

(b)(6)

From: McAuliffe, John@CDCR [John.McAuliffe@cdcr.ca.gov]
Sent: Tuesday, October 05, 2010 2:09 PM
To: (b)(6)
Cc: Kernan, Scott@CDCR
Subject: Chemique Pharmaceutical Inc.

(b)(6)

Thank you for the list of companies listed with the DEA to import Thiopental. We have contacted Chemique Pharmaceutical Inc. (Mr. Phil Millman) who has initially agreed to procure the Thiopental from London. We gave Mr. Millman 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

ODL E-MAIL



U.S. Department of Justice
Drug Enforcement Administration
www.deaDiversion.usdoj.gov
1-877-RxAbuse

(b)(6)

From: McAuliffe, John@CDCR [John.McAuliffe@cdcr.ca.gov]
Sent: Monday, December 06, 2010 2:51 PM
To: (b)(6)
Cc: McCleave, Kelly@CDCR
Subject: FW: DEA Registered Importers of Thiopental

(b)(6)

I am emailing you concerning the list you provided CDCR (companies specifically registered with DEA to import thiopental). A question has come up whether or not the list you provided is considered confidential by your Department? Specifically, if this list is requested is it public record for all? Again, thank you in advance for all your help.
John McAuliffe
California Department of Corrections and Rehabilitation

From: McAuliffe, John@CDCR
Sent: Monday, October 04, 2010 3:17 PM
To: Kernan, Scott@CDCR
Subject: Re: DEA Registered Importers of Thiopental

Scott

I can work on this list early Tuesday AM and give you full update prior to our meeting on Tuesday at 1:30. I will start working on phone #'s and contact person now.
John

From: Kernan, Scott@CDCR
To: McAuliffe, John@CDCR
Sent: Mon Oct 04 14:59:51 2010
Subject: FW: DEA Registered Importers of Thiopental

For our records.

Scott

From: (b)(6)
Sent: Monday, October 04, 2010 2:58 PM
To: Kernan, Scott@CDCR
Subject: Re: DEA Registered Importers of Thiopental

The listed companies would file the appropriate paperwork. DEA would not require anything from the Dept of Corrections.

(b)(6)

Liaison and Policy Section
Office of Diversion Control

From: Kernan, Scott@CDCR <Scott.Kernan@cdcr.ca.gov>
To: (b)(6)
Sent: Mon Oct 04 17:48:07 2010
Subject: RE: DEA Registered Importers of Thiopental

(b)(6)

Thank you very much for getting me this list. We will contact them directly. I assume that if we can get one of them to import the drug for us that they will complete the appropriate documentation and you would not need anything directly from the department? Thanks again for your help.

Scott

From: (b)(6)
Sent: Monday, October 04, 2010 1:19 PM
To: Kernan, Scott@CDCR
Subject: DEA Registered Importers of Thiopental

Attached is a spreadsheet containing companies who are specifically registered with DEA to import Thiopental. We are looking to send you an expanded list of companies as Thiopental belongs to a larger class of barbiturates. I'll send additional information if the additional importers are pertinent to your issue.

<<Importers of Thiopental.xml>>

(b)(6)

Liaison and Policy Section

Office of Diversion Control

(b)(6)

(b)(6)

From: (b)(6)
Sent: Thursday, January 27, 2011 11:28 AM
To: (b)(6)

News Release

Hospira Statement Regarding Pentothal™ (sodium thiopental) Market Exit

LAKE FOREST, Ill., Jan. 21, 2011 - Hospira announced today it will exit the sodium thiopental market and no longer attempt to resume production of its product, Pentothal™.

Hospira had intended to produce Pentothal at its Italian plant. In the last month, we've had ongoing dialogue with the Italian authorities concerning the use of Pentothal in capital punishment procedures in the United States – a use Hospira has never condoned. Italy's intent is that we control the product all the way to the ultimate end user to prevent use in capital punishment. These discussions and internal deliberation, as well as conversations with wholesalers - the primary distributors of the product to customers - led us to believe we could not prevent the drug from being diverted to departments of corrections for use in capital punishment procedures.

Based on this understanding, we cannot take the risk that we will be held liable by the Italian authorities if the product is diverted for use in capital punishment. Exposing our employees or facilities to liability is not a risk we are prepared to take.

