

From: John Solomon [Solomon.John@doc.state.sc.us]

Sent: Wednesday, January 05, 2011 9:21 AM

To: Halpenny, Susan M

Subject: Na Thiopental

Good morning Susan,

The drugs have not been released as of 10:15 this morning. Have you heard anything this morning that is encouraging about this matter?

John

John P. Solomon, Ph.D., MBA
Director of Health Services
South Carolina Department of Corrections
4444 Broad River Rd.
Columbia, SC 29210
(Tele) 803-896-1995
(Fax) 803-896-1999

From: Halpenny, Susan M
Sent: Wednesday, January 05, 2011 10:20 AM
To: 'John Solomon'
Subject: RE: Na Thiopental
Good day,

Our Director of Imports, Domenic Veneziano, advised me yesterday that we may not receive the information he was preparing until today. I will let contact you once I have received this information and released the shipments.

Susan M. Halpenny
Supervisory Investigator
FDA, New Orleans District, Imports
Voice (901) 333-3521
Fax (901) 333-3576

From: John Solomon [mailto:Solomon.John@doc.state.sc.us]
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From: Halpenny, Susan M
Sent: Wednesday, December 01, 2010 2:35 PM
To: 'John Solomon'
Subject: RE: shipment delay FDA entry # 112967344464
Good afternoon,

I apologize for the delay but our Director of Import Operations has been in meetings this week on this subject, and I have not received any word back as yet. I will contact you as soon as hear something.

Susan M. Halpenny
Supervisory Investigator
FDA, New Orleans District, Imports
Voice (901) 333-3521
Fax (901) 333-3576

From: John Solomon [mailto:Solomon.John@doc.state.sc.us]
Sent: Wednesday, December 01, 2010 2:03 PM
To: Halpenny, Susan M
Subject: shipment delay FDA entry # 112967344464

Hello Susan,

I checked the tracking on the shipment and find it is still delayed. Is there any movement toward a decision on

(b) (5)

John

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Columbia, SC 29210
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(Fax) 803-896-1999

From: John Solomon [Solomon.John@doc.state.sc.us]

Sent: Tuesday, December 07, 2010 7:14 AM

To: Halpenny, Susan M

Subject: clearance delay

Good morning Susan,

It has been a month since the FDA has chosen to delay delivery of a package sent from England to the South Carolina Department of Corrections. From our last conversation I understand there is a discussion regarding

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the near future (think next 24 hours) can you direct me to someone who might be able to help expedite a decision?

John

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South Carolina Department of Corrections
4444 Broad River Rd.
Columbia, SC 29210
(Tele) 803-896-1995
(Fax) 803-896-1999

From: Halpenny, Susan M
Sent: Thursday, December 09, 2010 1:38 PM
To: 'John Solomon'
Subject: RE: status
Good day Dr. Solomon,

I have asked for an update on the status of your shipment from our Center for Imports but unfortunately they do not have any updates to give me. I will continue to check on this daily.

Susan M. Halpenny
Supervisory Investigator
FDA, New Orleans District, Imports
Voice (901) 333-3521
Fax (901) 333-3576

From: John Solomon [mailto:Solomon.John@doc.state.sc.us]
Sent: Thursday, December 09, 2010 6:51 AM
To: Halpenny, Susan M
Subject: status

Good morning Susan,

May we have a status report with particular attention as to why the FDA continues to intervene in this particular drug purchase? Also, the delay now borders on being excessive. Does anyone have any idea when a decision will be rendered to release the shipment? Thank you for continuing assistance.

John

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Director of Health Services
South Carolina Department of Corrections
4444 Broad River Rd.
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(Tele) 803-896-1995
(Fax) 803-896-1999

From: John Solomon [Solomon.John@doc.state.sc.us]

Sent: Thursday, December 09, 2010 6:51 AM

To: Halpenny, Susan M

Subject: status

Good morning Susan,

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Director of Health Services

South Carolina Department of Corrections

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Columbia, SC 29210

(Tele) 803-896-1995

(Fax) 803-896-1999

From: John Solomon [Solomon.John@doc.state.sc.us]
Sent: Monday, December 20, 2010 9:29 AM
To: Halpenny, Susan M
Cc: David Tatarsky
Subject: Delay of Shipment
Good morning Susan,

The FDA imposed delay is an increasing concern to us. Is there anyone who can give us a reasonable explanation for the FDA's decision to stop the shipment to South Carolina? For the FDA to stop the shipment and then refuse to communicate the reason for its decision is unconscionable. Your assistance with this matter is appreciated.

