final destination and shall be retained in the files of the importer for a period of at least two years.

Copy 2 shall be detached by the customs official at the foreign port.

Copy 3 shall be removed by an official of the United States Customs and Border Protection at the port of entry, certified and signed by the customs official (after noting any discrepancies), and forwarded to the Drug Enforcement Administration, Office of Diversion Control, Import / Export (ODGI) 8701 Morrisette Drive, Springfield, VA 22152.

Copy 4 must be forwarded at least 15 days prior to importation to the Drug Enforcement Administration, Office of Diversion Control, Import / Export Unit.

Copy 5 must be retained by the importer until receipt of **Copy 1**.

If this form is prepared as a **Controlled Substance Export Declaration**, distribute as follows:

Copies 1, 2, and 3 shall accompany the shipment to certain points.

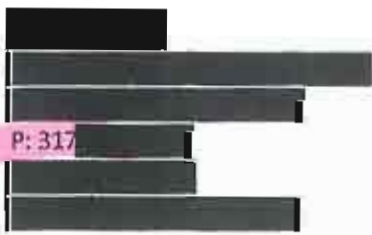
Copy 1 shall remain with the shipment to its final destination.

Copy 2 shall remain with the shipment, to be detached and retained by the customs official of the foreign port of importation.

Copy 3 shall be removed by an official of the United States Customs Service at the domestic port of exportation, certified and signed by the customs official (after noting any discrepancies), and forwarded to the Drug Enforcement Administration, Office of Diversion Control, Import / Export Unit (ODGI), 8701 Morrisette Drive, Springfield, VA 22152

Copy 4 shall be forwarded at least 15 days prior to exportation to the Drug Enforcement Administration, Office of Diversion Control, Import / Export Unit (ODGI), 8701 Morrisette Drive, Springfield, VA 22152. In cases where the 15 day notice cannot be given, a special waiver may be requested from the Administration.

Copy 5 shall be retained by the exporter as part of his records for a period of at least two years.



From: McAuliffe, John@CDCR [mailto:John.McAuliffe@cdcr.ca.gov]
Sent: Thursday, September 30, 2010 12:05 PM
To: [REDACTED]
Subject: FW: Thlopental Injection
Importance: High

[REDACTED]
Thank you again here is the information and email.
John McAuliffe

From: [REDACTED]
To: McAuliffe, John@CDCR
Subject: Thiopental Injection
Date: Thursday, September 30, 2010 5:27:56 AM
Importance: High

30-09-10

Dear Mr. McAuliffe,

Thank you for your call and thank you for your interest in [REDACTED]

I would be happy to supply you:

Thiopental Injection , powder for reconstitution, thiopental sodium, 500-
mg vial packs of 25's £196.75 (pounds sterling)
The current expiry date is February 2014.

POTASSIUM CHLORIDE 1.5GM 10ML INJ. PACKS OF 10 £15.55
Expiry date: 01/13

Pancuronium Injection, pancuronium bromide 2 mg/mL, 2-mL amp packs
of 10's £58.73
Expiry date: 11/11

If you could supply me with the following information, I can produce a
proforma invoice:

Invoice address

Delivery address, including contact person and contact person phone number

I will dispatch the goods to you by FedEx,
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In order to get the product easier through US customs, I think it would
be a good idea for you to write a letter in the department letterhead,
attention of US custom and let them know why you need this product. I
would include this letter in your shipment.

Please also email or fax me a copy of your DEA license, to include it in
your shipment.

Please let me know if you need further information.

Many thanks,
Kind regards

[REDACTED]
Tel: 44 [REDACTED]

From: Cullen, Vincent@CDCR
To: Kernan, Scott@CDCR; McAuliffe, John@CDCR; Glurblo, George@CDCR
Cc: [REDACTED]
Subject: Pancuronium Bromide
Date: Wednesday, September 29, 2010 2:36:14 PM

Just an FYI....

[REDACTED] (Team Administrator) and myself just removed 35 10mL vials of Pancuronium Bromide from the Lethal Injection Facility to ship to Arizona. We completed the chain of custody log. [REDACTED] will accompany Business Services to UPS/Fedex to witness the transfer to Arizona.

VINCENT S. CULLEN
Warden (A)
San Quentin State Prison
[REDACTED]

From: CHARLES FLANAGAN
To: McAuliffe, John@COCB
Cc: THERESE SCHROEDER
Subject: Execution Protocol Drugs
Date: Tuesday, September 28, 2010 5:39:15 PM

John:

As we discussed on the phone today, we have followed the lead of Arkansas and purchased the drugs we need from a company in London. Frankly, there was no possibility of getting the Thiopental Sodium/Sodium Pentothal from any source in the U.S., to include from any of the departments of corrections in other states that use the same 3-drug protocol as us.

The name of the company and the person with whom we arranged the purchase is:

[REDACTED]

011-44-

[REDACTED]

We were able to purchase enough of each drug in our protocol for each of the upcoming executions:

Sodium Pentothal as Thiopental Sodium (could not acquire in U.S.)
Pancuronium Bromide (could not acquire enough in the U.S.)
Potassium Chloride (could get in the U.S., but not necessarily in time).

We understand that Arkansas has still not received their drugs and that this may be due to the process of getting the shipment through Customs and the FDA. We have followed the following process to try and expedite the shipment through Customs and the FDA to us:

- We hired our own customs broker, locally, and mandated that the sender, who actually hires Fed Ex to transport, fills out the paperwork to ensure Fed Ex uses our broker, not theirs.
- We ensured that Fed Ex knew, and we documented clearly on all forms, that the "Port of Unladen" be Memphis, TN (the Fed Ex hub for all overseas transports), and the "Port of Entry" be Phoenix, AZ. This gives absolute jurisdiction to the Customs and FDA to the local people and not to those offices in Memphis.
- We called and explained to the [REDACTED] of Customs what we were doing and why, as well as the time-sensitivity and *criticality of the issue*. He provided us with e-mail verification that the shipment was to be expedited through customs.
- We called and spoke with the [REDACTED] FDA official [REDACTED], explaining the same issues and background as we did with Customs (and Customs had already communicated their promise of expeditious handling and why to the FDA). He notified his chain of command to Washington DC, with his recommendation that the shipment be processed expeditiously to us as it was for the purpose of executions and not for use by the general public. That was approved.
- We communicated the same issues to the local Fed Ex folks, who have been helpful in ensuring the refrigerated drugs be refrigerated while held in Phoenix for the few hours between arrival and customs clearance.
- We are sending our [REDACTED] along with the [REDACTED] for the Florence prison (where executions are performed and the drugs are stored) to meet with the FDA

official. The FDA will photograph and inventory the contents of the shipment in the presence of our staff. He will then turn the drugs over to us to transport to our secure storage at the prison.

This has been a very staff-intensive and difficult road. I anticipate having the drugs at some time between 0830 and 1000 hrs. tomorrow morning. That will be the true test of the process outlined above. Between ordering to shipment, we had about a 3 working day lapse. Between shipment and receipt, we will have had a little over 2 days.

The final proof will be in the pudding of the acceptance by the court of our statement that we have the drugs in our possession by the deadline some 25 days prior to our first scheduled execution...and then the actual execution and post execution reviews.

I would be happy to speak with whomever you wish about the process in more detail. Let me know if I can ever help on any issue. Thank you also for your assistance with the pancromium.

Charles

Charles Flanagan
Deputy Director
Arizona Department of Corrections
1601 West Jefferson Street
Phoenix, AZ 85007
[REDACTED]@azcorrections.gov

From: Gaddi, Kathy@CDCR
To: McAuliffe, John@CDCR
Subject: Fw: No CDCR Star Today
Date: Tuesday, September 28, 2010 11:13:11 AM

See below and advise.
Thanks,
Kathy Gaddi

From: Kernan, Scott@CDCR
To: Gaddi, Kathy@CDCR
Sent: Tue Sep 28 11:02:39 2010
Subject: Fw: No CDCR Star Today

Send to john and have him advise. Thx

From: Cate, Matt@CDCR
To: Kernan, Scott@CDCR
Sent: Tue Sep 28 10:51:23 2010
Subject: FW: No CDCR Star Today

Arizona says they have ordered Sodium Thiopental. Where are from whom?

From: Hldalgo, Oscar@CDCR
Sent: Tuesday, September 28, 2010 9:24 AM
To: CDCR Cabinet
Subject: No CDCR Star Today

Due to staff shortages in OPEC, the CDCR will not be published today. Here are some key news clips below.

Governor delays execution for Riverside killer

09:00 AM PDT on Tuesday, September 28, 2010

By RICHARD K. DE ATLEY
The Press-Enterprise

AP Interactive: [Method of execution in states with the death penalty](#)

UPDATED 8:45 A.M.: A federal judge who cleared the way for the execution of Albert Greenwood Brown Jr. has been ordered to hold a hearing on whether California's three-drug protocol for lethal injection executions complies with a U.S. Supreme Court ruling.

"This matter is remanded to the district court to determine whether, under Baze, Brown is entitled to a stay of his execution as it would be conducted under the three-drug protocol now in effect," the U.S. 9th Circuit Court of Appeals wrote.

Baze is the 2008 U.S. Supreme Court ruling that found constitutional the three-drug cocktail used in lethal injection executions. It adopted a standard of whether the procedure poses a "substantial risk of serious harm."

Brown was sentenced to death in 1982 for the kidnap, rape, and strangulation of 15-year-old Susan Louise Jordan of Riverisde in 1980.

Brown, 56, currently faces death by legal injection at San Quentin Prison at 9 pm Thursday, just three hours before the Oct. 1 expiration of the first drug that will be pumped into his system, sodium thiopental.

The manufacturer has said it has problems with manufacture of the drug and that it likely cannot produce new batches until January.

There was no immediate word on how the order for a hearing in Fogel's court may affect the time for Brown's execution, which had been moved from 12:01 a.m. Wednesday.

Gov. Arnold Schwarzenegger ordered the 45-hour reprieve Monday because the time to petition the state Supreme Court to hear an appeal regarding Brown's case expires Sept. 30 -- one day after Brown's previously scheduled execution time of 12:01 a.m. Wednesday.

Brown, 56, was first sentenced to die for the murder of 15-year-old Susan Louise Jordan in 1982. He would be the first person executed in California since early 2006.

"I did expect some kind of delay -- that's what happens," said James Jordan, Susan's brother, who plans to attend the execution along with sister Karen Jordan Brown. "I expected something, to be honest."

Brown abducted Susan Jordan on Oct. 28, 1980, as she walked along Victoria Avenue in Riverside on her way to Arlington High School. The girl was raped and strangled with one of her shoelaces.

Later that evening, Brown made taunting phone calls to Jordan's mother, telling her she would never see her daughter again, then hinted about where her body could be found in an orange grove.

He was arrested a few days later and has been in custody ever since.

An appeals court on Sept. 20 overturned a Marin County Superior Court ruling that ordered the state to refrain from carrying out lethal injection executions. The permitted time for appeal does not end until Sept. 30.

"This is a legal technicality and we anticipate the execution moving forward," said Riverside County district attorney spokesman John Hall.

Schwarzenegger also is considering a clemency request from Brown.

"The reprieve has nothing to do with his clemency request. It's to allow Mr. Brown to

exhaust all his appeals under the law," said Rachel Arrezola, a Schwarzenegger spokeswoman.

Schwarzenegger's decision on whether to grant clemency to Brown is expected as soon as today .

DRUG SHORTAGE

Hospira, the only company in the country that makes sodium thiopental, has blamed the shortage on unspecified problems with its raw-material suppliers and said new batches of the drug will not be available until January at the earliest. Several other states have rescheduled executions because of the drug shortage.

The company has also told prison officials across the country, "we do not support the use of any of our products in capital punishment procedures."

The California attorney general's office said Monday it would recommend not scheduling any more executions after Thursday until the state can secure a fresh supply of the drug, an anesthetic that renders condemned inmates unconscious before lethal drugs are injected.

Sodium thiopental is a barbiturate, used primarily to anesthetize surgical patients and induce medical comas. It is also used to help terminally ill people commit suicide and sometimes to euthanize animals.

Sodium thiopental would be the first drug administered to Brown, who is to receive two shots each of 1.5 grams of the sedative, and more if he is still awake. Once he's unconscious, Brown would be injected with pancuronium bromide and potassium chloride, which should stop his heart.

Brown has exhausted all the appeals for his criminal case. His court actions are now limited to challenging the protocol of California's newly adopted lethal injection procedures, which were put in place in late August.

The delay was imposed by Schwarzenegger just hours after Marin County Superior Court Judge Verna Adams refused to block Brown's execution. Brown's attorneys argue that the process puts the inmate at risk of suffering extreme pain. They also say the regulations were drafted improperly and ignored the many public comments warning about the perils of the three-drug cocktail.

Adams did not agree.

"Mr. Brown cannot prove that he will suffer pain if he is executed under the current regulations," Adams said.

Brown's case also is before the 9th U.S. Circuit Court of Appeals.

Brown's attorneys appealed after a federal judge Friday refused to halt his scheduled execution.

The Associated Press contributed to this story

Reach Richard K. De Atley at 951-368-9573 or rdeatley@PE.com

Execution drama unfolds in California

By Howard Mintz hmintz@mercurynews.com

Posted: 09/28/2010 08:22:08 AM PDT

With furious legal battles swirling through the courts and a bid for clemency on the governor's desk, California's first execution in nearly five years may now hinge on a surprising factor: whether it can be carried out before one of the state's lethal drugs hits its expiration date and prison officials are left without a dose they need to put a Riverside County murderer to death.

The fast-paced drama to resume executions in California took several new and unprecedented twists Monday, when Gov. Arnold Schwarzenegger gave Albert Greenwood Brown a 45-hour reprieve to allow his final legal arguments and clemency request to get full consideration. The governor's order pushed Brown's scheduled execution from Wednesday morning to 9 p.m. Thursday.

Then a federal appeals court late Monday night cast more doubt on whether Brown's execution could go forward, finding in part that a San Jose federal judge last week failed to fully evaluate California's new lethal injection procedures when he said Brown's execution could proceed.