Given the issues surrounding the product, including the government's requirements and challenges bringing the drug back to market, Hospira has decided to exit the market. We regret that issues outside of our control forced Hospira's decision to exit the market, and that our many hospital customers who use the drug for its well-established medical benefits will not be able to obtain the product from Hospira.

(b)(6)

**Liaison and Policy Section
Office of Diversion Control
Drug Enforcement Administration**

(b)(6)

(b)(6)

From: (b)(6)
Sent: Wednesday, December 08, 2010 6:06 PM
To: (b)(6)
Subject: Fw: I know you both dealt with this issues - just want to send an article I saw today

Fyi

(b)(6)

Liaison and Policy Section
Office of Diversion Control
Drug Enforcement Administration

From: (b)(6)
To: (b)(6)
Sent: Wed Dec 08 18:03:11 2010
Subject: I know you both dealt with this issues - just want to send an article I saw today

California buys execution drug from Britain

AFP DECEMBER 7, 2010

LOS ANGELES - California has bought a large batch of a drug used for executions from Britain after running out of supplies, officials said Tuesday, stressing that the shipment did not break any U.S. rules.

The supply of 521 grams of sodium thiopental, made by British drug company Archimedes Pharma, was ordered before British authorities announced new export controls for the powerful anesthetic late last month.

The California Department of Corrections and Rehabilitation said it had bought the drug through a distributor, not directly from the British company, which has denied exporting the chemical.

"They supply the drug to distributors; we worked with the distributor," said CDCR spokesman Terry Thornton, adding: "We worked in accordance with all state and federal laws to obtain this shipment."

For months now, several U.S. states have struggled to find supplies of the powerful painkiller, the first and most crucial of three drugs used in lethal injections. The shortage has forced some states to put executions on hold.

Late last month British business minister Vince Cable announced new export controls on the drug, saying they would come into force "as soon as practicable."

"We had ordered it prior" to that announcement, said the CDCR spokeswoman, noting that "we have been actively seeking supplies of the drug for several months now" after the expiry date on its own stocks had run out on October 1.

Archimedes said in October that it did not have information on end users of purchasers of its products, but insisted it "neither exports the product to the U.S. for any purpose nor is it aware of any exports of the product."

The CDCR spokeswoman said the batch of the drug had been approved by U.S. Customs and the Drug Enforcement Administration (DEA), and was currently in transit "on the East Coast."

"We're waiting for the FDA to release the shipment to us," said Thornton, referring to the U.S. Food and Drug Administration.

(b)(6)

From: (b)(6)
Sent: Thursday, November 11, 2010 1:50 PM
To: Boggs, Gary
Subject: Re: Today's call

Yes, I did get the number and code although my Blackberry doesn't seem to be in sync to consistently receive email. The only import I'm aware of is the one in process to the state of California.

(b)(6)

Liaison and Policy Section
Office of Diversion Control

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

From: Boggs, Gary
To: (b)(6)
Sent: Thu Nov 11 13:24:40 2010
Subject: Today's call

(b)(6)

Did you get the call in number and passcode? Also do you know how many imports we have approved for thiopental over the past year and whether we have any pending requests?

(b)(6)

From: (b)(6)
Sent: Wednesday, October 27, 2010 7:44 AM
To: Boggs, Gary
Subject: FYI

Arizona Goes Overseas for Lethal Injection Drug

Updated: 11 hours 22 minutes ago

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Amanda Lee Myers and Andrew Welsh-Huggin

AP

FLORENCE, Ariz. (Oct. 26) – Facing a nationwide shortage of a lethal injection drug, Arizona has taken an unusual step that other death penalty states may soon follow: get their supplies from another country.

Such a move, experts say, raises questions about the effectiveness of the drug. But it also may further complicate executions in the 35 states that allow them, as inmates challenge the use of drugs not approved by federal inspectors for use in the U.S.

Arizona said Tuesday that it got its sodium thiopental from Great Britain, the first time a state has acknowledged obtaining the drug from outside the United States since the shortage began slowing executions in the spring.

"This drug came from a reputable place," Chief Deputy Attorney General Tim Nelson said. "There's all sorts of wild speculation that it came from a third-world country, and that's not accurate."

Nelson said the state revealed the drug's origins to let the public know that its supply is trustworthy and to dispel rumors. However, he did not name the company that manufactured it.

Without assurances of the drug's quality, many questions will be raised, including its effectiveness and how it should be handled, and would serve as a basis for lawsuits, said Deborah Denno, a law professor at Fordham University.

