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# Ohio Considering Bone, Muscle For Lethal Injection

AP

Published: October 6, 2009

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**COLUMBUS, Ohio** —Ohio is considering using lethal injections into inmates' bone marrow or muscles as possible alternatives or back-up measures to the traditional intravenous execution procedure.

Ohio Department of Rehabilitation and Correction spokeswoman Julie Walburn said Tuesday that everything is on the table as officials research ways to adjust the state's method.

Romell Broom's execution was suspended last month after the execution team couldn't locate usable veins after two hours of trying.

A Nov. 30 hearing has been set for Broom, while Gov. Ted Strickland gave two other death-row inmates temporary reprieves to give the state time for the review.

Walburn said the state could decide on a different procedure to either replace the current one or serve as a backup in an "exceptional" case such as Broom's.

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# Daily-Jeff.com

## Ohio considering bone, muscle for lethal injection

STEPHEN MAJORS/Associated Press Writer  
about 15 hours ago

COLUMBUS (AP) — Ohio is considering injecting lethal drugs into inmates' bone marrow or muscles as an alternative to — or a backup for — the traditional intravenous execution procedure, a prisons department spokeswoman said Tuesday.

"Everything is on the table" as the state researches ways to adjust its death chamber procedure in the wake of a failed execution last month, when officials couldn't locate suitable veins on inmate Romell Broom, said Ohio Department of Rehabilitation and Correction spokeswoman Julie Walburn.

Broom's execution is on hold at least until a federal court hearing takes place on Nov. 30. Gov. Ted Strickland issued reprieves for two other death-row inmates on Monday, saying that more time is needed to study the execution procedure.

The changes could include a different procedure to access veins, the use of a device to inject lethal chemicals directly into an inmate's bone marrow, or injection into muscles.

"We don't believe that this exam or the reprieve are a reflection of the skills and ability of our team," Walburn said. "This was a rare and exceptional circumstance, but we want to make sure we have a contingency plan if this were to reoccur."

Richard Dieter, director of the nonprofit Death Penalty Information Center, said he isn't aware of any other states that have

considered, or currently use, injections into bone marrow or muscle.

Ohio's current procedure gives officials as much time as they need to locate suitable veins, but other states have procedures for dealing with inmates in such circumstances.

In Kentucky, the execution team can only try for one hour. Other states, including Florida, allow for a procedure in which the team cuts the skin to find a vein.

Ohio officials also are exploring whether to keep the state's three-drug regimen — a sedative, a paralyzing agent and a chemical to stop the heart — or to rely on a single drug, Walburn said. It could be used as a backup if officials encounter difficulty locating veins, or as a new procedure to replace the old one.

Drawing up new procedures could be challenging in several respects, including a potential need for greater medical expertise that accompanies more sophisticated techniques.

Injecting chemicals into bone marrow with an instrument that quickly thrusts needle through bone or injecting them into muscle raises the likelihood of pain. Muscle absorbs drugs less quickly and it's harder to numb bone to alleviate pain.

Such techniques could lead to what one doctor referred to as the "Hippocratic paradox," in which doctors are needed to oversee the procedure but can't do it because of ethical constraints. Causing pain to save a life is considered therapeutic while causing pain in death is considered "torture," said Dr. Jonathan Groner, professor of clinical surgery at The Ohio State University College of Medicine.

"My impression is searching for a greater and increasingly sophisticated medical technique in order to kill someone can cause the

governor to paint himself into a corner," Groner said.

Broom complained in an affidavit following the execution attempt that execution staff painfully hit muscle and bone at times during up to 18 attempts to reach a vein.

Significantly changing the execution protocol also subjects the state to more legal risk, as a U.S. Supreme Court decision upholding Kentucky's lethal injection process gave cover only to those states whose processes were essentially the same as Kentucky's.

"States are all reluctant to make a change because they'd rather stick to what they know and changes mean new challenges of whatever changes you make," Dieter said.

Officials were able to locate Broom's veins during his Sept. 15 execution attempt, but the veins collapsed when a saline solution was administered to test whether they could accept the flow of the lethal drugs. Broom, who was convicted of kidnapping, raping and killing a 14-year old girl in 1984, later said he was stuck with a needle as many as 18 times, including painful sticks into his muscle and bone.

