

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

From: McAuliffe, 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 McAuliffe

From: Kernan, Scott@CDCR
Sent: Thursday, July 08, 2010 12:28 PM
To: McAuliffe, 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?

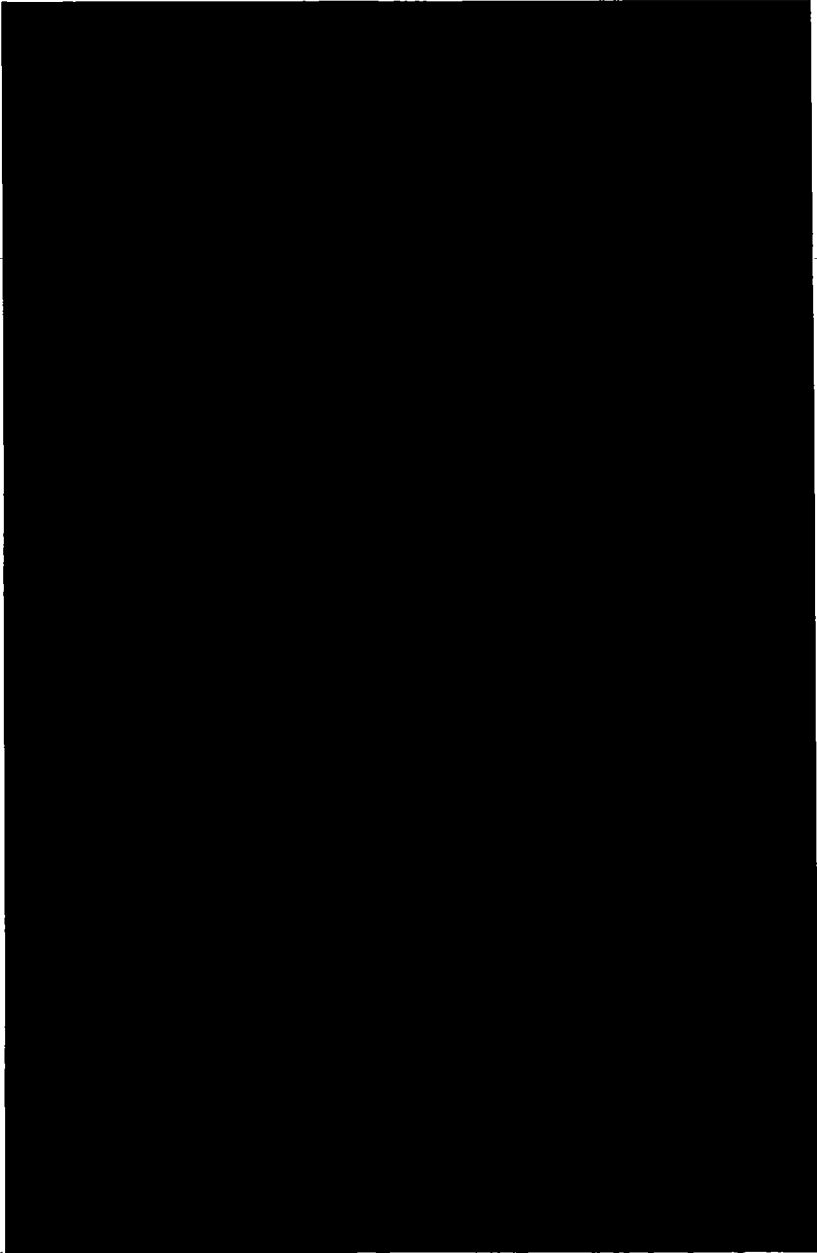
Scott

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.



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

FYI
John

From: [REDACTED]
To: McAuliffe, John@CDRC
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]

From: Kernan, Scott@CDCR
To: [REDACTED] Duffy, Brian@CDCR
Subject: FW: Drugs
Date: Thursday, September 09, 2010 1:01:38 PM
Attachments: Hospira Backorder Report wk of 090610.xlsx

From: [REDACTED]
Sent: Thursday, September 09, 2010 1:00:43 PM
To: Kernan, Scott@CDCR
Subject: Re: Drugs
Auto forwarded by a Rule

Scott:

You have heard correct that the production date for the sodium pentothal has been pushed back to 1st Qtr 2011. Attached is the latest Hospira backorder report.