"The impact could be huge," Denno said. "The source of the thiopental is critical."

A federal judge in Arizona blocked the Tuesday execution of convicted killer Jeffrey Landrigan because the state obtained the drug from a previously unidentified overseas source. The judge questioned whether it might be unsafe.

Landrigan's lawyers contend he could be suffocated painfully if the sodium thiopental doesn't render him unconscious. In lethal injections, sodium thiopental makes an inmate unconscious before a second drug paralyzes him and a third drug stops his heart.

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

There are no FDA-approved overseas manufacturers of the drug.

The limited supply has also directly affected executions in California, Kentucky, Ohio and Oklahoma, and may affect executions in Missouri, which says its supply of sodium thiopental expires in January.

California officials say they acquired a dosage of 12 grams in September with a 2012 expiration date. But there was some dispute about the source. Hospira said its remaining supplies expire next year and California could only have obtained it elsewhere.

The state prison system would not address the discrepancy. "The state obtained the sodium thiopental lawfully from within

the United States," Terry Thornton, a corrections spokeswoman told The Associated Press.

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

A few weeks ago, Kentucky's governor held off signing death warrants setting execution dates for two inmates because the state is almost out of sodium thiopental. The state's lone dose expired Oct. 1.

Officials say they have tried unsuccessfully to get the drug from other states, and have gotten calls from states looking for it.

In August, 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.

The controversy could end if Hospira resumes making the drug next year as indicated, or states could switch to another drug.

At least 15 states, including Arizona, Florida, Missouri, Texas and Tennessee, might be able to switch drugs without a new law or administrative process, death penalty expert Megan McCracken said.

In Arizona, officials say U.S. District Court Judge Roslyn Silver's order should be lifted because the U.S. Supreme Court ruled in 1985 that Food and Drug Administration approval isn't necessary for the drugs to be used specifically for executions.

The state filed a motion with the Supreme Court, and was awaiting word Tuesday on whether it can proceed.

The delay, prosecutors say, is one reason the public has lost some faith in the criminal justice system.

"We're 20 years in and we're not arguing over guilt or innocence," said interim Maricopa County Attorney Rick Romley, whose office prosecuted Landrigan in the 1989 killing of Chester Dyer during a robbery. "We have lawyers fighting lawyers."

In recent years, lethal injections have run into high-profile problems, including botched executions.

Ohio and Washington have switched from a three-drug method to a single, powerful dose of sodium thiopental. The change helps avoid litigation over pain that inmates could suffer from the second and third drugs if they haven't been knocked out.

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The switch doesn't affect the drug's administration, which has led to a number of fumbled executions, including a September 2009 procedure in Ohio in which the governor stopped an execution after two hours when officials couldn't find a usable vein.

The issue will come down to whether an overseas version of sodium thiopental would be equivalent to what the FDA has approved here, said Ty Alper, associate director of the death penalty clinic at the University of California-Berkeley.

"It really opens the door to Eighth Amendment challenges that go to the heart of whether executions work the way they're supposed to," he said, referring to the amendment about prohibiting cruel and unusual punishment.

Welsh-Huggins reported from Columbus, Ohio.

(b)(6)

Liaison and Policy Section
Office of Diversion Control

Drug Enforcement Administration

(b)(6)

A rectangular box with a black border, indicating a redacted section of the document.

(b)(6)

From: (b)(6)
Sent: Friday, October 08, 2010 11:44 AM
To: (b)(6)
Subject: FW: Steps to Import a Controlled Substance

(b)(6) could you contact Mr. Millman and assist him?

(b)(6)

Liaison and Policy Section
Office of Diversion Control
Drug Enforcement Administration

(b)(6)

From: Phil Millman [mailto:chemique2000@yahoo.com]
Sent: Friday, October 08, 2010 11:00 AM
To: (b)(6)
Subject: Steps to Import a Controlled Substance

Dear (b)(6) Chief Liaison and Policy Section

I have been approached by John McAuliffee from the CDCR in California to procure from Dream Pharma, LID , in London England

Sodium Pentathol, a schedule III barbiturate, Thiopental DEA Code 2329.

The California Bureau of Corrections is requesting Chemique Pharmaceuticals, Inc. DEA Lic RC0138417 to investigate the process of importing

84 sterile finished packages that contain 25 vials of 0.5grams(500mg) Sodium Pentothal each vial

It has been some time since I have imported a controlled substance.