The 9th U.S. Circuit Court of Appeals ordered U.S. District Judge Jeremy Fogel to reconsider the case, which could prompt another delay of the execution.

"It is incredible to think that the deliberative process might be driven by the expiration date of the execution drug," the court said.

The ruling came the same day it was revealed that as of Friday, prison officials will no longer have a usable dose of the anesthetic sodium thiopental, the first of three drugs used in a lethal injection. The Illinois-based manufacturer of sodium thiopental has said it will not have a fresh supply of the anesthetic until early next year.

That means that if Brown's execution is delayed much further, it would have to be postponed until 2011. Also delayed would be the state's efforts to set execution dates for several other California death row inmates, including Santa Clara County's David Allen Raley. Oklahoma and Kentucky have recently postponed executions because of the shortage of the drug.

Brown, on death row since 1982 for the rape and murder of a 15-year-old girl, would be the first inmate executed in California since January 2006. The state's executions have been on hold since that time as a result of legal challenges to the lethal injection

method.

Two judges in recent days have rejected Brown's bid to block the execution. On Monday, a Marin County judge turned away a challenge based on the argument that the state failed to properly adopt its new lethal injection procedures, which went into effect in August. Fogel also refused to stay the execution this weekend.

Brown's lawyers appealed both orders.

In rejecting Brown's legal arguments last week, Fogel gave the 56-year-old death row inmate a choice of being put to death with a single drug, the sodium thiopental, or the state's preferred three-drug combination. Fogel in 2006 put executions on hold in California after concluding that the state's lethal injection method at the time was flawed and posed an undue risk of a cruel and inhumane execution.

But the San Jose judge rejected Brown's bid to stay his execution, citing the state's revised procedures and a 2008 U.S. Supreme Court ruling that upheld Kentucky's similar protocol. Fogel indicated that a fatal dose of the single anesthetic could avoid potential risks in the state's planned use of the three-drug cocktail.

Brown refused to choose his method of execution, appealing Fogel's ruling to the 9th Circuit, which found the judge's order giving Brown a choice of drugs was "not consistent with California state law and procedures."

John Grele, one of Brown's lawyers, called it "ridiculous" that the state is attempting to squeeze the execution into a five-hour window Thursday night without any backup supply of drugs if the procedure goes awry. "Now we know why they insisted on this date," Grele said. "Talk about a rush to execution."

In a court filing Monday, Attorney General Jerry Brown, who has intensified the push to resume executions in the midst of his heated gubernatorial campaign, said Albert Brown's arguments were "merely the pretext for seeking to avoid execution by any means."

Albert Brown's lawyers have separately asked Schwarzenegger for clemency, relying in large part on the argument that his trial jury did not get full information on the scope of his mental problems and brain damage. The clemency petition asked Schwarzenegger to postpone the execution to give the next governor an opportunity to consider the issue next year.

Riverside County prosecutors and the family of the high school girl killed by Brown have urged the governor to deny clemency.

Schwarzenegger has not granted clemency while in office, nor has any other governor since the state restored the death penalty in 1978. Brown would be the 14th inmate executed during that period.

Contact Howard Mintz at 408-286-0236.

Some US executions held up by shortage of drug

By ANDREW WELSH-HUGGINS (AP) – 8 hours ago

COLUMBUS, Ohio — Some executions in the U.S. have been put on hold because of a shortage of one of the drugs used in lethal injections from coast to coast.

Several of the 35 states that rely on lethal injection are either scrambling to find sodium thiopental — an anesthetic that renders the condemned inmate unconscious — or considering using another drug. But both routes are strewn with legal or ethical roadblocks.

The shortage delayed an Oklahoma execution last month and led Kentucky's governor to postpone the signing of death warrants for two inmates. Arizona is trying to get its hands on the drug in time for its next execution, in late October. California said the shortage will force it to stop executions on Friday, three hours after an inmate is scheduled to die, when its stock expires.

The sole U.S. manufacturer, Hospira Inc. of Lake Forest, Ill., has blamed the shortage on unspecified problems with its raw-material suppliers and said new batches of sodium thiopental will not be available until January at the earliest.

Nine states have a total of 17 executions scheduled between now and the end of January, including Missouri, Ohio, Oklahoma, Tennessee and Texas.

"We are working to get it back onto the market for our customers as soon as possible," Hospira spokesman Dan Rosenberg said.

But at least one death penalty expert was skeptical of Hospira's explanation, noting that the company has made it clear it objects to using its drugs for executions. Hospira also makes the two other chemicals used in lethal injections.

Sodium thiopental is a barbiturate, used primarily to anesthetize surgical patients and induce medical comas. It is also used to help terminally ill people commit suicide and sometimes to euthanize animals.

Thirty-three of the states that have lethal injection employ the three-drug combination that was created in the 1970s: First, sodium thiopental is given by syringe to put the inmate to sleep. Then two other drugs are administered: pancuronium bromide, which paralyzes muscles, and potassium chloride, which stops the heart.

Ohio and Washington state use just one drug to carry out executions: a single, extra-large dose of sodium thiopental.

Hospira has blamed the shortage on "raw-material supplier issues" since last spring, first promising availability in July, then October, then early 2011. The company has refused to elaborate on the problem. But according to a letter obtained by The Associated Press from the Kentucky governor's office, Hospira told state officials that it lost its sole supplier of the drug's active ingredient and was trying to find a new one.

As for the possibility of obtaining the drug elsewhere, the Food and Drug Administration said

there are no FDA-approved manufacturers of sodium thiopental overseas.

Switching to another anesthetic would be difficult for some states. Some, like California, Missouri and Kentucky, adopted their execution procedures after lengthy court proceedings, and changing drugs could take time and invite lawsuits.

Obtaining sodium thiopental from hospitals does not appear to be an option, either. Sodium thiopental has been largely supplanted by other anesthetics in the U.S., and hospitals do not stock much of it.

Also, drug purchasing and use rules — and ethical guidelines that bar the medical profession from getting involved in executions — could prevent hospitals from supplying prisons with the drug, according to industry experts.

"Many of these cases, the victims have waited for 20 years, some of them longer than that. If we're out of that drug, we need to have an alternative," said Tennessee state Sen. Jim Tracy. Tennessee said it has enough of the drug for a November execution and expects to be able to carry out another in December.

Last spring, Hospira, a publicly traded company, sent a letter to all states outlining its discomfort with the use of its drugs for executions, as it has done periodically.

"Hospira provides these products because they improve or save lives and markets them solely for use as indicated on the product labeling," Kees Groenhout, clinical research and development vice president, said in a March 31 letter to Ohio, obtained by the AP. "As such, we do not support the use of any of our products in capital punishment procedures."

Jonathan Groner, an Ohio State University surgeon and death penalty opponent who researches the issue, speculated the real reason for the unavailability of sodium thiopental is that its medical uses "have shrunk to the point that the company doesn't want to make a drug that has no use but to kill people."

However, Rosenberg, the company spokesman, said the shortage has nothing to do with that.

Last month, an Oklahoma judge delayed the execution of Jeffrey Matthews when the state tried to switch anesthetics after running out of its regular supply in August. Matthews was convicted of killing his 77-year-old great-uncle during a 1994 robbery. Oklahoma finally found enough sodium thiopental from another state, but the court-ordered delay continues.

A few weeks ago, Kentucky's governor held off signing death warrants — which set execution dates and allow executions to proceed — for two inmates because the state is almost out of sodium thiopental. The state's lone dose hits its expiration date Oct. 1.

Kentucky officials said they have contacted other states unsuccessfully in a search for sodium thiopental and have gotten calls from states looking for the drug.

Kent Cattani, Arizona's top death penalty prosecutor, said Wednesday that the state doesn't have the drug and he is not optimistic it can be obtained in time for the Oct. 26 execution of Jeffrey Landrigan, who was sentenced to death for stabbing and strangling a man in 1989. But later, an Arizona Corrections Department spokesman said the agency has placed orders for sodium thiopental and expects to have it by next week.

Georgia pressed ahead with an execution Monday night, putting Brandon Joseph Rhode to death for the 1998 killings of Steven Moss, 37, his 11-year-old son Bryan and 15-year-old daughter Kristin during a burglary. Georgia's Corrections Department said it has an "appropriate supply" of sodium thiopental. The California attorney general's office had said it only has enough of the drug for Thursday's scheduled execution of Albert Brown, who was condemned to die in 1982 for the rape and murder of a 15-year-old girl, though a federal appeals court ordered a trial judge late Monday to reconsider his ruling that paved the way for the execution.

Virginia apparently had enough of the drug Thursday to execute Teresa Lewis, the first woman put to death in the U.S. since 2005. But officials suggested the state could have a problem after that, though Virginia has no executions scheduled.

"We are in the same position as every other state regarding this matter," said Larry Traylor, Virginia prisons spokesman. He would not be more specific.

Missouri has enough for an October execution, but its supply expires in January.

Ohio, which spends about \$350 for the drug for each execution, ran out of the amount state procedures call for just three days before a May 13 execution. The state obtained enough in time but won't say where.

Prisons officials in Texas, the nation's busiest death penalty state, refused to discuss how much sodium thiopental they have on hand, saying the information could inflame protesters outside the death house, and "people could get seriously hurt or killed."

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Governor Postpones Execution in California

By JESSE MCKINLEY and MALIA WOLLAN

SAN FRANCISCO — With the clock ticking and uncertainties — both legal and pharmaceutical — hovering, Gov. Arnold Schwarzenegger ordered a temporary last-minute reprieve on Monday in what would be California's first execution in more than four years.

Mr. Schwarzenegger, a Republican in the final weeks of his administration, announced late Monday that he would postpone the execution of Albert G. Brown Jr. — who had been scheduled to die by lethal injection at 12:01 a.m. on Wednesday — until Thursday to allow time for legal appeals to be exhausted. The state Department of Corrections has rescheduled the execution for Thursday evening, the governor's office said.

Mr. Brown, 56, was convicted in 1982 of raping and strangling a 15-year-old girl in Riverside, Calif.

The postponement came after a whirlwind day in which Mr. Brown's fortunes seemed to rise and fall with each passing hour. Earlier Monday, Mr. Brown had been denied a stay from a state judge, Verna A. Adams, in Marin County, where San Quentin State Prison is located.

Shortly after that denial state officials also made a surprise announcement that the execution would be the last in the state until the one of the drugs proposed for his execution — sodium thiopental, a barbiturate — could be restocked by the state's Department of Corrections and Rehabilitation.

Moreover, Terry Thornton, a spokeswoman for the department, said its supply of sodium thiopental was good only until Friday. That expiration date is now just hours after Mr. Brown's planned execution on Thursday.

Ms. Thornton said her department was continuing with preparations for Mr. Brown's execution and had enough sodium thiopental to stop Mr. Brown's heart. She added that the state was "actively seeking supplies of the drug for future executions."

How exactly sodium thiopental became scarce is unclear. The Food and Drug Administration reported shortages in March, citing production issues with Hospira, an Illinois-based company that is the sole American manufacturer.

A company spokesman, Dan Rosenberg, said that the drug was unavailable because of a lack of supply of an active pharmaceutical ingredient and that Hospira was working to get the drug back on the market by early next year. But Mr. Rosenberg also expressed displeasure that the drug — meant to be used as an anesthetic — had found its way into death chambers.

"Hospira manufactures this product because it improves or saves lives, and the company markets it solely for use as indicated on the product labeling," Mr. Rosenberg said in a statement. "The drug is not indicated for capital punishment, and Hospira does not support its use in this procedure."

He added that the company had made that opinion clear to corrections departments nationwide.

Mr. Brown's execution was cleared on Friday by a federal district judge, Jeremy D. Fogel, who had effectively halted executions in the state in 2006 after expressing concern about a three-drug cocktail commonly used in lethal injection procedures and various deficiencies in the state's methods, including the training of execution teams, antiquated facilities and the preparation of execution drugs.

Since then, however, California has drafted detailed new regulations — approved earlier this year — to guide executions and built a new death chamber at San Quentin, north of San Francisco.

Those developments had apparently quelled Judge Fogel's worries enough to allow Mr. Brown's execution to proceed.

Mr. Brown is still seeking a stay from the United States Court of Appeals for the Ninth Circuit. His lawyer, John R. Grele, said Judge Fogel's decision was "neither a legal nor rational response" to his client's efforts to avoid execution or undue pain.

LA Times Opinion

Capital punishment politics

By Elisabeth Semel

Story posted 2010.09.28 at 12:07 AM PDT

Californians tend to think that capital punishment in the South — especially in Texas, where the overwhelming majority of executions take place — is driven by politics. But this week's scramble to carry out an execution in California for the first time in almost five years is a reminder that electoral politics is also an engine driving our state's capital punishment system.

Executions have been on hold in California since 2006 because of three legal challenges to the manner by which the state takes a life. The most well known of the cases is the one in which U.S. District Judge Jeremy Fogel issued a preliminary ruling in December 2006 finding that if the California Department of Corrections and Rehabilitation did not revise its execution method, he would be compelled to declare California's procedures in violation of the cruel and unusual punishment clause of the U.S. Constitution.

In the second challenge, in state court, the corrections department was successfully sued for devising its lethal-injection protocol in secret, which is impermissible under the state's Administrative Procedures Act. A separate federal court challenge alleges that use of a paralytic chemical — the second in the three-drug procedure — acts as a "chemical curtain" that prevents the media and the public from observing whether the inmate is experiencing excruciating pain during the execution.

In each of the three lawsuits, Atty. Gen. Jerry Brown's office, which represents the corrections department, has argued that it is permitted to adopt its procedures behind closed doors — that is, to operate free from judicial or public oversight. Absent these legal challenges, however, the public would not have learned, as Fogel found, that the protocol in practice was unreliable and that there may have been problems with as many as seven of the 11 lethal-injection executions carried out under the protocol that was in place until now.