Officials have had difficulty locating suitable veins in at least two other executions.

Strickland stopped Broom's execution after two hours, an unprecedented order since the United States resumed executions in the 1970s. Ohio has put 32 people to death since 1999, when executions resumed in the state.



October 7, 2009

## Ohio eyes changes to lethal injection

*ASSOCIATED PRESS*

COLUMBUS -- Ohio is considering injecting lethal drugs into inmates' bone marrow or muscles as an alternative to -- or a backup for -- the traditional intravenous execution procedure, a prisons department spokeswoman said Tuesday.

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October 6, 2009

## Death-row inmate loses last appeal

Gregory Wilson fought lethal injection for 1987 murder

*By Jim Hannah and Brett Barrouquere  
jhannah@nky.com*

**COVINGTON** – A man who kidnapped and killed a Covington woman 22 years ago is closer to death after the U.S. Supreme Court refused Tuesday to hear his final appeal.

The Kentucky Attorney General's office is considering asking Gov. Steve Beshear to set an execution date for Gregory Wilson, 52, of Cincinnati.

He was sent to Death Row for his part in the May 1987 kidnapping and murder of Deborah Pooley, 36, of Covington. The body of the assistant manager of the now defunct Barleycorn's Yacht Club in Newport was found June 15, 1987 in a rural Pittsboro, Ind., field near Indianapolis.

Kenton Commonwealth's Attorney Rob Sanders said Tuesday afternoon that while he hasn't spoken to Pooley's family, he has already started composing a letter to Attorney General Jack Conway urging his office to seek an execution date as soon as possible.

"I was 14 when this guy repeatedly raped, sodomized, and murdered that woman," Sanders said. "It's incredibly frustrating when so much time has passed yet the case still isn't closed. I can't imagine how horrible it must be for the family to still be reading about this guy in the paper. They deserve closure."

Wilson's co-defendant in the case, Brenda Humphrey, is serving life in prison.

Wilson and Humphrey forced Pooley into the back seat of her car. Wilson raped her and later strangled her while Humphrey drove. Wilson was arrested two weeks later.

Wilson's cousin, Velvet Colvin Farmer of Cleveland, said Wilson appears to have changed in prison to someone more spiritual and aware of the damage he has done. Farmer said Wilson deserves a second chance.

"I think he shedded the old person away like an onion, just peeled it off and shed it away," Farmer told The Associated Press.

The loss at the U.S. Supreme Court is the second legal setback in a week for Wilson. A federal judge on Sept. 30 dismissed a lawsuit brought by Wilson challenging Kentucky's practice of giving a sedative to inmates on the day of execution. Wilson claimed the drug interfered with the three-drug cocktail used in lethal injections. A judge ruled Wilson raised the challenge too long after the protocol was adopted.

Wilson, who previously served a prison sentence in Ohio for raping two Butler County women, claimed on appeal that he was forced to represent himself at trial after a dispute with his lawyers. The U.S. 6th Circuit Court of Appeals in Cincinnati rejected that claim, saying Wilson effectively waived his right to his court-appointed lawyer by agreeing to represent himself when a judge would not appoint a new attorney.

Wilson also claimed his right to a fair trial was violated because his co-defendant, Humphrey, was

having a sexual affair with now-deceased Kenton Circuit Judge James Gillicee before and during the trial. The affair became public during Wilson's appeals in 2001. The court ruled that Wilson had an opportunity to question Humphrey, but declined to.

Humphrey testified at trial and shifted much of the blame for the kidnapping and murder to Wilson.

There are 36 death row inmates in Kentucky, including two from Kenton County: Wilson and Fred Furnish. Furnish, 41, was sentenced to death in July 1999 for strangling Ramona Jean Williamson a year earlier.

The last person executed in Kentucky was Marco Allen Chapman of Warsaw.

He died of lethal injection November 2008 after refusing to appeal his conviction for the 2002 killings in Warsaw of 6-year-old Cody Sharon and 7-year-old Chelbi Sharon, the sexual assault of their mother and the stabbing of her other child, who survived.