Could you outline the steps I will have to take.

If I remember correctly I will have to fill out a quota request first.

Please let me know at your convenience.

Thank you for your help in this matter.

Chemique Pharmaceuticals, Inc.
13306 E. Whittier Blvd
Whittier, CA 90602
(562) 698-0921 Monday through Friday 7:30am to 4:30pm PST
Fax (562) 693-6112
Phil Millman, Pharm.D.
e-mail:chemique2000@yahoo.com

WARNING: This email is covered by the Health Insurance Portability and Accountability Act of 1996 (HIPAA). It contains health information that is personal and confidential and contains sensitive information related to a person's healthcare. The information contained therein is being emailed to you after obtaining authorization from the patient. You, being the recipient, are obligated to maintain this information in a SAFE,

SECURE, CONFIDENTIAL, and RETRIEVABLE fashion. Unauthorized re-disclosure and/or failure to maintain confidentiality is prohibited by law and could subject you to penalties described under the Federal HIPAA Act of 1996 and applicable State law.

(b)(6)

From: (b)(6),(b)(7)(C),(b)(7)(F)
Sent: Monday, March 28, 2011 3:06 PM
To: Rannazzisi, Joseph T.
Subject: RE: Prison unauthorized possession of Sodium Thiopental Schedule 3N - Have attached the news report

(b)(5),(b)(7)(A) I'll wait to hear from you.

(b)(6),(b)(7)(C),(b)(7)(F)

Assistant Special Agent in Charge
U.S. Drug Enforcement Administration
Phoenix Division

(b)(6),(b)(7)(C),(b)(7)(F)

From: Rannazzisi, Joseph T.
Sent: Monday, March 28, 2011 11:59 AM
To: (b)(6),(b)(7)(C),(b)(7)(F)
Subject: Re: Prison unauthorized possession of Sodium Thiopental Schedule 3N - Have attached the news report

(b)(6), (b)(5),(b)(7)(A)
(b)(7)(C) I am in a hearing and will be out in 45 minutes.

From: (b)(6),(b)(7)(C),(b)(7)(F)
Sent: Monday, March 28, 2011 02:57 PM
To: Rannazzisi, Joseph T.
Cc: Boggs, Gary
Subject: FW: Prison unauthorized possession of Sodium Thiopental Schedule 3N - Have attached the news report

(b)(5),(b)(7)(A) just wanted to make sure you guys knew. It's been all over the media here that AZ was getting from the same source as GA, so if we snatch some from our prison, it's going to be big news.

Stay out of trouble.

(b)(6),(b)(7)(C),(b)(7)(F)

Acting Special Agent in Charge
U.S. Drug Enforcement Administration
Phoenix Division

(b)(6),(b)(7)(C),(b)(7)(F)

From: (b)(6)

Sent: Monday, March 28, 2011 7:54 AM

To: (b)(6)

Subject: Prison unauthorized possession of Sodium Thiopental Schedule 3N - Have attached the news report

As reported in the DEA NEW Clips:

DEA registrants in your area may or may not have in their possession the controlled substance sodium Thiopental please do a check of said prisons in your area and see if they have now or in the past requested or received this drug via unauthorized means. Please attempt to confiscate any and all controlled substances and you may use the AFD case number (G3-11-2022) on your DEA 7 and 7a's for drugs and documents pertaining to the illegal acquisition of this drug. I will grant those who will need access to Impact on an as need basis. Thanks

ATLANTA | Prison officials across the country have been going to extraordinary and in at least one case, legally questionable lengths to obtain a scarce lethal-injection drug, securing it from middlemen in Britain and a manufacturer in India and borrowing it from other states to keep their executions on schedule, according to records reviewed by the Associated Press.

"You guys in AZ are life savers," California prisons official Scott Kernan emailed a counterpart in Arizona, with what may have been unintentional irony, in appreciation for 12 grams of the drug sent in September. "Buy you a beer next time I get that way."

The wheeling and dealing come amid a severe shortage of sodium thiopental, a sedative that is part of the three-drug lethal-injection solution used by nearly all 34 death penalty states. The shortage started last year, after Hospira Inc., the sole U.S. manufacturer of the drug and the only sodium-thiopental maker approved by the Food and Drug Administration, stopped making it.

As supplies dwindled, at least six states Arizona, Arkansas, California, Georgia, Nebraska and Tennessee obtained sodium thiopental overseas, with some citing Georgia as the trailblazer.