In July, the state's administrative agency approved the correction's department's new lethal-injection procedures. In August, with the approval of the state attorney general's office, the execution of Albert Greenwood Brown, who was convicted of murder and rape, was scheduled for Sept. 29. This action was taken despite the fact that none of the cases challenging California's lethal-injection procedures has been resolved.

On Friday, Fogel declined to include Brown in the case before him, but he expressed surprise at the state's insistence on speed: "The court has always understood, apparently incorrectly, that executions would not resume until it had an opportunity to review the new lethal-injection protocol."

On Monday, Gov. Arnold Schwarzenegger intervened to grant a reprieve until Sept. 30.

However, the politics of the situation are symbolized by the fact that the execution was scheduled at all. Jerry Brown's office insists that the attorney general, who is running for governor, had nothing to do with the exact timing of the Sept. 29 execution date. But it strains credulity to argue that any impetus other than election season politics accounts for this rush to execute.

We have seen this before. In California campaigns, candidates often work hard to establish their law-and-order bona fides, amplifying the volume on their endorsement of the death penalty. During the 1990 gubernatorial race between Pete Wilson and Dianne Feinstein, both candidates ran ads touting their support for the death penalty. This strategy has also been a hallmark of Dan Lungren's political career, as attorney general and now in Congress.

Candidates who support environmental and consumer protection, a woman's right to choose and public education frequently move to the right on criminal justice issues in order to get elected because it is the least politically risky shift. Brown — a onetime opponent of the death penalty who is facing Meg Whitman, an unwavering capital punishment advocate — is now positioned to be the man who got executions on track after a hiatus of nearly five years.

Since the last execution in California, there has been no public groundswell to get the death chamber back in business. Californians have been no less safe than they were between 1992 and 2006, when 13 men were executed. In fact, violent crimes — homicides in particular — have steadily declined during this period.

Both gubernatorial candidates insist that they can return California to solvency. But even as day-care centers are closing, teachers are being laid off and services for the poor and disabled are being curtailed, and the state parks are having trouble paying for toilet paper, neither Brown nor Whitman has publicly raised questions about whether the state should continue to shoulder the huge costs of capital punishment. According to the California Commission on the Fair Administration of Justice, the death penalty system costs the state \$137 million each year, and if the system were brought up to the level recommended by the commission, it would require an additional \$95 million annually to repair a system that California Chief Justice Ronald M. George called "dysfunctional." A new death row, needed to deal with such issues as overcrowding, will cost an estimated \$400 million.

Neither candidate has been willing to ask whether Californians want to spend the financial or moral capital it will take to execute the 700 men and women who have been sentenced to death.

In 2008, in his concurring opinion in *Baze vs. Rees*, which upheld Kentucky's lethal injection procedures, Supreme Court Justice John Paul Stevens announced his conclusion that capital punishment violates the Constitution. He called on the nation to begin a sober, rational discussion about the continued imposition of the death penalty.

Jerry Brown had the opportunity to open this dialogue in California by allowing the three legal challenges to go forward before an execution date was set. The governor stepped in to postpone Albert Brown's execution. But the politics of the situation remain unchanged.

Elisabeth Semel is a clinical professor of law at UC Berkeley's school of law, where she directs the Death Penalty Clinic.

Assistant Secretary, Communications
California Department of Corrections and Rehabilitation



www.CDCR.ca.gov
click *inside* California corrections

From: Kernan, Scott@CDCR
To: McAuliffe, John@CDCR
Subject: RE: LI
Date: Thursday, September 23, 2010 8:30:07 AM

John,

Talked with Matt. He needs to know how much we have (how many executions worth), how much we think we can loan them, when do we expect to get replenished if necessary, and the urgency of their request, when to they need it. Get that to me and I'll make it happen.

I was thinking of running to SQ over the weekend to just check on things and thank the staff. Would that be getting in the way? What is your assessment of how things are going?

Thx

Scott

-----Original Message-----

From: McAuliffe, John@CDCR
Sent: Thursday, September 23, 2010 8:05 AM
To: Kernan, Scott@CDCR
Subject: Fw: LI

Scott

I talked to AZ this morning they are looking for the 2nd and 3rd drugs. See email. I told them I would get back to you.

John

----- Original Message -----

From: THERESE SCHROEDER [REDACTED]@azcorrections.gov>
To: McAuliffe, John@CDCR
Cc: ROBERT PATTON [REDACTED]@azcorrections.gov>
Sent: Thu Sep 23 07:59:02 2010
Subject: Re: LI

Thank you so much for your assistance. ADC needs all 3 drugs and I understand that you are able to assist with Pancuronium Bromide and Potassium Chloride.

You can reach me or Division Director of Operations [REDACTED] at [REDACTED]

Thank you,
Therese Schroeder
Security Operations Administrator

>>> "McAuliffe, John@CDCR" <John.McAuliffe@cdcr.ca.gov> 9/22/2010 10:27 PM >>>
Your email was forwarded to me. I have contacted the Undersecretary and he has asked that you contact me. Please call me at [REDACTED]. Look forward to your call.
John McAuliffe

From: [REDACTED]
To: McAuliffe, John@CDCR
Subject: RE: Purchase Order # [REDACTED]
Date: Tuesday, August 24, 2010 11:52:57 AM

We have received all of the Pancuronium today. This product needs to be kept refrigerated. I will ship this today for delivery tomorrow. I will include plenty of ice packs but it needs to be placed in a refrigerator tomorrow.

We are expecting a small amount of the Thiopental Sodium today also-I will let you know later today when it has been received so you will know how much to expect.

We are expecting all of the Potassium Chloride Wednesday or Thursday this week.

We will still be short, therefore, on the Thiopental Sodium until the shortage is resolved later this year or we find other sources.

[REDACTED]

From: McAuliffe, John@CDCR [mailto:John.McAuliffe@cdcr.ca.gov]
Sent: Tuesday, August 24, 2010 12:09 PM
To: [REDACTED]
Subject: RE: Purchase Order # [REDACTED]

[REDACTED]
Great news! Hope some of the product is Sodium Thiopental.....Ship to;

[REDACTED]
Neumiller Infirmary Pharmacy
California State Prison, San Quentin
San Quentin, California 94964
ATTN: Warden Vincent Cullen

Thanks
John McAuliffe

From: [REDACTED]
Sent: Tuesday, August 24, 2010 9:27 AM
To: McAuliffe, John@CDCR
Subject: RE: Purchase Order # [REDACTED]

John,

We have received some of the product and can ship today.

Please let me know what shipping address to use. I will also email you what is being shipped today.

Thanks,

[REDACTED]

From: McAuliffe, John@CDCR [mailto:John.McAuliffe@cdcr.ca.gov]
Sent: Thursday, August 19, 2010 4:16 PM
To: [REDACTED]

Subject: Purchase Order # [REDACTED]

[REDACTED]
Just would like to follow up on the status of the order. Mainly I would like to know if you have any status as to when or if you have been contacted as to a possible date the order can be filled. Thanks
In advance
John McAuliffe
[REDACTED]

From: [Duffy, Brian@CDCR](mailto:Duffy_Brian@CDCR)
To: [Cullen, Vincent@CDCR](mailto:Cullen_Vincent@CDCR); [McAulliffe, John@CDCR](mailto:McAulliffe_John@CDCR)
Cc: [Kernan, Scott@CDCR](mailto:Kernan_Scott@CDCR)
Subject: FW:
Date: Monday, August 23, 2010 9:54:56 AM

Vince and John,

Please see below.

Brian

Brian Duffy
Special Assistant to the Undersecretary, Operations
California Department of Corrections and Rehabilitation
[REDACTED]

----- Original Message -----

From: Rice, Benjamin@CDCR
To: Kernan, Scott@CDCR; Cate, Matt@CDCR
Sent: Mon Aug 23 09:27:07 2010
Subject: Re:

That is great news! Thanks- [REDACTED]
Sent using blackberry

----- Original Message -----

From: Kernan, Scott@CDCR
To: Cate, Matt@CDCR; Rice, Benjamin@CDCR
Sent: Mon Aug 23 09:23:27 2010
Subject:

I just got great news. [REDACTED] advised that he has got and is shipping the lethal injection drugs to SQ pharmacy. Its enough to do one execution. Bad news is the drug expires in Oct. But at least we would be ready. He is still looking for more. Matt, would be nice for you to call and thank them.
Scott

From: Acosta-Hoshall, Christina@CDCR
To: [REDACTED]@USDOT.gov
Cc: Kernan, Scott@CDCR; McAuliffe, John@CDCR
Subject: letter from Scott Kernan, Undersecretary, Operations, California Department of Corrections and Rehabilitation regarding procurement of Sodium Thloental
Date: Wednesday, August 18, 2010 1:10:04 PM
Attachments: Drug Enforcement Administration 081820100001.pdf

SENT ON BEHALF OF SCOTT KERNAN, UNDERSECRETARY, OPERATIONS

Please see the attached letter from Scott Kernan, Undersecretary, Operations, California Department of Corrections and Rehabilitation regarding procurement of Sodium Thloental.

Thank you,

Christina Acosta-Hoshall
Executive Assistant to Terri McDonald, Chief Deputy Secretary, Adult Operations
California Department of Corrections and Rehabilitation
1515 S Street, Suite 502-S
Sacramento, CA 95811

email: [REDACTED]@cdcr.ca.gov

OFFICE OF THE SECRETARY

P.O. Box 942883
Sacramento, CA 94283-0001



August 18, 2010

[REDACTED]
Office of Diversion Control
Drug Enforcement Administration
United States Department of Justice

Dear [REDACTED]

Thank you again for taking the time to talk and assist us in finding a solution in procuring Sodium Thiopental. As you are well aware, Title 21, United States Code (USC) Controlled Substances Act, Section 952, Importation of Controlled Substances outlined below are exceptions for importation of Scheduled III controlled substances:

- The Attorney General finds to be necessary to provide for the medical, scientific or other legitimate needs of the United States.
- During an emergency in which domestic supplies of such substance or drug are found by the Attorney General to be inadequate.
- The Attorney General finds that competition among domestic manufacturers of the controlled substance is inadequate and will not be rendered adequate by the registration of additional manufacturers under section 823 of title 21.
- The Attorney General finds that such controlled substance is in limited quantities exclusively for scientific, analytical or research uses; may be so imported under such regulations as the Attorney General shall prescribe.

The California Department of Corrections and Rehabilitation (CDCR) finds itself unfortunately meeting all of the above exceptions. As we have discussed, John McAuliffe contacted the Diversion Control Units in San Francisco [REDACTED]; Sacramento [REDACTED]; Oakland (Helpline) and Washington D.C. to get assistance in the procurement of Sodium Thiopental, a scheduled III controlled substance.

Sodium Thiopental is one of three chemicals authorized by the state of California for capital punishment by lethal injection. In May 2010 it was reported by the American Society of Health-System Pharmacists that there was a shortage of Sodium Thiopental. This shortage was sparked by a manufacturing problem of Sodium Thiopental as well as a shortage of Propofol (a popular anesthetic used by anesthesiologists) which forced anesthesiologists to further deplete supplies of Sodium Thiopental as a substitute. Additionally, CDCR had contact with numerous compounding pharmacies around the

[REDACTED]
Page 2

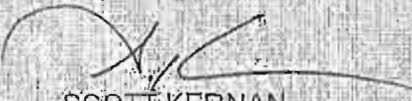
San Francisco Bay area with the same result. CDCR has located a supply of Sodium Thiopental in Pakistan at [REDACTED]

CDCR is requesting help from your office to assist with the process of procuring the Sodium Thiopental through the Import/Export Permit Application. We are requesting for the Warden of San Quentin State Prison be permitted to directly order the Sodium Thiopental from Pakistan for delivery to San Quentin State Prison at the following address:

[REDACTED]
Neumiller Infirmary Pharmacy
California State Prison, San Quentin
San Quentin, California 94964

CDCR would be ordering 210 grams or 420 individual package kits of Sodium Thiopental. The state of California's Lethal Injection Regulation, California Code of Regulations, Title 15, Section 3349, calls for a 500-mg/2.5 percent kit (25 mg/mL) combination package with contents of 500-mg of Sodium Thiopental powder and 20mL flip top vial of sterile water to be mixed by appropriate execution team members.

I look forward to talking to you and discussing this matter. If you have any further questions, please contact me at (916) 323-6001.


SCOTT KERNAN
Undersecretary, Operations
California Department of Corrections and Rehabilitation

cc: Benjamin T. Rice, Rice, General Council, Legal Affairs
Terri McDonald, Chief Deputy Secretary, Adult Operations
Vince Cullen, Warden (A), San Quentin State Prison

From: Kernan, Scott@CDCR
To: McAulliffe, John@CDCR
Subject: FW: Callfomla"s Lethal Injection Research
Date: Wednesday, August 04, 2010 3:36:23 PM
Attachments: execution (3).doc

Fyi

Scott

From: Allen, Elizabeth@CDCR
Sent: Wednesday, August 04, 2010 2:51 PM
To: [REDACTED]@doc1.wa.gov
Cc: Cate, Matt@CDCR; Kernan, Scott@CDCR
Subject: California's Lethal Injection Research

Good Afternoon [REDACTED]

The attached document provides a brief history and a timeline of the steps the CDCR has taken and will be taking to obtain the drugs need for the intravenous injection. Mr. Scott Kernan, the CDCR Operation Undersecretary has been working on this issue. Please feel free to call him at [REDACTED] [REDACTED] if you have any questions and of course, Mr. Cate is also available.