We continue to search for other supplies that may be available and will ship as soon as they are found.

Will keep you informed.

■
----- Original Message -----

From: Kernan, Scott@CDCR
[REDACTED]
Sent: Wednesday, September 08, 2010 5:38 PM

■
We are getting some press inquiries on the Lethal Injection drugs. Hearing that availability may be pushed deep into 2011. Have you heard anything like that? Any luck on finding us anything or date certain when manufacturing will start back up and be available. Sorry to bother you and as always, thanks for your help.

Scott

From: Kernan, Scott@CDCR
To: [REDACTED]
Cc: [REDACTED]; [REDACTED] Cate, Matt@CDCR; Rice, Benjamin@CDCR
Subject: RE: Ca Drugs
Date: Monday, September 20, 2010 6:32:00 AM

Jim,

Thank you very much. We sure appreciate all your efforts. I'll let you know how Matt wants to go forward with [REDACTED] after talks with Governor. Let you know hopefully today.

Scott

From: [REDACTED]
Sent: Friday, September 17, 2010 3:02 PM
To: Kernan, Scott@CDCR
Cc: [REDACTED]
Subject: Fw: Ca Drugs

Scott:

One of the lessons of life is that bad news doesn't get better with time. Unfortunately, despite numerous calls and contacts **yesterday and today**, we have been unable to secure any additional supplies of sodium pentothal ***at this time***.

Scott, we will continue to search but as I promised you and Matt, I wanted to give you a definitive answer before Monday.

While we continue to look for an existing supply, [REDACTED] remains willing to call Governor [REDACTED] and ask for his assistance in putting a string on [REDACTED] supply should you need it before new production resumes.

Please let us know how to proceed.

[REDACTED]

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

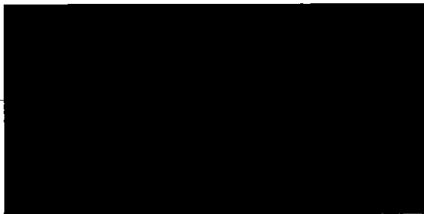
From: [REDACTED]
Cc: [REDACTED]
Sent: Thursday, September 16, 2010 5:09 PM
Subject: Re: Ca Drugs

[REDACTED]

We have contacted 80-90 hospitals over the past few days and none of them have a drop of Pentothal. Most have been out for quite some time. I still have folks in the industry keeping an

eye out and I will let you know if I hear of any leads.

thanks,



█ wrote:

Can you get us an official update availability production timelines? Also █ --any luck on getting that other supply of sodium pentothal?



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

From: Kernan.Scott@CDCR

To: █

Sent: Wednesday, September 08, 2010 5:38 PM



We are getting some press inquiries on the Lethal Injection drugs. Hearing that availability may be pushed deep into 2011. Have you heard anything like that? Any luck on finding us anything or date certain when manufacturing will start back up and be available. Sorry to bother you and as always, thanks for your help.

Scott

From: Kernan, Scott@CDCR
To: Gaddl, Kathy@CDCR; Duffy, Brian@CDCR
Subject: FW: Ca Drugs
Date: Monday, September 20, 2010 1:52:35 PM

From: Cate, Matt@CDCR
Sent: Monday, September 20, 2010 1:52:15 PM
To: Kernan, Scott@CDCR; [REDACTED]
Cc: [REDACTED]; Rice, Benjamin@CDCR
Subject: RE: Ca Drugs
Auto forwarded by a Rule

[REDACTED]

Thank you very much for working so hard on our behalf. You've done a great job "beating the bushes" and finding the first dose - I appreciate it a great deal. At this point, I would like to take you up on your offer to reach out to [REDACTED]. I promised to give [REDACTED] a call before we took that step, so I will reach out to him today and let him know. I'll email everyone on this string once [REDACTED] and I have had our conversation. Thanks again,

Matt

From: Kernan, Scott@CDCR
Sent: Monday, September 20, 2010 6:32 AM
To: [REDACTED]
Cc: [REDACTED] Cate, Matt@CDCR; Rice, Benjamin@CDCR
Subject: RE: Ca Drugs

Jim,

Thank you very much. We sure appreciate all your efforts. I'll let you know how Matt wants to go forward with [REDACTED]. Let you know hopefully today.