Documents obtained through open-records requests show Georgia managed to execute inmates in September and January after getting the drug from Dream Pharma, a distributor that shares a building with a driving school in a gritty London neighborhood. Dream Pharma's owner has not returned several calls and emails for comment, and an AP reporter who visited the office last week was told the owner was not available.

Recently, however, the Drug Enforcement Administration seized Georgia's entire supply effectively blocking the scheduling of any further executions because of concerns over whether the state circumvented the law. "We had questions about how the drug was imported to the U.S.," agency spokesman Chuvalo Truesdell said, declining to elaborate.

Federal regulations require states to register with the DEA before importing a controlled substance and to notify the agency once they have it. John Bentivoglio, a former Justice Department attorney who represents a condemned Georgia inmate, said in a February letter that Georgia appears to have broken those rules, and that such violations mean "adulterated, counterfeit or otherwise ineffective" sodium thiopental could be used in executions, subjecting prisoners to extreme pain in violation of the constitutional ban on cruel and unusual punishment.

Georgia Corrections Department spokeswoman Joan Heath said only that the state is cooperating with federal investigators to "make sure we're in regulatory compliance with the DEA over how we handle controlled substances."

Kathryn Hamoudah of Georgians for Alternatives to the Death Penalty praised the DEA for forcing Georgia to "give up its black market drugs."

Defense attorneys elsewhere have called on the Justice Department to investigate whether their states broke the law in the way they obtained sodium thiopental. But most of the states that swapped or imported it have said they followed protocol. And the DEA has refused to say whether it is investigating them.

(b)(6)

Group Supervisor

DE Atlanta Division

(b)(6)

(b)(6)

From: (b)(6)
Sent: Monday, March 28, 2011 5:08 PM
To: Rannazzisi, Joseph T.
Cc: Boggs, Gary
Subject:
Attachments: AZ Execution Drug Mislabeled.docx

Joe- Please see the attached newspaper article from Today's Phoenix paper, re: Sodium Thiopental.

(b)(6)

***Acting Special Agent in Charge
U.S. Drug Enforcement Administration
Phoenix Division***

(b)(6)

March 28, 2011 |

Arizona: Execution drug mislabeled; use of substance may end soon

Prison chief: Use of controversial substance may end soon

by **Michael Kiefer** - Mar. 26, 2011 12:00 AM
The Arizona Republic

Arizona Department of Corrections Director Charles Ryan on Friday blamed clerical errors by employees of a local import broker and the U.S. Food and Drug Administration for misstating on federal documents that the agency was importing animal drugs to execute murderers.

In an exclusive interview, Ryan also told *The Arizona Republic* that after upcoming Arizona executions on Tuesday and April 5, the department will consider retooling the state's lethal-injection method to use a single drug instead of the current three-drug method that depends on an anesthetic that is no longer available.

Ryan reacted to a *Republic* report Thursday about two drugs, sodium thiopental and pancuronium bromide, which were imported from England for an Arizona execution in October and for the two upcoming executions.

FDA documents that U.S. Customs and Border Protection use to approve imports stated that the drugs were for animal use, raising questions as to whether they were being carried out with animal drugs or if the imports had been misidentified.

"The chemicals employed in the execution, then and now, and what we possess, are only for the purpose of human consumption," Ryan said. "It has nothing to do with animals."

Ryan ordered an investigation into the misrepresentation Friday morning, and the private import broker retained by the department took responsibility for the drugs being misidentified. Ryan pointed out that correspondence between his department and the federal agencies clearly stated that the drugs were to be used for inmate executions.

In an e-mail made available to *The Republic*, Robert Hornyan of Phoenix-based Arizona Customs Brokers claimed that an employee at his company mistakenly entered an incorrect code on a computer-generated import form while consulting with a local FDA official.

That shipment of the anesthetic thiopental and the paralytic drug pancuronium bromide arrived Sept. 28, identified on the FDA form as "(Anesthetic); Animal (Food Producing)" and "(Relaxant); Animal (Food Producing)."

A shipment of thiopental to the state Corrections Department a month later had the same description as an animal drug, however.

Under federal statutes, filing false federal documents is a crime punishable by up to five years in prison. An FDA spokeswoman said the agency could investigate incorrect filings and potentially pursue civil or criminal sanctions.