- drugs from DJJ pharmacy
- Feb 2009 CDCR attempts to recruit doctors from [REDACTED]
- Apr 2009 APA Filing
- May 2009 Secretary CDCR sends second request to Federal Receiver to allow to recruit
- Jan 2010 Federal Receiver approached again
 - Apr 2010 Federal Receiver allows CDCR to recruit medical staff and use SQ pharmacy
- May 2010 Federal Receiver will not allow CDCR to order drugs from SQ pharmacy
- May 2010 CDCR reaches out to Nevada Department of Corrections
- May 2010 CDCR recruits three doctors with DEA #'s
- Jun 2010 Federal Receiver attempts to locate a source to procure Sodium Thiopental. Manufacturer (Hospira) has drug on back order with no predicted new date for availability. First notice to CDCR that Sodium Thiopental has a national shortage.
- Jun 2010 Federal Receiver's Office gives CDCR list of Compounding Pharmacies as possible vendors.
- Jun 2010 Contacted Federal Bureau of Prisons validated there is shortage
- Jun 2010 Tennessee Department of Corrections validated there is shortage
- Jun 2010 [REDACTED] stated all suppliers of Sodium Thiopental in the United States do not have a current inventory and have no plans nor a date as to when they (the suppliers) will be producing the drug.
- Jul 2010 [REDACTED] calls CDCR and states due to moral and ethical issues will not help CDCR in procuring any drugs for execution.
- Jul 2010 CDCR researched possible alternatives; Import from Pakistan; [REDACTED]
- Jul 2010 Contacted DEA for assistance
- July 2010 Secretary contacts [REDACTED] who agrees to help locate drug.
- Jul 2010 CDCR finds out for first time that Pancuronium Broide has had a national recall
- July 2010 Called Virginia, Oklahoma, Indiana, Federal Bureau of Prisons for assistance.
- Aug 2010 DEA working on import exemption for CDCR to allow overseas shipment.
- Aug 2010 CDCR searching for imports to receive orders
- Aug 2010 [REDACTED] looking for international importers
- Notified today that they found international supply. Working on getting ordered. No confirmed date, but anticipating within 30 days. Formal order with shipping instructions and billing data provided.

From: Kernan, Scott@CDCR
To: McAullffe, John@CDCR
Subject: RE: Timeline
Date: Monday, August 02, 2010 3:41:53 PM

Coming from me. Thanks for taking shot at narrative. I spoke with [REDACTED] and we are doing the official order this week for all three drugs and for 6 executions. Probably need your help with some details. Let you know.

Scott

From: McAullffe, John@CDCR
Sent: Monday, August 02, 2010 2:12 PM
To: Kernan, Scott@CDCR
Subject: RE: Timeline

Brian asked for bullets but I can do narrative....coming from you, Undersecretary, I agree narrative.

From: Kernan, Scott@CDCR
Sent: Monday, August 02, 2010 2:10 PM
To: McAullffe, John@CDCR
Subject: Re: Timeline

Don't you thing this should be in narrative formally asking for exemption?

From: McAullffe, John@CDCR
To: Kernan, Scott@CDCR
Sent: Mon Aug 02 13:49:06 2010
Subject: FW: Timeline

Scott

Look at attached if you approve I will forward email to [REDACTED]He called me back will be in office tomorrow....

John

From: McAullffe, John@CDCR
Sent: Thursday, July 29, 2010 3:24 PM
To: Duffy, Brian@CDCR
Subject: Timeline

Brian

FYI

John <<Timeline Pentothal.doc>>

From: McAuliffe, John@CDCR
To: [REDACTED]
Cc: Kernan, Scott@CDCR
Subject: [REDACTED]
Date: Wednesday, October 06, 2010 10:38:00 AM

Sir

I am forwarding this email to you for your record. CDCR would like to know if this process of obtaining the thioental (Duty, Broker, any additional fees to include [REDACTED] fees) could be billed to CDCR as one invoice? Additionally, can you give a possible estimate as to how long this process will take before we receive the thioental? Again, thank you for your assistance.

John McAuliffe

From: [REDACTED]@usdoj.gov]
Sent: Wednesday, October 06, 2010 1:34 AM
To: McAuliffe, John@CDCR
Subject: [REDACTED]

Thank you. I'll make DEA's import/export unit aware of this matter.

[REDACTED]
Office of Diversion Control

From: McAuliffe, John@CDCR <John.McAuliffe@cdcr.ca.gov>
To: [REDACTED]
Cc: Kernan, Scott@CDCR <Scott.Kernan@cdcr.ca.gov>
Sent: Tue Oct 05 14:08:55 2010
Subject: [REDACTED]

[REDACTED]
Thank you for the list of companies listed with the DEA to import Thioental. We have contacted [REDACTED] who has initially agreed to procure the Thioental from London. We gave [REDACTED] your email as a point of contact with DEA since you know exactly what we have been doing and to whom we have been in contact with in your Department. Again thank you for your help and assistance.

John McAuliffe

From: McAuliffe.John@CDCR
To: [REDACTED]
Cc: Kernan.Scott@CDCR
Subject: Telephone call this AM
Date: Tuesday, October 05, 2010 10:33:00 AM

[REDACTED]

Sir;
Thank you for talking to me this AM. Please contact me by email and/or cell [REDACTED] on any question you may have.
John McAuliffe

From: McAuliffe, John@CDCR
To: [REDACTED]
Subject: Re: Thiopental Injection
Date: Thursday, September 30, 2010 5:01:25 PM

[REDACTED]
We are trying to work with DEA and/or an Import pharmacy company to deal with the DEA/FDA/Customs. Any suggestions or advise to make this happen sooner than later would be greatly appreciated.
John McAuliffe

From: [REDACTED]
To: McAuliffe, John@CDCR
Sent: Thu Sep 30 05:27:27 2010
Subject: Thiopental Injection

30-09-10

Dear Mr. McAuliffe,

Thank you for your call and thank you for your interest in [REDACTED]

I would be happy to supply you:

Thiopental Injection , powder for reconstitution, thiopental sodium, 500-mg vial packs of 25's £196.75 (pounds sterling)
The current expiry date is February 2014.

POTASSIUM CHLORIDE 1.5GM 10ML INJ. PACKS OF 10 £15.55
Expiry date: 01/13

Pancuronium Injection, pancuronium bromide 2 mg/mL, 2-mL amp packs of 10's £58.73
Expiry date: 11/11

If you could supply me with the following information, I can produce a proforma invoice:

Invoice address

Delivery address, including contact person and contact person phone number

I will dispatch the goods to you by FedEx,
FedEx delivery charges is separate item.

In order to get the product easier through US customs, I think it would be a goods idea for you to write a letter in the department letterhead, attention of US custom and let them know why you need this product. I would include this letter in your shipment.

Please also email or fax me a copy of your DEA license, to include it in your shipment.

Please let me know if you need further information.

Many thanks,
Kind regards



Tel: 44(



From: McAuliffe, John@CDCR
To: Kernan, Scott@CDCR
Subject: Fw: DEA Registrations
Date: Thursday, September 30, 2010 4:07:17 PM
Attachments: [pract_manual012508.pdf](#)

Scott
Just got this email [REDACTED]
[REDACTED]
John

From: [REDACTED]@usdoj.gov
To: McAuliffe, John@CDCR
Sent: Thu Sep 30 16:01:46 2010
Subject: DEA Registrations

John,

I hope you able to get in contact with our DEA Diversion H.Q. International Drug Unit: (202) [REDACTED] & (202) [REDACTED], for assistance with your international drug import issue. Feel free to contact me if you need any other assistance. For your agency's information, I have attached the "DEA Practitioners Manual" which discusses the rules and regulations that pertain to Practitioner DEA Registrations.

<<pract_manual012508.pdf>>

[REDACTED]
DEA Oakland Diversion Group
[REDACTED]
[REDACTED]
[REDACTED]@usdoj.gov

From: McAuliffe, John@CDCR
To: Kernan, Scott@CDCR
Subject: Fw: Dr 's SQ DEA #
Date: Wednesday, September 29, 2010 4:36:05 PM

Drugs on the way to AZ.
John

----- Original Message -----
From: [REDACTED]@CDCR
To: McAuliffe, John@CDCR
Sent: Wed Sep 29 16:34:48 2010
Subject: Re: Dr 's SQ DEA #

John,
Just returned back from Fed Ex. Drugs are on their way to Arizona.

----- Original Message -----
From: McAuliffe, John@CDCR
To: Cullen, Vincent@CDCR
Cc: Kernan, Scott@CDCR; Rice, Benjamin@CDCR; Slavin, Bruce@CDCR; McCleave, Kelly@CDCR
Sent: Wed Sep 29 16:16:33 2010
Subject: Dr 's SQ DEA #

Warden
DEA called me and gave me 2 of our 3 Dr 's SQ DEA #'s. The third Dr was emailed and told to reapply due to having an incomplete address. These additional numbers will be used when ordering the drugs I will put together a book with all of the Dr 's names, contact info, DEA #'s and CDCR work info. I will include the Nurses with same info. Additionally, I will include the DEA agent info assigned to SQ with point of contact information.
John

From: [McAuliffe, John@CDCR](mailto:McAuliffe.John@CDCR)
To: [Cullen, Vincent@CDCR](mailto:Cullen.Vincent@CDCR)
Cc: [Keman, Scott@CDCR](mailto:Keman.Scott@CDCR); [Rice, Benjamin@CDCR](mailto:Rice.Benjamin@CDCR); [Slavin, Bruce@CDCR](mailto:Slavin.Bruce@CDCR); [McCleese, Kelly@CDCR](mailto:McCleese.Kelly@CDCR)
Bcc: [REDACTED]@CDCR
Subject: Dr 's SQ DEA #
Date: Wednesday, September 29, 2010 4:16:33 PM

Warden

DEA called me and gave me 2 of our 3 Dr 's SQ DEA #s. The third Dr was emailed and told to reapply due to having an Incomplete address. These additional numbers will be used when ordering the drugs I will put together a book with all of the Dr 's names, contact info, DEA #'s and CDCR work Info. I will include the Nurses with same info. Additionally, I will include the DEA agent info assigned to SQ with point of contact Info.rmatlon.

John

From: McAuliffe, John@CDCR
To: Kernan, Scott@CDCR
Subject: Re:
Date: Wednesday, September 29, 2010 3:39:17 PM

Don't forget the compounding pharmacies.

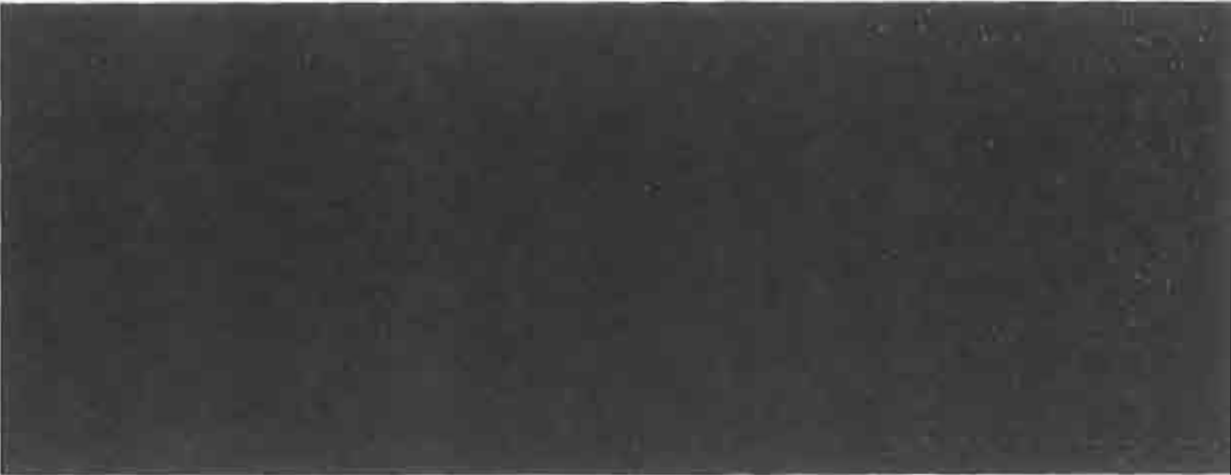
From: Kernan, Scott@CDCR
To: McAuliffe, John@CDCR
Sent: Wed Sep 29 15:32:23 2010
Subject: RE:

Didn't we also canvass local hospitals?

From: McAuliffe, John@CDCR
Sent: Wednesday, September 29, 2010 3:17 PM
To: Kernan, Scott@CDCR
Subject: Re:

Scott

No we did not. With [REDACTED] and the Receiver changing their positions on helping then not helping the National shortage had come in play. We did ask **Feds VA OK and TN.**
John



From: McAulliffe, John@CDCR
To: Kernan, Scott@CDCR
Subject: Re:
Date: Wednesday, September 29, 2010 3:37:30 PM

I called approximately 100 Hospitals and local general surgery centers.

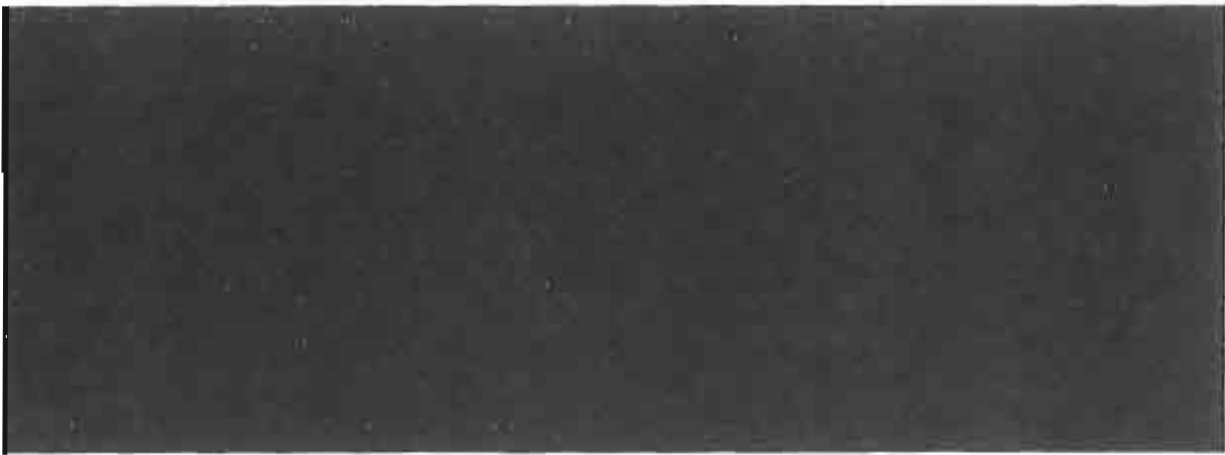
From: Kernan, Scott@CDCR
To: McAulliffe, John@CDCR
Sent: Wed Sep 29 15:32:23 2010
Subject: RE:

Didn't we also canvass local hospitals?