Scott

From: [REDACTED]
Sent: Friday, September 17, 2010 3:02 PM
To: Kernan, Scott@CDCR
Cc: [REDACTED]
Subject: Fw: Ca Drugs

Scott:

One of the lessons of life is that bad news doesn't get better with time. Unfortunately, despite numerous calls and contacts yesterday and today, we have been unable to secure any additional

supplies of sodium pentothal at this time.

Scott, we will continue to search but as I promised you and Matt, I wanted to give you a definitive answer before Monday.

While we continue to look for an existing supply, [REDACTED] remains willing to call [REDACTED] and ask for his assistance in putting a string on [REDACTED] supply should you need it before new production resumes.

Please let us know how to proceed.

[REDACTED]

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

From: [REDACTED]
Cc: [REDACTED]
Sent: Thursday, September 16, 2010 5:09 PM
Subject: Re: Ca Drugs

Mr. [REDACTED]

We have contacted 80-90 hospitals over the past few days and none of them have a drop of Pentothal. Most have been out for quite some time. I still have folks in the industry keeping an eye out and I will let you know if I hear of any leads.

thanks,

[REDACTED]

[REDACTED]

Can you get us an official update availability production timelines? Also, [REDACTED]-any luck on getting that other supply of sodium pentothal?

[REDACTED]

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

From: Kernan, Scott@CDCR
To: [REDACTED]
Sent: Wednesday, September 08, 2010 5:38 PM

[REDACTED]

[REDACTED] the press inquiries on the Lethal Injection drugs. Hearing that availability may be [REDACTED] Have you heard anything like that? Any luck on finding us anything or [REDACTED] ing will start back up and be available. Sorry to bother you and as [REDACTED] D.

Scott

From: Cate, Matt@CDCR
To: [REDACTED]
Subject: FW: Call Placed
Date: Wednesday, September 22, 2010 8:14:39 AM

From: Kernan, Scott@CDCR
Sent: Wednesday, September 22, 2010 8:12:46 AM
To: Cate, Matt@CDCR
Subject: FW: Call Placed
Auto forwarded by a Rule

FYI

Scott

From: [REDACTED]
Sent: Wednesday, September 22, 2010 8:06 AM
To: Kernan, Scott@CDCR
Cc: [REDACTED]
Subject: Call Placed

Good Morning Scott:

Per Matt's request, [REDACTED] has placed a call to Governor [REDACTED] office and discussed the need for having a commitment to ship, upon request, a dose of sodium pentothal from [REDACTED] to CDCR. Governor [REDACTED] is traveling today, but [REDACTED] talked with the Governor's assistant, who in turn, will get in touch with Governor [REDACTED] and get back to [REDACTED] sometime today or early tomorrow.

I will keep you advised.

[REDACTED]

From: Kernan, Scott@CDCR
To: [REDACTED]@CDCR; Duffv, Brian@CDCR
Subject: FW: Hospira Sodium Thiopental
Date: Tuesday, September 28, 2010 8:09:56 AM

From: Rice, Benjamin@CDCR
Sent: Tuesday, September 28, 2010 8:09:53 AM
To: Kernan, Scott@CDCR
Subject: Re: Hospira Sodium Thiopental
Auto forwarded by a Rule

Yep.

----- Original Message -----
From: Kernan, Scott@CDCR
To: Rice, Benjamin@CDCR
Sent: Tue Sep 28 08:09:30 2010
Subject: Fw: Hospira Sodium Thiopental

Maybe this explains rumor. I shot note to [REDACTED] but no response.
Scott

----- Original Message -----
From: McAulliffe, John@CDCR
To: Kernan, Scott@CDCR
Cc: Rice, Benjamin@CDCR; Slavin, Bruce@CDCR; McCleave, Kelly@CDCR; Cullen, Vincent@CDCR
Sent: Tue Sep 28 08:02:22 2010
Subject: Hospira Sodium Thiopental