As in most states that use lethal injection as a method of execution, the Arizona protocol calls for an injection of thiopental, a barbiturate, to sedate the condemned man or woman, followed by pancuronium bromide to render the person motionless. Then, potassium chloride is injected to stop the heart.

If the thiopental sedation were to wear off too quickly, the condemned would suffer the effects of the other two drugs. Defense attorneys in several states have filed appeals and lawsuits questioning whether the imported drugs, which have not been evaluated by the FDA, meet medical standards.

Thiopental has not been produced in the U.S. since 2009, and supplies began to run out last spring, forcing states to begin researching imports from abroad.

Until now, Arizona officials would not divulge how they obtained the drug, though defense attorneys and news reports revealed details, including the English pharmaceutical-supply house that was exporting the drug until British authorities banned further exports for executions.

Ryan said that he initially canvassed other prison systems looking for the drug, "but the well was dry."

Then, he learned that Arkansas had found a source in the United Kingdom. The Corrections Department notified the FDA, customs and the U.S. Drug Enforcement Administration to arrange for the import, Ryan said. Despite FDA statements last fall and winter that there were no approved foreign sources for the drug, Deputy Corrections Director Charles Flanagan said, "We were never advised that the drugs were not allowed or that we could not import them."

"The FDA always told us there was a mechanism to bring the drugs in," Flanagan said. "We have never, ever heard from anyone in the FDA, the DEA, customs or any other agency that we cannot import these drugs. In fact, we would not even have begun the process if we could not import these drugs."

Shipments of thiopental for other states were stopped and detained in Memphis, where FedEx has its hub, some for as long as several months, FDA documents show.

E-mails obtained by *The Republic* show Arizona corrections officials worked with a local FDA official to have their first batch processed by customs officials in Phoenix instead of Memphis. That shipment sailed through.

Ryan and Flanagan said that it was inspected by a department deputy warden and pharmacist when it arrived in Phoenix to ensure it was human-grade and acceptable.

The second shipment was sent directly from London to Phoenix by a different carrier on Oct. 26 - the same day Jeffrey Landrigan was executed using the first batch - but the FDA forced the Corrections Department to hold it until mid-January as it considered its policies on imports for executions.

Some states with three-drug protocols have already switched to another barbiturate, pentobarbital, a drug similar to what is used to euthanize animals, as a substitute for thiopental.

Ohio uses a single drug to execute its death-row prisoners, and since thiopental became unavailable, switched to pentobarbital. The one-drug protocol sidesteps defense-attorney claims that the executed people could suffer the effects of the other drugs.

"After these two executions, we're looking at going to another protocol," Ryan said. "I'm thinking of a one-drug protocol. Or, if it remains a three-drug protocol, it would be substituting (thiopental) with another barbiturate."

(b)(6)

From: (b)(6)
Sent: Thursday, April 28, 2011 6:21 PM
To: (b)(6)
Subject: FW: Arizona info you requested

(b)(6)

***Assistant Special Agent in Charge
U.S. Drug Enforcement Administration
Phoenix Division***

(b)(6)

From: (b)(6)
Sent: Tuesday, April 05, 2011 1:58 PM
To: Rannazzisi, Joseph T.
Subject: Arizona Info you requested

Joe- Per our conversation, here is the registration information you requested. Also- The state of Arizona only conducts executions at the Arizona State Prison in Florence, AZ.

- ARIZONA STATE PRISON-FLORENCE
CARSON A., WARDEN
1305 Butte Avenue
P.O. Box 629
Florence, AZ 85232
Hospital/Clinic
DEA #FA2203571

(b)(6)

***Acting Special Agent in Charge
U.S. Drug Enforcement Administration
Phoenix Division***

(b)(6)

(b)(6)

From: (b)(6)
Sent: Thursday, April 28, 2011 6:21 PM
To: (b)(6)
Subject: FW:
Attachments: AZ executes man using controversial lethal injection drug.docx

(b)(6)

*Assistant Special Agent in Charge
U.S. Drug Enforcement Administration
Phoenix Division*

(b)(6)

From: (b)(6)
Sent: Tuesday, March 29, 2011 12:34 PM
To: Rannazzisi, Joseph T.
Subject:

Joe- Please see the attached article. When you get some time, can you give me a call. I have a couple of concerns regarding what we discussed last night in lieu of this article. Thanks, brother.