From: McAulliffe, John@CDCR
Sent: Wednesday, September 29, 2010 3:17 PM
To: Kernan, Scott@CDCR
Subject: Re:

Scott

No we did not. With [REDACTED] and the Receiver changing their positions on helping then not helping the National shortage had come in play. We did ask Feds VA OK and TN.
John



From: McAuliffe, John@CDCR
To: Kernan, Scott@CDCR
Subject: Fw: Execution Protocol Drugs
Date: Tuesday, September 28, 2010 6:21:20 PM

Fyi

----- Original Message -----

From: CHARLES FLANAGAN [REDACTED]@azcorrections.gov>
To: McAuliffe, John@CDCR
Cc: THERESE SCHROEDER [REDACTED]@azcorrections.gov>
Sent: Tue Sep 28 17:38:36 2010
Subject: Execution Protocol Drugs

John:

As we discussed on the phone today, we have followed the lead of Arkansas and purchased the drugs we need from a company in London. Frankly, there was no possibility of getting the Thiopental Sodium/Sodium Pentothal from any source in the U.S., to include from any of the departments of corrections in other states that use the same 3-drug protocol as us.

The name of the company and the person with whom we arranged the purchase is:

[REDACTED]
011-44-[REDACTED]
[REDACTED]

We were able to purchase enough of each drug in our protocol for each of the upcoming executions:

Sodium Pentothal as Thiopental Sodium (could not acquire in U.S.)
Pancuronium Bromide (could not acquire enough in the U.S.)
Potassium Chloride (could get in the U.S., but not necessarily in time).

We understand that Arkansas has still not received their drugs and that this may be due to the process of getting the shipment through Customs and the FDA. We have followed the following process to try and expedite the shipment through Customs and the FDA to us:

- We hired our own customs broker, locally, and mandated that the sender, who actually hires Fed Ex to transport, fills out the paperwork to ensure Fed Ex uses our broker, not theirs.
- We ensured that Fed Ex knew, and we documented clearly on all forms, that the "Port of Unladen" be Memphis, TN (the Fed Ex hub for all overseas transports), and the "Port of Entry" be Phoenix, AZ. This gives absolute jurisdiction to the Customs and FDA to the local people and not to those offices in Memphis.
- We called and explained to the [REDACTED] of Customs what we were doing and why, as well as the time-sensitivity and criticality of the issue. He provided us with e-mail verification that the shipment was to be expedited through customs.
- We called and spoke with the [REDACTED] FDA [REDACTED], explaining the same issues and background as we did with Customs (and Customs had already communicated their promise of expeditious handling and why to the FDA). He notified his chain of command to Washington DC, with his recommendation that the shipment be processed expeditiously to us as it was for the purpose of executions and not for

use by the general public. That was approved.

- We communicated the same issues to the local Fed Ex folks, who have been helpful in ensuring the refrigerated drugs be refrigerated while held in Phoenix for the few hours between arrival and customs clearance.

- We are sending our [REDACTED] along with the [REDACTED] for the Florence prison (where executions are performed and the drugs are stored) to meet with the FDA official. The FDA will photograph and inventory the contents of the shipment in the presence of our staff. He will then turn the drugs over to us to transport to our secure storage at the prison.

This has been a very staff-intensive and difficult road. I anticipate having the drugs at some time between 0830 and 1000 hrs. tomorrow morning. That will be the true test of the process outlined above. Between ordering to shipment, we had about a 3 working day lapse. Between shipment and receipt, we will have had a little over 2 days.

The final proof will be in the pudding of the acceptance by the court of our statement that we have the drugs in our possession by the deadline some 25 days prior to our first scheduled execution...and then the actual execution and post execution reviews.

I would be happy to speak with whomever you wish about the process in more detail. Let me know if I can ever help on any issue. Thank you also for your assistance with the pancromium.

Charles

Charles Flanagan
Deputy Director
Arizona Department of Corrections
1601 West Jefferson Street
Phoenix, AZ 85007
[REDACTED]@azcorrections.gov

From: McAuliffe, John@CDCR
To: Kernan, Scott@CDCR
Subject: Fw: Pentothal
Date: Thursday, September 09, 2010 6:35:51 AM

FYI
John

From: [REDACTED]
To: McAuliffe, John@CDCR
Sent: Thu Sep 09 06:34:12 2010
Subject: Pentothal

John,

We haven't had any luck finding anymore Pentothal. The manufacturer, Hospira, is anticipating end of November as a release date.

Thanks,

[REDACTED]
615 [REDACTED]

From: McAuliffe, John@CDCR
To: [REDACTED]
Subject: RE: Purchase Order # [REDACTED]
Date: Wednesday, August 25, 2010 11:25:00 AM

Thanks for the shipping information. Quick question, doing some research I came across Trapanal, a barbiturate that is used as a general anesthesia that has a generic name Thiopental.....Is this the same drug as Sodium Thiopental just under a different name and is this drug available?? Thanks
John McAuliffe

From: [REDACTED]
Sent: Wednesday, August 25, 2010 7:14 AM
To: McAuliffe, John@CDCR; Risch, Jeff RedRiverPackaging
Cc: Kernan, Scott@CDCR; Rice, Benjamin@CDCR; Cullen, Vincent@CDCR; [REDACTED]@CDCR
Subject: RE: Purchase Order # [REDACTED]

John,

There are 3 packages arriving today:

| Tracking # | Carrier | Comments |
|--|---------|--|
| [REDACTED] medication(Pancuronium) | UPS | one of the UPS packages contains some refrigerated |
| [REDACTED] Sodium and Potassium Chloride | UPS | the other UPS package contains some Thiopental |
| [REDACTED] refrigerated medication(Pancuronium) | FEDEX | this is a large package containing the rest of the |

I am expecting the rest of the Potassium Chloride to arrive and ship from here today. I'll keep you informed on the rest of the Thiopental...we're still waiting on the manufacturer.

Thanks,

From: McAuliffe, John@CDCR [mailto:John.McAuliffe@cdcr.ca.gov]
Sent: Tuesday, August 24, 2010 2:45 PM
To: [REDACTED]
Cc: Kernan, Scott@CDCR; Rice, Benjamin@CDCR; Cullen, Vincent@CDCR; Curzon, John@CDCR
Subject: RE: Purchase Order # [REDACTED]

Please go ahead and ship the 8 grams of Thiopental.....Thank you...
John McAuliffe

From: [REDACTED]
Sent: Tuesday, August 24, 2010 12:19 PM
To: McAuliffe, John@CDCR
Subject: RE: Purchase Order # [REDACTED]

John,

We have received 8 grams of Thioental Sodium. It expires Oct 1, 2010.

Is this ok?

From: McAuliffe, John@CDCR [mailto:John.McAuliffe@cdcr.ca.gov]
Sent: Tuesday, August 24, 2010 12:09 PM
To: [REDACTED]
Subject: RE: Purchase Order # [REDACTED]

Great news! Hope some of the product is Sodium Thioental.....Ship to;

[REDACTED]
Neumiller Infirmary Pharmacy
California State Prison, San Quentin
San Quentin, California 94964
ATTN: Warden Vincent Cullen

Thanks
John McAuliffe

From: [REDACTED]
Sent: Tuesday, August 24, 2010 9:27 AM
To: McAuliffe, John@CDCR
Subject: RE: Purchase Order # [REDACTED]

John,

We have received some of the product and can ship today.

Please let me know what shipping address to use. I will also email you what is being shipped today.

Thanks,

From: McAuliffe, John@CDCR [mailto:John.McAuliffe@cdcr.ca.gov]
Sent: Thursday, August 19, 2010 4:16 PM
To: [REDACTED]
Subject: Purchase Order # [REDACTED]

Just would like to follow up on the status of the order. Mainly I would like to know if you have any status as to when or if you have been contacted as to a possible date the order can be filled. Thanks in advance

John McAuliffe
(cell) [REDACTED]

From: [McAulliffe, John@CDCR](mailto:McAulliffe,John@CDCR)
To: [Kernan, Scott@CDCR](mailto:Kernan,Scott@CDCR); Rice, Benjamin@CDCR
Cc: Cullen, Vincent@CDCR; [REDACTED]
Subject: FW: Purchase Order # [REDACTED]
Date: Tuesday, August 24, 2010 12:23:00 PM

Scott
Good news....
John

From: [REDACTED]
Sent: Tuesday, August 24, 2010 11:52 AM
To: McAulliffe, John@CDCR
Subject: RE: Purchase Order # [REDACTED]

We have received all of the Pancuronium today. This product needs to be kept refrigerated. I will ship this today for delivery tomorrow. I will include plenty of ice packs but it needs to be placed in a refrigerator tomorrow.

We are expecting a small amount of the Thiopental Sodium today also-I will let you know later today when it has been received so you will know how much to expect.

We are expecting all of the Potassium Chloride Wednesday or Thursday this week.

We will still be short, therefore, on the Thiopental Sodium until the shortage is resolved later this year or we find other sources.

From: McAulliffe, John@CDCR [mailto:John.McAulliffe@cdcr.ca.gov]
Sent: Tuesday, August 24, 2010 12:09 PM
To: [REDACTED]
Subject: RE: Purchase Order # [REDACTED]

Great news! Hope some of the product is Sodium Thiopental.....Ship to;

[REDACTED]
Neumiller Infirmary Pharmacy
California State Prison, San Quentin
San Quentin, California 94964
ATTN: Warden Vincent Cullen

Thanks
John McAulliffe

From: [REDACTED]
Sent: Tuesday, August 24, 2010 9:27 AM
To: McAulliffe, John@CDCR
Subject: RE: Purchase Order # [REDACTED]

John,

We have received some of the product and can ship today.

Please let me know what shipping address to use. I will also email you what is being shipped today.

Thanks,

[REDACTED]

From: McAuliffe, John@CDCR [mailto:John.McAuliffe@cdcr.ca.gov]

Sent: Thursday, August 19, 2010 4:16 PM

To: [REDACTED]

Subject: Purchase Order # [REDACTED]

[REDACTED]

Just would like to follow up on the status of the order. Mainly I would like to know if you have any status as to when or if you have been contacted as to a possible date the order can be filled. Thanks in advance

John McAuliffe

(cell) [REDACTED]

From: McAuliffe, John@CDCR
To: [REDACTED]@usdoj.gov
Subject: FW: letter from Scott Kernan, Undersecretary, Operations, California Department of Corrections and Rehabilitation regarding procurement of Sodium Thiopental
Date: Tuesday, August 24, 2010 10:20:00 AM
Attachments: Drug Enforcement Administration 081820100001.pdf

[REDACTED]
Thanks for your help.
John McAuliffe

From: McAuliffe, John@CDCR
Sent: Tuesday, August 24, 2010 10:13 AM
To: [REDACTED]
Subject: FW: letter from Scott Kernan, Undersecretary, Operations, California Department of Corrections and Rehabilitation regarding procurement of Sodium Thiopental

[REDACTED]
Just a follow up to see if you received Mr. Kernan's letter and thank you in advance for any help that you can give us.
John McAuliffe

From: Acosta-Hoshall, Christina@CDCR [mailto:Christina.Acosta-Hoshall@cdcr.ca.gov]
Sent: Wednesday, August 18, 2010 1:10 PM
To: [REDACTED]@USDOJ.gov
Cc: Kernan, Scott@CDCR; McAuliffe, John@CDCR
Subject: letter from Scott Kernan, Undersecretary, Operations, California Department of Corrections and Rehabilitation regarding procurement of Sodium Thiopental

SENT ON BEHALF OF SCOTT KERNAN, UNDERSECRETARY, OPERATIONS

Please see the attached letter from Scott Kernan, Undersecretary, Operations, California Department of Corrections and Rehabilitation regarding procurement of Sodium Thiopental.

Thank you,

Christina Acosta-Hoshall
Executive Assistant to Terri McDonald, Chief Deputy Secretary, Adult Operations
California Department of Corrections and Rehabilitation
1515 S Street, Suite 502-S
Sacramento, CA 95811

email: [REDACTED]@cdcr.ca.gov
[REDACTED]
[REDACTED]

From: McAuliffe, John@CDCR
To: Duffy, Brian@CDCR
Subject: RE: Purchase Order # [REDACTED]
Date: Friday, August 20, 2010 11:04:00 AM

Going down the list.....Same response so far with 23 called....Who are you? Why are you asking?
And we do not give out that information to the public!
John

From: Duffy, Brian@CDCR [mailto:Brian.Duffy@cdcr.ca.gov]
Sent: Friday, August 20, 2010 10:43 AM
To: McAuliffe, John@CDCR
Subject: RE: Purchase Order # [REDACTED]

John,

Any luck with calling hospitals? Anything I can do to help?

Brian

From: Kernan, Scott@CDCR
Sent: Friday, August 20, 2010 9:47 AM
To: Gaddl, Kathy@CDCR; Duffy, Brian@CDCR
Subject: FW: Purchase Order # [REDACTED]

From: McAuliffe, John@CDCR
Sent: Friday, August 20, 2010 9:46:50 AM
To: Kernan, Scott@CDCR
Subject: Fw: Purchase Order # [REDACTED]
Auto forwarded by a Rule

Scott
See email. I called yesterday and said we needed a date. Also told [REDACTED] if he got a hold of any ship it to us immediately.
John

From: [REDACTED]
To: McAuliffe, John@CDCR
Sent: Fri Aug 20 06:19:22 2010
Subject: RE: Purchase Order # [REDACTED]

John, I received an update on your order this morning...

-Pentothal is expected to be available again sometime in the 4th quarter 2010(Oct-Dec 2010). This will ship when it is available.