Scott
Hospira the manufacturer of Sodium Thiopental yesterday announced that they are going to send out letters to all 35 states that have lethal injection stating "they do not want their drug (Sodium Thiopental) used for executions.". Not sure how this will effect our current and/or future orders? I will call Hospira directly after this execution.
John

From: Kernan, Scott@CDCR
To: [REDACTED]@CDCR; Duffy, Brian@CDCR
Subject: FW: Hospira Sodium Thiopental
Date: Tuesday, September 28, 2010 8:43:35 AM

From: Duffy, Brian@CDCR
Sent: Tuesday, September 28, 2010 8:43:29 AM
To: Kernan, Scott@CDCR
Subject: RE: Hospira Sodium Thiopental
Auto forwarded by a Rule

Just checked Hospira's web site. They didn't have anything listed that I could find. Went through their press releases.

-----Original Message-----
From: Kernan, Scott@CDCR
Sent: Tuesday, September 28, 2010 8:35 AM
To: [REDACTED]@CDCR; Duffy, Brian@CDCR
Subject: FW: Hospira Sodium Thiopental

From: McAuliffe, John@CDCR
Sent: Tuesday, September 28, 2010 8:35:23 AM
To: Kernan, Scott@CDCR
Subject: Re: Hospira Sodium Thiopental
Auto forwarded by a Rule

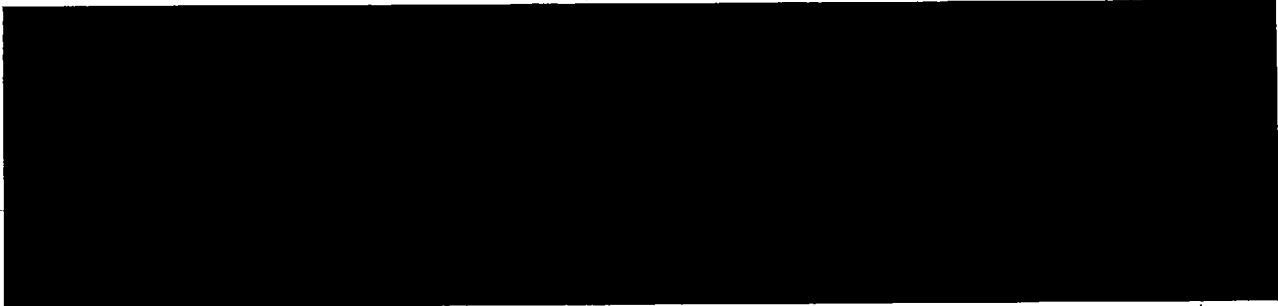
This was on news last night. I have not seen nor heard if letter has been sent out yet.
John

----- Original Message -----
From: Kernan, Scott@CDCR
To: McAuliffe, John@CDCR
Sent: Tue Sep 28 08:09:58 2010
Subject: Re: Hospira Sodium Thiopental

Is this just rumor or have we seen letter?

----- Original Message -----
From: McAuliffe, John@CDCR
To: Kernan, Scott@CDCR
Cc: Rice, Benjamin@CDCR; Slavin, Bruce@CDCR; McCleave, Kelly@CDCR; Cullen, Vincent@CDCR
Sent: Tue Sep 28 08:02:22 2010
Subject: Hospira Sodium Thiopental

Scott
Hospira the manufacturer of Sodium Thiopental yesterday announced that they are going to send out letters to all 35 states that have lethal injection stating "they do not want their drug (Sodium Thiopental) used for executions.". Not sure how this will effect our current and/or future orders? I will call Hospira directly after this execution.
John



----- Original Message -----
From: McAuliffe, John@CDCR
To: Kernan, Scott@CDCR
Sent: Tue Sep 28 08:35:23 2010
Subject: Re: Hospira Sodium Thiopental

This was on news last night. I have not seen nor heard if letter has been sent out yet.
John

----- Original Message -----
From: Kernan, Scott@CDCR
To: McAuliffe, John@CDCR
Sent: Tue Sep 28 08:09:58 2010
Subject: Re: Hospira Sodium Thiopental

Is this just rumor or have we seen letter?