(b)(6)

*Acting Special Agent in Charge
U.S. Drug Enforcement Administration
Phoenix Division*

(b)(6)

AZ executes man using controversial lethal injection drug

by Associated Press (March 29th, 2011 @ 11:06am)

FLORENCE, Ariz. -- A man convicted of killing two people in a 1989 Phoenix convenience store robbery was executed Tuesday despite last-minute arguments by his attorneys who raised questions over one of the lethal injection drugs and said they had raised "substantial doubt" about his guilt.

Eric John King's death at the state prison in Florence was the first execution in the state since October and one of the last expected to use a three-drug lethal injection cocktail.

The 47-year-old had maintained his innocence since his arrest and his lawyers fought until the last minute to get his sentence reversed or delayed.

Defense attorney Mike Burke said before the execution that he visited with King on Tuesday morning.

"Although he's very calm, he continues to maintain his innocence," Burke told The Associated Press. "He's done what he can do. All he has left to do is maintain his dignity."

The Arizona Supreme Court declined to stay King's execution Monday after Burke argued that the state should wait until it enacts its new lethal injection protocol. The U.S. Supreme Court refused to intervene.

Corrections Director Charles Ryan announced Friday that Arizona will switch to using just one drug in an effort to allay any "perceived concerns" that sodium thiopental is ineffective, but only after the scheduled executions of King and Daniel Wayne Cook on April 5.

Defense attorney Michael Burke had argued that the Department of Corrections may have engaged in fraud when it imported the sedative from Great Britain by listing it on forms as being for "animals (food processing)," not humans.

Arizona Attorney General Tom Horne said the mislabeling resulted from a clerical error.

Arizona obtained the drug legally, and that's why it has been able to avoid problems at the state prison, Attorney General Ken Coakley has said. The drug is sodium thiopental, which was seized by federal drug enforcement administration agents in March. The questions about how it was obtained

The drug is part of the three-drug lethal injection cocktail used by nearly all 34 death penalty states, but it became scarce last year after the sole U.S. manufacturer stopped making it.

Some states started obtaining sodium thiopental overseas, and lawyers have argued that potentially adulterated, counterfeit or ineffective doses could subject prisoners to extreme pain.

Texas and Oklahoma recently announced they are switching from sodium thiopental to pentobarbital in their three-drug protocol. Ohio has switched to using only pentobarbital for its executions, and Ryan said that's the drug Arizona might start using.

Burke also was unable to successfully argue that King be granted clemency at a hearing Thursday. Burke had argued that the two key witnesses who testified against King at his trial have changed their stories, that no physical evidence exists and surveillance video used at trial was of extremely poor quality.

Vince Imbordino, a prosecutor with the Maricopa County attorney's office, argued that the photographic evidence was clear and that if jurors didn't believe King was guilty, they wouldn't have convicted him.

King was convicted of fatally shooting security guard Richard Butts and clerk Ron Barman at a Phoenix convenience store two days after Christmas in 1989. Butts and Barman both were married fathers whose families have testified that their deaths in a robbery that netted \$72 devastated them.

Shortly before the killings, King had been released from a seven-year prison term on kidnapping and sexual assault charges. Police say King, who was 18 at the time, and another man kidnapped a woman and took her to an abandoned house, where both repeatedly and brutally sexually assaulted her over six hours.

Before he was sentenced in that crime, deputy adult probation officer Lee Brinkmoeller wrote that King had plans to reform himself.

"The defendant's plans for the future are to become a machinist and to have his own car, house, family, and start being able to do things for his mother for all the things she has done for him," Brinkmoeller wrote. "He states that he wants to have his mother be proud of him before she dies and he wants to be somebody."

Court documents show King had a troubled childhood. Born in a taxi on the way to the hospital in Phoenix, King was one of 12 siblings whose alcoholic, abusive and mentally disturbed father died of a heart attack when King was 11, according to court records.

Records also say King's mother struggled to provide for the children, who were so hungry at times that they tried to catch crawdads in irrigation canals and frequently were without electricity.

King reported to a prison psychiatrist that he had heard voices on and off his entire life, and suffered from anxiety and insomnia.

His son, 20-year-old Eric Harrison, saw King for the first time Thursday at the clemency hearing and asked the board to spare his father.

"This is the first time I've ever seen my dad, ever in life, and I know I love him," Harrison said. "That's my dad. He gave me life. Just don't take him."

King is the 23rd death row inmates Arizona has executed with the three-drug method since it began using lethal injection in 1993.