-Pancuronium is expected to be available again by the end of August 2010. This will ship when it is

available also.

-Potassium Chloride is on 'Allocation'. I am not sure what this means for us, I am waiting for a clearer answer on this. In the meantime, I am trying to pursue a different source for this product. I could have this as early as next week. I will let you know iff/when I do get it.

I'll forward any Information as I get it. Also, I will let you know at least weekly even if there are no new updates.

Thanks,

615-

From: McAullffe, John@CDCR [mailto:John.McAullffe@cdcr.ca.gov]

Sent: Thursday, August 19, 2010 4:16 PM

To:

Subject: Purchase Order #

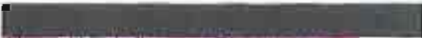
Just would like to follow up on the status of the order. Mainly I would like to know if you have any status as to when or if you have been contacted as to a possible date the order can be filled. Thanks in advance

John McAullffe

(cell)

From: [McAuliffe, John@CDCR](mailto:McAuliffe,John@CDCR)
To: [Kernan, Scott@CDCR](mailto:Kernan,Scott@CDCR)
Subject: Drug Mailing
Date: Wednesday, August 04, 2010 2:49:00 PM

Scott


Neumiller Infirmiry Pharmacy
California State Prison, San Quentin
San Quentin, California 94984

Timeline Pentothal (Sodium Thiopental)

Introduction

Since 1993, California law has authorized capital punishment by lethal injection. This protocol, like those used by the Federal Government and most other states, provides for lethal injection by way of three drugs intravenously injected into the condemned inmate scheduled for execution.

On February 21, 2006, Inmate Michael Morales was scheduled to be executed by lethal injection. Morales' execution was stayed on the challenge that his execution would subject him to unnecessary risk of excessive pain violating the Eighth Amendment to the United States Constitution. Since Morales' stay CDCR has taken it's Lethal Injection protocol through the Administrative Procedures Act (APA) and made it a regulation.

One of these drugs and the first to be injected is Sodium Thiopental. Sodium Thiopental is a fast acting short duration anesthetic supplied as a yellowish, hygroscopic powder in a variety of different containers. The State of California's Lethal Injection Protocol (California Department of Corrections and Rehabilitations: CDCR) calls for a 500 mg/2.5% Kit (25 mg/mL) combination package with contents of 500 mg of Sodium Thiopental powder and a 20 mL flip top vial of sterile water.

Sodium Thiopental (pentothal/thiopental) is a Schedule III controlled substance with a Drug Enforcement Agency (DEA) DEA number of 2100 that can only be procured by a pharmacy and/or medical doctor who has a registered DEA number. The below timeline will illustrate the efforts CDCR has taken in attempting to procure Sodium Thiopental.

Timeline

- Jan 2007 Lethal Injection Protocol review and revision
- May 2007 Revision completed
- Nov 2007 New Lethal Injection Facility used for training
- Nov 2007 Federal Receiver will not allow CDCR to recruit CDCR medical staff
- Dec 2007 [REDACTED] contractor for San Quentin State Prison (SQ) pharmacy will not help to procure the Sodium Thiopental
- Jan 2007 CDCR attempts to recruit private doctors to procure drugs
- Apr 2008 Baze v. Rees; United States Supreme Court upholds lethal injection
- Apr 2008 New Federal Receiver will not allow CDCR to use any medical staff
- Oct 2008 CDCR attempts to recruit [REDACTED] doctors
- Nov 2008 CDCR attempts to recruit [REDACTED] doctors
- Dec 2008 CDCR attempts to seek proposal from Governor's Office to procure drugs from [REDACTED]
- Feb 2009 CDCR attempts to recruit doctors from [REDACTED]
- Apr 2009 APA Filing
- May 2009 Secretary CDCR sends second request to Federal Receiver
- Jan 2010 Federal Receiver approached again

- Apr 2010 Federal Receiver allows CDCR to recruit medical staff and use SQ pharmacy
- May 2010 Federal Receiver will not allow CDCR to order drugs from SQ
- May 2010 CDCR reaches out to Nevada Department of Corrections
- May 2010 CDCR recruits three doctors with DEA #'s
- Jun 2010 Federal Receiver attempts to locate a source to procure Sodium Thiopental. Manufacturer (Hospira) has drug on back order with no predicted new date for availability.
- Jun 2010 Federal Receiver's Office gives CDCR list of Compounding Pharmacies as possible vendors.
- Jun 2010 Contacted Federal Bureau of Prisons validated there is shortage
- Jun 2010 Tennessee Department of Corrections validated there is shortage
- Jun 2010 ██████████ stated all suppliers of Sodium Thiopental in the United States do not have a current inventory and have no plans nor a date as to when they (the suppliers) will be producing the drug.
- Jul 2010 CDCR researched possible alternatives; Import from Pakistan; ██████████
- Jul 2010 Contacted DEA for assistance

Timeline Pentothal (Sodium Thiopental)

Introduction

Since 1993, California law has authorized capital punishment by lethal injection. This protocol, like those used by the Federal Government and most other states, provides for lethal injection by way of three drugs intravenously injected into the condemned inmate scheduled for execution.

On February 21, 2006, Inmate Michael Morales was scheduled to be executed by lethal injection. Morales' execution was stayed on the challenge that his execution would subject him to unnecessary risk of excessive pain violating the Eighth Amendment to the United States Constitution. Since Morales' stay CDCR has taken its Lethal Injection protocol through the Administrative Procedures Act (APA) and made it a regulation.

One of these drugs and the first to be injected is Sodium Thiopental. Sodium Thiopental is a fast acting short duration anesthetic supplied as a yellowish, hygroscopic powder in a variety of different containers. The State of California's Lethal Injection Protocol (California Department of Corrections and Rehabilitations: CDCR) calls for a 500 mg/2.5% Kit (25 mg/mL) combination package with contents of 500 mg of Sodium Thiopental powder and a 20 mL flip top vial of sterile water.

Sodium Thiopental (pentothal/thiopental) is a Schedule III controlled substance with a Drug Enforcement Agency (DEA) DEA number of 2100 that can only be procured by a pharmacy and/or medical doctor who has a registered DEA number.

CDCR was forced to focus on hiring a medical doctor from outside the Department from the beginning due to the Receiver refusing to allow CDCR to approach and/or ask CDCR medical staff if they were interested in volunteering to help with executions.

The below timeline will illustrate the efforts CDCR has taken in attempting to procure Sodium Thiopental.

Timeline

- Jan 2007 Lethal Injection Protocol review and revision
- May 2007 Revision completed
- May 2007 Receiver will not allow CDCR to recruit CDCR medical staff
- Nov 2007 New Lethal Injection Facility open for training
- Dec 2007 [REDACTED] contractor for San Quentin State Prison (SQ) pharmacy will not help to procure the Sodium Thiopental
- Jan 2007 CDCR attempts to recruit private doctors to procure drugs
- Apr 2008 Baze v. Rees; United States Supreme Court upholds lethal injection
- Apr 2008 New Federal Receiver will not allow CDCR to recruit medical staff
- Oct 2008 CDCR attempts to recruit [REDACTED] doctors
- Nov 2008 CDCR attempts to recruit [REDACTED] doctors
- Dec 2008 CDCR attempts to seek proposal from Governor's Office to procure

- drugs from [REDACTED]
- Feb 2009 CDCR attempts to recruit doctors from [REDACTED]
- Apr 2009 APA Filing
- May 2009 Secretary CDCR sends second request to Federal Receiver to allow to recruit
- Jan 2010 Federal Receiver approached again
 - Apr 2010 Federal Receiver allows CDCR to recruit medical staff and use SQ pharmacy
- May 2010 Federal Receiver will not allow CDCR to order drugs from SQ pharmacy
- May 2010 CDCR reaches out to Nevada Department of Corrections
- May 2010 CDCR recruits three doctors with DEA #'s
- Jun 2010 Federal Receiver attempts to locate a source to procure Sodium Thiopental. Manufacturer (Hospira) has drug on back order with no predicted new date for availability. First notice to CDCR that Sodium Thiopental has a national shortage.
- Jun 2010 Federal Receiver's Office gives CDCR list of Compounding Pharmacies as possible vendors.
- Jun 2010 Contacted Federal Bureau of Prisons validated there is shortage
- Jun 2010 Tennessee Department of Corrections validated there is shortage
- Jun 2010 [REDACTED] stated all suppliers of Sodium Thiopental in the United States do not have a current inventory and have no plans nor a date as to when they (the suppliers) will be producing the drug.
- Jul 2010 [REDACTED] calls CDCR and states due to moral and ethical issues will not help CDCR in procuring any drugs for execution.
- Jul 2010 CDCR researched possible alternatives; Import from Pakistan; [REDACTED]
- Jul 2010 Contacted DEA for assistance
- July 2010 Secretary contacts [REDACTED] who agrees to help locate drug.
- Jul 2010 CDCR finds out for first time that Pancuronium Broide has had a national recall
- July 2010 Called Virginia, Oklahoma, Indiana, Federal Bureau of Prisons for assistance.
- Aug 2010 DEA working on import exemption for CDCR to allow overseas shipment.
- Aug 2010 CDCR searching for imports to receive orders
- Aug 2010 [REDACTED] looking for international importers
- Notified today that they found international supply. Working on getting ordered. No confirmed date, but anticipating within 30 days. Formal order with shipping instructions and billing data provided.

From: Duffy, Brian@CDCR

Sent: Thursday, July 29, 2010 5:40:22 PM

To: Kernan, Scott@CDCR

Subject: FW: Timeline

Auto forwarded by a Rule

John provided the timelines. Not what we needed, but I'll see if I can re-write tomorrow morning.

Hey, isn't [REDACTED] over by Pakistan? Maybe he can hop over and help out.

From: McAuliffe, John@CDCR

Sent: Thursday, July 29, 2010 3:24 PM

To: Duffy, Brian@CDCR

Subject: Timeline

Brain

FYI

John

From: McAulliffe, John@CDCR
To: Kernan, Scott@CDCR
Subject: [REDACTED]
Date: Monday, August 02, 2010 12:20:03 PM

From: McAulliffe, John@CDCR
Sent: Friday, July 30, 2010 10:20 AM
To: Kernan, Scott@CDCR
Subject: [REDACTED]

Scott

Here is the email for the guy's name.....Also when you talk to him to have him place the order I would recommend placing an order for 3 executions.

63 grams of Sodium Thiopental
1050 milligrams of Pancuronium Bromide
4200 milliequivalents of Potassium Chloride

Each execution to include training will require a minimum of:

21 grams of Sodium Thiopental
350 milligrams of Pancuronium Bromide
1400 milliequivalents of Potassium Chloride

John McAulliffe

From: Kernan, Scott@CDCR
Sent: Thursday, July 08, 2010 12:28 PM
To: McAulliffe, John@CDCR
Subject: FW: Lethal Injection Process

Fyi Matt is calling [REDACTED] to see if they receive a script from a doc will they order it. Let you know. Any luck from other states?


Scott

From: Cate, Matt@CDCR
Sent: Thursday, July 08, 2010 12:13 PM
To: Kernan, Scott@CDCR; Rice, Benjamin@CDCR
Subject: Fw: Lethal Injection Process

From: [REDACTED]
To: Cate, Matt@CDCR
Sent: Wed Jul 07 06:47:17 2010
Subject: Lethal Injection Process

Matt:

The process of procuring drugs for the lethal injection process was studied extensively in the Texas system and a variety of approaches explored. After much research, the following process was employed and to my understanding, is still in use to date.



Note: Because the Texas Department of Criminal Justice is protective about "giving out information" about its execution team and product suppliers/purchases, the above process is restricted for release only to other state and federal jurisdictions.

I am also including the most recent copy of the *"Open to the Public"* TDCJ Execution Procedure:
http://texasafterviolence.org/tavp_ftp/ExecutionProcedureTDCJ2008.pdf

Please feel free to contact me if I can be of further assistance.



Cullen, Vincent@CDCR

From: McAuliffe, John@CDCR
Sent: Friday, August 06, 2010 12:06 PM
To: Cullen, Vincent@CDCR
Cc: McCleave, Kelly@CDCR
Subject: Fw: Drug Order

Fyl

From: [REDACTED]
To: Kernan, Scott@CDCR; McAuliffe, John@CDCR
Cc: [REDACTED]
Sent: Fri Aug 06 12:01:21 2010
Subject: Drug Order

Scott/John:

Your order has been placed and John will get a call from [REDACTED] on Monday should there be any questions. Please be assured that partial shipments will be sent as soon as received.

We continue to do a worldwide search for Sodium Thiopental

[REDACTED]
From [REDACTED]

All products have been ordered. The Potassium Chloride is being shipped to us now (should arrive in **Nashville** next week). The Pancuronium and Pentothal will ship when they are available.

Purchase Order # [REDACTED] dtd 8/5/2010
Hospira Confirmation # [REDACTED]

Contact:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
Phone 615- [REDACTED]
[REDACTED]

11/23/2010

000951

Cullen, Vincent@CDCR

From: Duffy, Brian@CDCR [Brian.Duffy@cdcr.ca.gov]
Sent: Monday, August 23, 2010 9:55 AM
To: Cullen, Vincent@CDCR; McAuliffe, John@CDCR
Cc: Kernan, Scott@CDCR
Subject: FW:

Vince and John,

Please see below.

Brian

Brian Duffy
Special Assistant to the Undersecretary, Operations California Department of Corrections
and Rehabilitation
[REDACTED] [REDACTED]

----- Original Message -----

From: Rice, Benjamin@CDCR
To: Kernan, Scott@CDCR; Cate, Matt@CDCR
Sent: Mon Aug 23 09:27:07 2010
Subject: Re:

~~That is great news! Thanks-~~ [REDACTED]
Sent using blackberry

----- Original Message -----

From: Kernan, Scott@CDCR
To: Cate, Matt@CDCR; Rice, Benjamin@CDCR
Sent: Mon Aug 23 09:23:27 2010
Subject:

I just got great news. [REDACTED] advised that he has got and is shipping the lethal injection drugs to SQ pharmacy. Its enough to do one execution. Bad news is the drug expires in Oct. But at least we would be ready. He is still looking for more. Matt, would be nice for you to call and thank them.
Scott

Cullen, Vincent@CDCR

From: [REDACTED]
Sent: Wednesday, August 25, 2010 10:47 AM
To: [REDACTED]
Cc: Cullen, Vincent@CDCR

Drugs are here. I'll be tied up for a while.