John

Copy to David Tatarsky – General Counsel for the Department of Corrections

John P. Solomon, Ph.D., MBA
Director of Health Services
South Carolina Department of Corrections
4444 Broad River Rd.
Columbia, SC 29210
(Tele) 803-896-1995
(Fax) 803-896-1999

From: Halpenny, Susan M
Sent: Monday, December 20, 2010 10:25 AM
To: 'John Solomon'
Cc: David Tatarsky
Subject: RE: Delay of Shipment
Good day,

I have not heard anything from our Director of Import Operations and Policy at this time. If you would like to follow up with him, our Director is Domenic Veneziano and his phone number is (301) 594-3849. You can also contact the office of our FDA commissioner, Margaret Hamburg at (301) 796-5000.

Susan M. Halpenny
Supervisory Investigator
FDA, New Orleans District, Imports
Voice (901) 333-3521
Fax (901) 333-3576

From: John Solomon [mailto:Solomon.John@doc.state.sc.us]
Sent: Monday, December 20, 2010 9:29 AM
To: Halpenny, Susan M
Cc: David Tatarsky
Subject: Delay of Shipment

Good morning Susan,

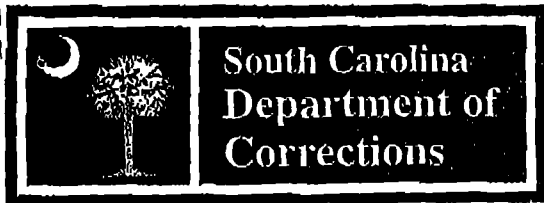
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John

Copy to David Tatarsky – General Counsel for the Department of Corrections

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(Fax) 803-896-1999

ATTENTION SUSAN



MARK SANFORD, Governor

JON OZMINT, Director

October 29, 2010

United States Customs Department

SUBJECT: Thiopental Injection Purchase

Dear Customs Agent:

The South Carolina Department of Correction (SCDC) uses Thiopental Injection for capital punishment purposes. S. C. Code Ann. § 24-3-530 provides as follows:

Death by electrocution or lethal injection - "A person convicted of a capital crime and having imposed upon him the sentence of death shall suffer the penalty by electrocution or, at the election of the person, lethal injection under the direction of the Director of the Department of Corrections. The election for death by electrocution or lethal injection must be made in writing fourteen days before the execution date or it is waived. If the person waives the right of election, then the penalty must be administered by lethal injection."

The SCDC has been unable to locate this drug in the United States. In order to carry out its statutory obligation in capital punishment cases, SCDC has purchased Thiopental from a provider in Great Britain. Enclosed are the following drugs:

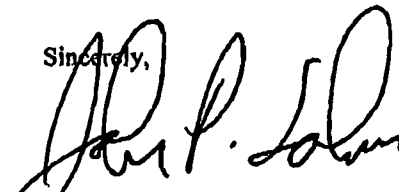
NAME/DESCRIPTION	QUANTITY
Thiopental Injection, powder for reconstitution, thiopental sodium, 500 mg vial packs of 25's	NEC

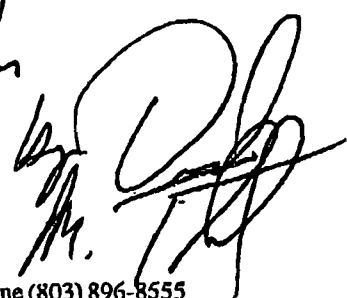
Shipping Location:

South Carolina Department of Corrections
Kirkland Correctional Institution - Pharmacy
ATTN: (b) (7)(C)
4344 Broad River Road
Columbia, South Carolina 29210
Telephone: (803)(b) (7)(C)
US Drug Enforcement Agency Number (DEA): (b) (5) Expires: 02/28/2011

I will be the point of contact for the purchase and can be reached by telephone: 001-803-896-1995 or by email: solomon.john@doc.state.sc.us.

Sincerely,


John P. Solomon, PhD, MBA
Director of Health Services



JP/spz

P.O. Box 21787 - 4444 Broad River Road - Columbia, SC 29221-1787 - Telephone (803) 896-8555