The state had previously executed 38 inmates with lethal gas since it started using that method in 1934. Another 28 inmates were executed by hanging between 1910 and 1931.

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Business Activity	Last Name	Address 1	Address 2	Addl Co Info	City	State	Zip
IMPORTER	ABBOTT LABORATORIES	ABBOTT PARK	ROUTES 43 & 137	ATTN D-209, BLDG AP5	ABBOTT PARK	IL	60064
IMPORTER	CHEMIQUE PHARMACEUTICAL INC	13306 E WHITTIER BLVD			WHITTIER	CA	90602
IMPORTER	PMC SPECIALTIES GROUP INC	501 MURRAY RD			CINCINNATI	OH	45217
IMPORTER	DIAMONDBACK DRUGS	7901 E. MCDOWELL ROAD			SCOTTSDALE	AZ	85257
IMPORTER	HOSPIRA INC	ATTN: PLANT MANAGER	U.S. HIGHWAY 301N		ROCKY MOUNT	NC	27801
IMPORTER	MED-TURN, INC.	4332 EMPIRE ROAD			FORT WORTH	TX	76155
IMPORTER	P D M PHARMATEC INC	225 WEST 34TH STREET	SUITE 1505		NEW YORK	NY	10122

(b)(6)

From: Rannazzisi, Joseph T.
Sent: Monday, April 04, 2011 6:15 PM
To: Boggs, Gary
Subject: Re: seizing AZ DOC thioipental before execution tomorrow?

No. We have not received information that would cause us to seize the drugs from the prison system.

From: Boggs, Gary
Sent: Monday, April 04, 2011 04:56 PM
To: Rannazzisi, Joseph T.
Subject: Fw: seizing AZ DOC thioipental before execution tomorrow?

Fyi

From: (b)(6)
Sent: Monday, April 04, 2011 04:52 PM
To: (b)(6)
Cc: Boggs, Gary; (b)(6)
Subject: FW: seizing AZ DOC thioipental before execution tomorrow?

Gary and (b)(6)

DOJ wants to know ASAP if DEA Phoenix plans to seize AZ DOC's supply of thioipental before a scheduled execution tomorrow (see email strand). (b)(6) reiterated to DOJ that even if we plan to do so, we wouldn't tell the media. Nonetheless, DOJ wants to know so they can be prepared. Please advise ASAP.

Thank you.

(b)(6)

Public Affairs Officer
DEA HQ Public Affairs Section

(b)(6)

From: (b)(6)
Sent: Monday, April 04, 2011 4:32 PM
To: 'laura.sweeney2@usdoj.gov'; (b)(6)
Subject: Re: arizona and thioipental
Importance: High

Laura, (b)(6) can look into it, but even if we plan to take the drugs from AZ, we (obviously) wouldn't tell the reporter.

From: Sweeney, Laura (SMO) [mailto:Laura.Sweeney2@usdoj.gov]
Sent: Monday, April 04, 2011 04:14 PM
To: (b)(6)
Cc: (b)(6)
Subject: RE: arizona and thioipental

Hey guys - anything on this?

From: Sweeney, Laura (SMO)
Sent: Monday, April 04, 2011 2:53 PM
To: (b)(6)
Subject: Fw: arizona and thlopental

(b)(5)

I will decline

comment to the reporter.

From: Finelli, Alisa (SMO)
Sent: Monday, April 04, 2011 02:48 PM
To: Sweeney, Laura (SMO)
Subject: Fw: arizona and thlopental

Do you mind if I forward this one to you?

From: Gobble, Lori (SMO)
Sent: Monday, April 04, 2011 02:43 PM
To: Finelli, Alisa (SMO)
Subject: FW: arizona and thlopental

From: Kiefer, Michael [<mailto:michael.kiefer@arizonarepublic.com>]
Sent: Monday, April 04, 2011 2:40 PM
To: Gobble, Lori (SMO)
Subject: arizona and thlopental

Dear Ms. Gobble:

Pursuant to our telephone conversation, I am inquiring whether DEA is investigating the Arizona Department of Correction's supply of thlopental sodium for lethal injection.

I understand that the agency has taken possession of the supplies from Georgia, Tennessee and Kentucky, and attorneys in Arizona have asked Attorney general Holder to look into the Arizona supply.

The timing of my request comes a day before Arizona is to use its supply to carry out an execution by lethal injection.

Michael Kiefer
reporter
602-444-8994