Cullen, Vincent@CDCR

From: [REDACTED]
Sent: Wednesday, August 25, 2010 8:14 AM
To: [REDACTED]
Cc: Cullen, Vincent@CDCR
Subject: Confidential

The drugs for the Lethal Injection process are scheduled for delivery today. The procedure requires my direct oversight. I'll send you a message if I need to stop [REDACTED]. Thank you.

Cullen, Vincent@CDCR

From: [REDACTED]
Sent: Tuesday, August 24, 2010 5:24 PM
To: Rodriguez, William A.@CDCR; Cullen, Vincent@CDCR
Subject: Fw: Misc.

FYI

----- Original Message -----
From: [REDACTED]
To: [REDACTED]
Sent: Tue Aug 24 17:20:47 2010
Subject: Re: Misc.

Got it.

----- Original Message -----
From: [REDACTED]
To: [REDACTED]
Cc: Cullen, Vincent@CDCR; Rodriguez, William A.@CDCR
Sent: Tue Aug 24 17:08:04 2010
Subject: Misc.

Hello [REDACTED]

On Wednesday, I have [REDACTED] meeting scheduled [REDACTED]. During this time, and in the event the drugs arrive, please send me an e-mail. I will leave the [REDACTED] meeting immediately.

Additionally, I have [REDACTED] at 1100. If the drugs arrive after 1100, I'll be in [REDACTED]. Please send me an e-mail if the drugs arrive, I will stop [REDACTED], [REDACTED]

Thank you
[REDACTED]

Cullen, Vincent@CDCR

From: [REDACTED]
Sent: Wednesday, August 25, 2010 8:47 AM
To: Cullen, Vincent@CDCR
Subject: Drugs

Could I be included in the drug pickup today?

[REDACTED]

Cullen, Vincent@CDCR

From: Cullen, Vincent@CDCR
Sent: Wednesday, August 25, 2010 7:09 AM
To: [REDACTED]@CDCR; [REDACTED]@CDCR
Cc: [REDACTED]@CDCR; [REDACTED]@CDCR; [REDACTED]@CDCR
Subject: RE:

Thanks. [REDACTED] is absolutely correct. Our drugs are coming via a separate shipment. Thanks [REDACTED]

VINCENT S. CULLEN
Warden (A)
San Quentin State Prison

[REDACTED]

From: [REDACTED]@CDCR [mailto:[REDACTED]@cdcr.ca.gov]
Sent: Wednesday, August 25, 2010 5:28 AM
To: [REDACTED]@CDCR; [REDACTED]@CDCR
Cc: [REDACTED]@CDCR; [REDACTED]@CDCR; [REDACTED]@CDCR
Subject: RE:

Don't include our stock just provide them the drugs that are being shipped in today. Thanks

[REDACTED]
California State Prison - San Quentin
[REDACTED]
(415) [REDACTED]
[REDACTED]

From: [REDACTED]@CDCR
Sent: August 24, 2010 10:58 PM
To: [REDACTED]@CDCR
Cc: [REDACTED]@CDCR; [REDACTED]@CDCR; [REDACTED]@CDCR
Subject: Re:

Warden Cullen,
Yes, I will notify [REDACTED]

We currently have thirty 10ml vials each of Potassium Chloride and Pancuromlum. The third drug, Sodium Pentothal has been unavailable. Would you like me to include our stock of these two drugs to tomorrow's shipment?

[REDACTED]

From: Cullen, Vincent@CDCR

11/23/2010

To: [REDACTED]@CDCR
Cc: [REDACTED]@CDCR; [REDACTED]@CDCR; [REDACTED]@CDCR
Sent: Tue Aug 24 17:21:38 2010
Subject: FW:

[REDACTED]
It is likely that two of the three execution drugs may show up tomorrow. Once they are received in the pharmacy, please contact [REDACTED] at extension [REDACTED] to have him pick up the drugs. If you cannot reach him at that extension, please contact the Warden's office at extension [REDACTED] and they will track him down for you. Thank you.

VINCENT S. CULLEN
Warden (A)
San Quentin State Prison

[REDACTED]

From: [REDACTED]@CDCR [mailto:[REDACTED]@cdcr.ca.gov]
Sent: Tuesday, August 24, 2010 5:19 PM
To: Cullen, Vincent@CDCR
Cc: [REDACTED]@CDCR
Subject:

Vince this is to confirm that [REDACTED] is the acting PIC (pharmacist in charge) please direct all information regarding the delivery of drugs/medication needed for the lethal injection can be addressed to her. Thanks [REDACTED]

[REDACTED]
California State Prison - San Quentin
[REDACTED]
(415) [REDACTED]
[REDACTED]
[REDACTED]@cdcr.ca.gov

Cullen, Vincent@CDCR

From: Cullen, Vincent@CDCR
Sent: Tuesday, August 24, 2010 5:22 PM
To: [REDACTED]@CDCR
Cc: [REDACTED]@CDCR; [REDACTED]@CDCR; [REDACTED]@CDCR
Subject: FW:

[REDACTED]
it is likely that two of the three execution drugs may show up tomorrow. Once they are received in the pharmacy, please contact [REDACTED] at extension [REDACTED] to have him pick up the drugs. If you cannot reach him at that extension, please contact the Warden's office at extension [REDACTED] and they will track him down for you. Thank you.

VINCENT S. CULLEN
Warden (A)
San Quentin State Prison

From: [REDACTED]@CDCR [mailto:[REDACTED]@cdcr.ca.gov]
Sent: Tuesday, August 24, 2010 5:19 PM
To: Cullen, Vincent@CDCR
Cc: [REDACTED]@CDCR
Subject:

Vince this is to confirm that [REDACTED] is the acting PIC (pharmacist in charge) please direct all information regarding the delivery of drugs/medication needed for the lethal injection can be addressed to her. Thanks [REDACTED]

[REDACTED]
California State Prison - San Quentin

(415)

[REDACTED]@cdcr.ca.gov

Memorandum

Date : October 1, 2010

To : Anthony Chaus
Assistant Secretary
Office of Correctional Safety

Subject: CHAIN OF CUSTODY -- THIOPENTAL SODIUM

On Thursday, September 30, 2010, I traveled to the Arizona State Prison Complex located at 1305 E. Butte Avenue, Florence, Arizona, to pick up Thiopental Sodium being provided by the Arizona Department of Corrections to the California Department of Corrections and Rehabilitation.

I met with Warden Carson McWilliams who relinquished to me twenty four (24) vials of Thiopental Sodium. I visually inspected each vial and confirmed they contained 500 mg of Thiopental Sodium BP. I also confirmed the expiration date to be 05/2014 and the lot number to be **AW6022** on each vial as listed on the item transfer sheet. I signed for receipt of the items at 0900 hours and departed the facility.

I maintained custody and control of the items until I met with [REDACTED], in Gorman, CA. On September 30, 2010, at 1720 hours I relinquished custody and control of the items to [REDACTED] for delivery to San Quentin State Prison.

[REDACTED]
Office of Correctional Safety
[REDACTED]

Memorandum

Date : October 1, 2010

To : Anthony Chau
Assistant Secretary
Office of Correctional Safety

Subject: CHAIN OF CUSTODY - THIOPENTAL SODIUM

On Thursday, September 30, 2010, I traveled to Gorman, California, to meet with [REDACTED] to pick up Thiopental Sodium being provided by the Arizona Department of Corrections to the California Department of Corrections and Rehabilitation.

At 1720 hours, [REDACTED] relinquished to my custody and control, twenty four (24) vials of Thiopental Sodium (TS). I visually inspected each vial and confirmed they contained 500 mg of Thiopental Sodium BP. I also confirmed the expiration date to be 05/2014 and the lot number to be AW6022 on each vial as listed on the item transfer sheet. I signed for receipt of the 24 TS vials and departed to deliver the vials to [REDACTED] California State Prison, San Quentin (CSP-SQ).

I maintained custody and control of the 24 TS vials until 2210 hours, when I met with [REDACTED] at the CSP-SQ East Gate. [REDACTED] provided his signature then took sole custody and control of the 24 TS vials.

[REDACTED]
Office of Correctional Safety
[REDACTED]

Chaus, Anthony@CDCR

From: Kernan, Scott@CDCR
Sent: Wednesday, September 29, 2010 5:13 PM
To: Chaus, Anthony@CDCR
Cc: McAuliffe, John@CDCR
Subject: FW: FW: Execution Protocol Drugs

Tony,

As you can see below, this is very political and media sensitive. I need to have one or two of your SoCal agents ready to go to Florence, AZ tomorrow morning and pick up the drug and drive to SQ directly. I am having John McAuliffe contact the warden first thing in the morning and work through all the logistical chain of custody information necessary to do this legal. As soon as I get the go ahead from him I'd like to direct your agents to Florence. Can you work on getting your folks ready for this mission and advise me of how long it will take them to get to the Florence prison once we get the go ahead. Thx

Scott

-----Original Message-----

From: CHARLES FLANAGAN [mailto: [REDACTED]@azcorrections.gov]
Sent: Wednesday, September 29, 2010 4:40 PM
To: Kernan, Scott@CDCR
Cc: CARSON McWILLIAMS; ROBERT PATTON
Subject: Re: FW: Execution Protocol Drugs

Scott:

To confirm our verbal conversation, Director Ryan has authorized the Arizona Department of Corrections (ADC) to provide you with 12 grams of the Thiopental Sodium we have just acquired. You also have our thanks for the Pancuronium Bromide your agency has provided to ADC. Please let us know when your employees would like to arrive at the Arizona State Prison Complex-Florence, located at Florence, Arizona, in order to pick up the drugs, as you indicated this is your preferred method of delivery and transportation.

Warden Carson McWilliams will facilitate the transfer to your staff. His contact information is:

[REDACTED]@azcorrections.gov
(520) [REDACTED] (direct line)

I understand from you that your staff will contact him tomorrow morning to arrange a time to meet the Warden and take possession of the drug.

Charles

>>> "Kernan, Scott@CDCR" <Scott.Kernan@cdcr.ca.gov> 9/29/2010 11:04 AM >>>
Mr. Flanagan,

Sorry for delay in getting this information. Just wanted to make sure. Appears that we would need 12 grams minimum. We are going to start working now on procuring via the method you so kindly described. Thanks again for your help. Please let me know what your Director

thinks and am sure either the Secretary or even the Governor could make a call if necessary.
Look forward to hearing from you.

Scott

-----Original Message-----

From: McAuliffe, John@CDRCR
Sent: Wednesday, September 29, 2010 10:14 AM
To: Kernan; Scott@CDRCR
Subject: Re: Execution Protocol Drugs

Scott

21 grams would cover backup trays and training. Our minimum would be 12 grams.(2 trays for
execution 2 for backup) We can use the 7 grams that expires on 1 Oct for training.

John

Chaus, Anthony@CDCR

From: [REDACTED]@CDCR
Sent: Monday, October 04, 2010 11:32 AM
To: Chaus, Anthony@CDCR
Cc: Dunkin, John@CDCR
Subject: FW: Scanned Image from AR-M455U
Attachments: AR-M455U_20101004_116222.pdf

Tony,

Here is my chain of custody memo regarding the special transport last week to CSP-SQ.

[REDACTED]

Desk (915)

-----Original Message-----

From: [REDACTED]
Sent: Monday, October 04, 2010 4:52 AM
To: [REDACTED]@CDCR
Subject: Scanned image from [REDACTED]

DEVICE NAME:
DEVICE MODEL: [REDACTED]
LOCATION:

FILE FORMAT: PDF MMR(G4)
RESOLUTION: 300dpi x 300dpi

Attached file is scanned image in PDF format.
This file can be read by Adobe Acrobat Reader.
The reader can be downloaded from the following URL:

<http://www.adobe.com/>

Memorandum

Date : October 1, 2010

To : Anthony Chaus
Assistant Secretary
Office of Correctional Safety

Subject: CHAIN OF CUSTODY – THIOPENTAL SODIUM

On Thursday, September 30, 2010, I traveled to the Arizona State Prison Complex located at 1305 E. Butte Avenue, Florence, Arizona, to pick up Thiopental Sodium being provided by the Arizona Department of Corrections to the California Department of Corrections and Rehabilitation.

I met with Warden Carson McWilliams who relinquished to me twenty four (24) vials of Thiopental Sodium. I visually inspected each vial and confirmed they contained 500 mg of Thiopental Sodium BP. I also confirmed the expiration date to be 05/2014 and the lot number to be **AW6022** on each vial as listed on the item transfer sheet. I signed for receipt of the items at 0900 hours and departed the facility.

I maintained custody and control of the items until I met with [REDACTED] in Gorman, CA. On September 30, 2010, at 1720 hours I relinquished custody and control of the items to [REDACTED] for delivery to San Quentin State Prison.

[REDACTED]

Office of Correctional Safety

[REDACTED]

9-24-10 - Registered



Pharmaceutical Product Info.

Product Thiopyral Injection BP
Strength _____
NDC # _____
Lot # AW6022
Expiration 05-2014
Quantity 24 - 500 mg Units
Date Received/Shipped
9-20-10

9-20-10
Received by



Control Dept of Corrections of Michigan
9/30/2010 8900

Product _____
Strength _____
NDC # _____
Lot # _____
Expiration _____
Quantity _____
Date Received/Shipped _____

Registered Rec



Control Dept of Corrections of Michigan
9/30/2010 1720

Product _____
Strength _____
NDC # _____
Lot # _____
Expiration _____
Quantity _____
Date Received/Shipped _____



Control Dept of Corrections of Michigan
9/30/10 1720 HHS

Product _____
Strength _____
NDC # _____
Lot # _____
Expiration _____
Quantity _____
Date Received/Shipped _____

From: [REDACTED]@CDCR
To: [REDACTED]@CDCR
Subject: RE: Chain of Custody documents
Date: Monday, October 04, 2010 11:18:02 AM

You're the best! Just ask [REDACTED] and [REDACTED]!!!