----- Original Message -----
From: McAuliffe, John@CDCR
To: Kernan, Scott@CDCR
Cc: Rice, Benjamin@CDCR; Slavin, Bruce@CDCR; McCleave, Kelly@CDCR; Cullen, Vincent@CDCR
Sent: Tue Sep 28 08:02:22 2010
Subject: Hospira Sodium Thiopental

Scott
Hospira the manufacturer of Sodium Thiopental yesterday announced that they are going to send out letters to all 35 states that have lethal injection stating "they do not want their drug (Sodium Thiopental) used for executions.". Not sure how this will effect our current and/or future orders? I will call Hospira directly after this execution.
John

From: [McAuliffe, John@CDJR](mailto:McAuliffe,John@CDJR)
To: [Kernan, Scott@CDJR](mailto:Kernan,Scott@CDJR)
Cc: [Rice, Benjamin@CDJR](mailto:Rice,Benjamin@CDJR); [Slavin, Bruce@CDJR](mailto:Slavin,Bruce@CDJR); [McCleese, Kelly@CDJR](mailto:McCleese,Kelly@CDJR)
Subject: Drugs
Date: Tuesday, September 28, 2010 8:01:42 PM

Scott

Since Judge Fogel's decision was based on lack of inventory of Sodium Thiopental I will focus my efforts on getting CA the supply needed. I know we can do this and have an inventory that will meet the Courts needs.

John McAuliffe

From: Kernan, Scott@CDCR
To: Hidalgo, Oscar@CDCR
Subject: FW: sodium thiopental
Date: Wednesday, September 29, 2010 11:38:00 AM

This might help you explain the other state issues.

Scott

From: [REDACTED]
Sent: Wednesday, September 29, 2010 6:05 AM
To: Kerrian, Scott@CDCR
Cc: [REDACTED]
Subject: sodium thiopental

Scott:

Today's article in the Texas prison system's back yard. It is unfortunate that Texas would not share some of it's "well stocked" supply to help sister states but down the road they may need help in some other way and this position does not help their image. Nevertheless, in the prison business things are always changing and Texas is no exception. Sorry we were not able to help more.

Best regards,

[REDACTED]

The Huntsville Item, Huntsville, TX

September 29, 2010

Texas well stocked with lethal injection drugs

From Staff and Wire Reports

HUNTSVILLE — Despite a nationwide shortage of one of a trio of drugs used in the lethal injection of condemned inmates, Texas is well stocked with the drug, sodium thiopental, according to Texas prison officials in Huntsville.

Some executions in the U.S. have been put on hold because of a shortage of the drug — an anesthetic that in Texas renders the condemned inmate unconscious before other drugs in the lethal cocktail are administered.

“Texas has an ample supply of the drug in reserve so we have not been affected by the nationwide shortage,” said Michelle Lyons, spokeswoman for the Texas Department of Criminal Justice. “Currently, there are three executions scheduled to take place through the end of the year, and we have a supply sufficient to carry out those executions.”

TDCJ has requested an opinion from the Texas Attorney General in an move to prevent disclosure of how much sodium thiopental it has on hand, Lyons said.

Several of the 35 states that rely on lethal injection are either scrambling to find sodium thiopental 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 T aylor, 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.

From: Kernan, Scott@CDCR
To: [REDACTED]
Subject: Re: sodium thiopental
Date: Wednesday, September 29, 2010 6:46:06 AM

[REDACTED]
Thanks. Very unfortunate. Sure appreciate your continued efforts. Have you heard that Hospria is issuing a letter indicating they will not manufacture the sodium for executions? We heard a rumor yesterday to that fact. We also think we may have a line from England and a method to bring it into the country. Still working all angles on our side.

Thanks and all the best. Please let me know if something comes up.
Scott

From: [REDACTED]
To: Kernan, Scott@CDCR
Cc: [REDACTED]
Sent: Wed Sep 29 06:05:02 2010
Subject: sodium thiopental

Scott:

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“Texas has an ample supply of the drug in reserve so we have not been affected by the

From: [REDACTED]
To: McAuliffe, John@CDCR
Subject: Pentothal update
Date: Monday, October 04, 2010 10:38:25 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]