[REDACTED]
[REDACTED]
Office of Correctional Safety
Desk (916) [REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED]@CDCR
Sent: Monday, October 04, 2010 10:51 AM
To: [REDACTED]@CDCR
Subject: RE: Chain of Custody documents

My back is starting to hurt from carrying you.

[REDACTED]
[REDACTED]
Office of Correctional Safety
[REDACTED]
(626) [REDACTED]
[REDACTED]

From: [REDACTED]@CDCR
Sent: Monday, October 04, 2010 10:48 AM
To: [REDACTED]@CDCR
Subject: RE: Chain of Custody documents

Dude send me the memo! Make it easy.

[REDACTED]
[REDACTED]
Office of Correctional Safety
Desk (916) [REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED]@CDCR

Sent: Friday, October 01, 2010 3:55 PM
To: [REDACTED]@CDCR
Subject: FW: Chain of Custody documents

[REDACTED], this is what I sent to Tony.

[REDACTED]
Office of Correctional Safety

(626) [REDACTED]

From: [REDACTED]@CDCR
Sent: Friday, October 01, 2010 3:53 PM
To: Chaus, Anthony@CDCR
Subject: Chain of Custody documents

Tony,

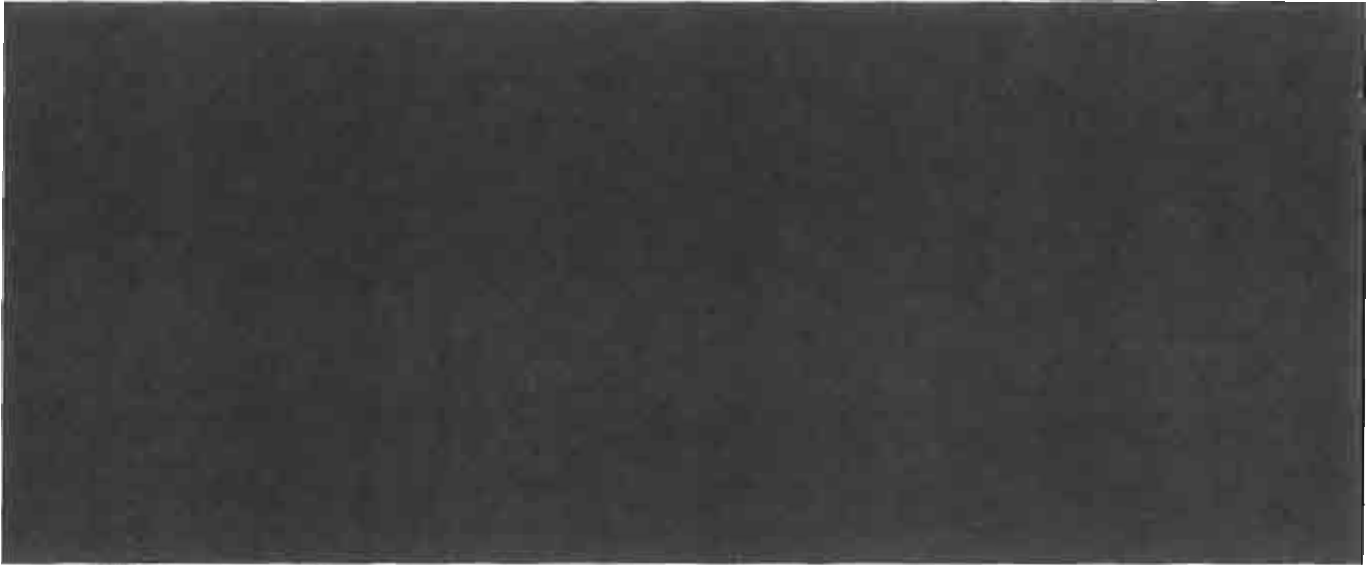
I prepared this memo to clearly document the chain of custody of the items we picked up in Arizona yesterday. I am sending the original out to you today. It probably needs to go to John McAuliffe.

[REDACTED]
Office of Correctional Safety

(626) [REDACTED]

From: [REDACTED]
To: COCA
Date: Friday, October 01, 2010 2:13:49 PM





From: Chaus, Anthony@CDCR
Sent: Thursday, September 30, 2010 2:13 PM
To: [REDACTED]@CDCR
Subject: FW:

[REDACTED]
The contacts are below. Get the telephone numbers from [REDACTED]
Tony

From: Cullen, Vincent@CDCR
Sent: Thursday, September 30, 2010 1:35 PM
To: Kernan, Scott@CDCR; Chaus, Anthony@CDCR
Cc: McAullffe, John@CDCR
Subject: RE:

Scott/Tony,
I personally called the agent while he was at Florence and provided the information. His point of contact is the Team Administrator, [REDACTED]. It will be [REDACTED] and the Team Leader, [REDACTED] who will meet the agent at the East Gate. Agent [REDACTED] has multiple numbers to call.

VINCENT S. CULLEN
Warden (A)
San Quentin State Prison

From: Kernan, Scott@CDCR
Sent: Thursday, September 30, 2010 1:33 PM
To: Chaus, Anthony@CDCR
Cc: Cullen, Vincent@CDCR; McAullffe, John@CDCR
Subject: RE:

Vince,

Can you provide information to Tony on who will be at prison to receive and store drug?



From: [REDACTED]@CDCR
Sent: Thursday, September 30, 2010 10:48 AM
To: Alston, Steve M@CDCR
Cc: [REDACTED]@CDCR; [REDACTED]@CDCR
Subject: RE: Thlopental Injection

Do you want me to schedule a meeting for us to discuss?

From: Alston, Steve M@CDCR
Sent: Thursday, September 30, 2010 9:52 AM
To: [REDACTED]@CDCR
Subject: FW: Thlopental Injection

My read of the attached is that it is a service contract and not a purchase as suggested in Scott's note. Additionally, it contains language that I suspect the State would not agree to include full indemnification of the contractor. Lastly, my guess is this would follow the NCB process and likely far exceed our delegated authority.

Before I respond to Scott I am interested in your thoughts.



From: McAuliffe, John@CDCR
Sent: Thursday, September 30, 2010 9:20 AM
To: Kernan, Scott@CDCR
Subject: FW: Thlopental Injection

FYI
John

From: [REDACTED]
Sent: Thursday, September 30, 2010 9:15 AM
To: McAuliffe, John@CDCR
Cc: [REDACTED]
Subject: RE: Thiopental Injection

Received.

I have attached our standard contract (MSA). A Statement of Work (SOW) will define exact work to be conducted.

Please review and redline any issues.

[REDACTED]
[REDACTED]
[REDACTED]
P: 317- [REDACTED]
[REDACTED]
[REDACTED]

From: McAuliffe, John@CDCR [mailto:John.McAuliffe@cdcr.ca.gov]
Sent: Thursday, September 30, 2010 12:05 PM
To: [REDACTED]
Subject: FW: Thiopental Injection
Importance: High

[REDACTED]
Thank you again here is the information and email.
John McAuliffe

From: [REDACTED]
Sent: Thursday, September 30, 2010 5:27 AM
To: McAuliffe, John@CDCR
Subject: Thiopental Injection
Importance: High

30-09-10

Dear Mr. McAuliffe,

Thank you for your call and thank you for your interest in [REDACTED]
I would be happy to supply you:

Thiopental Injection , powder for reconstitution, thiopental sodium, 500-mg vial packs of 25's £196.75 (pounds sterling)
The current expiry date is February 2014.

POTASSIUM CHLORIDE 1.5GM 10ML INJ. PACKS OF 10 £15.55
Expiry date: 01/13

Pancuronium Injection, pancuronium bromide 2 mg/mL, 2-mL amp packs of 10's
£58.73

Expiry date: 11/11

If you could supply me with the following information, I can produce a proforma invoice:

Invoice address

Delivery address, including contact person and contact person phone number

I will dispatch the goods to you by FedEx,

FedEx delivery charges is separate item.

In order to get the product easier through US customs, I think it would be a good idea for you to write a letter in the department letterhead, attention of US custom and let them know why you need this product. I would include this letter in your shipment.

Please also email or fax me a copy of your DEA license, to include it in your shipment.

Please let me know if you need further information.

Many thanks,

Kind regards





From: Alston, Steve M@CDCR
Sent: Thursday, September 30, 2010 11:21 AM
To: Kernan, Scott@CDCR
Subject: RE: Thiopental Injection

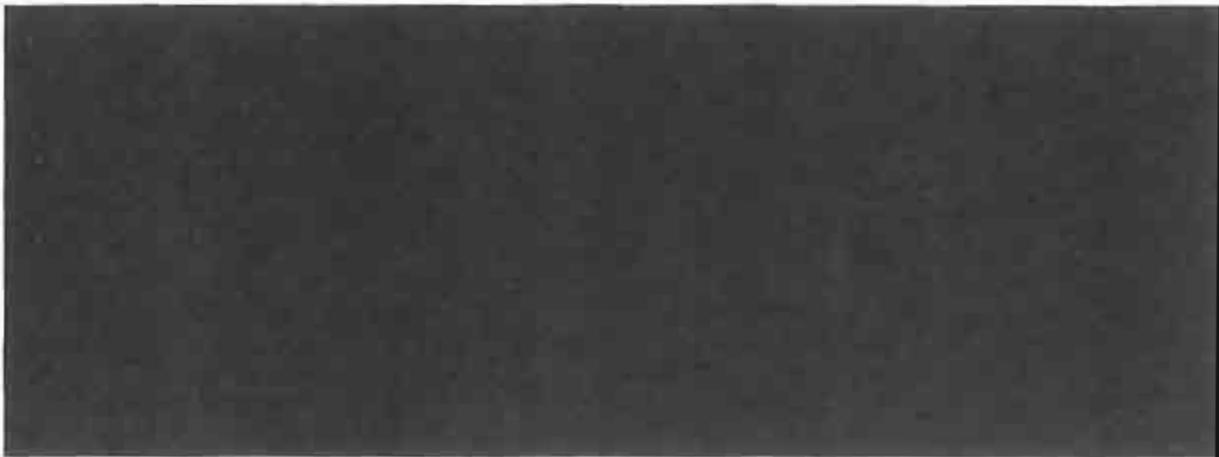
Scott,

Pulling our team together this afternoon to discuss in detail after which I will get back to you on this. A few questions for you:

1. Looks like a proposed three year agreement, right?
2. Estimated cost?
3. Will the proposed contractor store the inventory and ship it to CDCR on an as needed basis?

THANKS!

Steve



From: McAuliffe, John@CDCR
Sent: Thursday, September 30, 2010 9:20 AM
To: Kernan, Scott@CDCR
Subject: FW: Thiopental Injection

FYI
John

From: [Redacted]

Sent: Thursday, September 30, 2010 9:15 AM
To: McAuliffe, John@CDCR
[REDACTED]
Subject: RE: Thiopental Injection

Received.

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Sent: Thursday, September 30, 2010 12:05 PM
[REDACTED]
Subject: FW: Thiopental Injection
Importance: High

[REDACTED]
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Subject: Thiopental Injection
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Please also email or fax me a copy of your DEA license, to include it in your shipment.

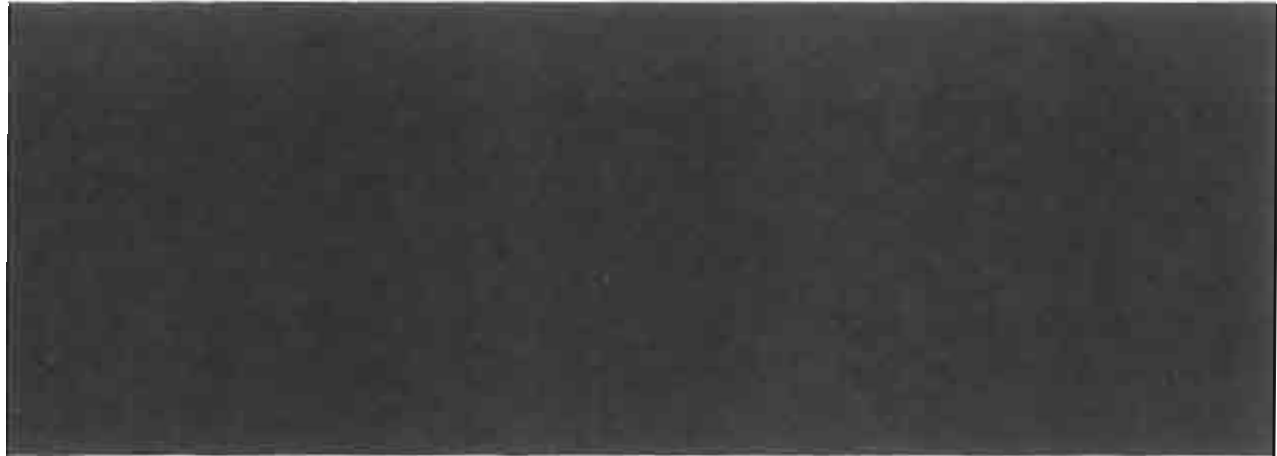
Please let me know if you need further information.

Many thanks,
Kind regards



From: Alston, Steve M@CDCR
To: [REDACTED]@CDCR; [REDACTED]@CDCR; [REDACTED]@CDCR
Subject: FW: Thiopental Injection
Date: Thursday, September 30, 2010 11:18:02 AM
Attachments: Master Service Agreement Template_06.05.09.05.09.DOC

I am scheduling a meeting for this afternoon to discuss....



From: McAuliffe, John@CDCR
Sent: Thursday, September 30, 2010 9:20 AM
To: Kernan, Scott@CDCR
Subject: FW: Thiopental Injection

FYI

[REDACTED]

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