*The Associated Press contributed to this report.*

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### CONTRACTS IN NORTHERN OHIO

## Charges ahead for 22 more in ODOT scandal

Wednesday, October 7, 2009 2:54 AM

BY JAMES NASH

THE COLUMBUS DISPATCH

A year after investigators revealed that state transportation officials traded millions of dollars worth of contracts for gifts, fishing trips and sex with strippers, the scandal shows no sign of abating.

At least 22 vendors and former Ohio Department of Transportation officials remain to be charged. The Ohio inspector general's office, which launched its investigation nearly three years ago, remains on the case. Even the U.S. Department of Justice appears to be involved.

The scandal broke open last October when Inspector General Thomas P. Charles revealed that purchasing managers at the state transportation office in Garfield Heights, near Cleveland, had awarded \$11 million in contracts to vendors who repaid them with perks and sexual liaisons.

Since then, three state employees and six vendors have been charged with bribery, theft and other crimes. Two state employees and four vendors have been sentenced to six-month jail terms. Two state officials and a vendor were sentenced yesterday.

Cuyahoga County Prosecutor Bill Mason plans to bring charges against 22 others, spokesman Ryan Miday said. The top target appears to be Dennis Kratochvil, the former facilities manager for the Ohio Department of Transportation district based in Garfield Heights. He was arrested last month on an allegation that he threatened a witness in the case.

Miday said Mason's office is working with Charles' office and the State Highway Patrol. He was not aware of any involvement by the U.S. Department of Justice.

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However, an e-mail message obtained by *The Dispatch* under a public- records request shows that federal investigators made contact with the Ohio Department of Transportation's top lawyer in late August. The message did not indicate the topic of their conversation, and state officials said they could not release further records regarding the federal investigation.

Representatives of the Ohio Department of Transportation and the U.S. Department of Justice declined to comment.

The investigation is centered on the state transportation office in Garfield Heights, although investigators have suggested that their inquiry could extend to other district offices or headquarters.

"We're not done," Charles said yesterday. "There were issues that went in other directions."

However, the inspector general said the investigation remains focused on northern Ohio.

Two reports from Charles' office found that state purchasing officials and contractors who sold lighting, plumbing and other services conspired to sabotage competitive-bidding requirements and award freebies to the state officials. They allegedly forged documents, funneled state funds to phony businesses, and went to strip clubs during business hours.

The pattern of corrupt activity went on for about a decade until a losing vendor came to authorities with allegations of bid rigging, according to the inspector general's office.

The Ohio Department of Transportation moved to fire or force the resignations of seven officials who were implicated in the scandal.

[jnash@dispatch.com](mailto:jnash@dispatch.com)

The U.S. Department of Justice appears to have gotten involved in the bribery probe.

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### REVIEW OF 3-DRUG PROCESS

## Ohio may overhaul execution policies

In wake of botched attempt, prison officials will study all aspects of lethal injections

Wednesday, October 7, 2009 3:10 AM

BY **ALAN JOHNSON**

### THE COLUMBUS DISPATCH

Ohio prison officials are considering a major overhaul of death-penalty procedures that might include changing out such key elements as drugs and an execution team.

Injecting deadly drugs into muscle and bone, using a single, more powerful drug, or using an entirely different combination of drugs are options being reviewed.

Prison officials are consulting with Dr. Mark Dershwitz, a University of Massachusetts professor of anesthesiology who testified for the state last year as a paid expert witness in a lethal-injection lawsuit in federal court. He has consulted with several states on lethal-injection litigation.

Julie Walburn, spokeswoman for the Ohio Department of Rehabilitation and Correction, said, "We're considering all options at this time. It could be a backup or a complete change."

Ohio would become the first state to make major changes in a three-drug execution process that was essentially copied by 35 states from Oklahoma, where it was developed by an anesthesiologist in 1977.

But Gov. Ted Strickland and prisons director Terry Collins are considering major changes after the botched Sept. 15 execution of Romell Broom of Cleveland, the first time in modern U.S. history that an execution had to be abandoned after it was started.

"It worked 32 of 33 times," Walburn said, referring to previous Ohio executions going back to 1999. "We want to ensure we can deal with

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these rare and unusual circumstances when it doesn't work."

Changes in procedures also could mean switching personnel, Walburn said.

The current execution team at the Southern Ohio Correctional Facility near Lucasville includes emergency medical technicians. However, they probably would not be qualified to perform some of the invasive methods being considered.

"The procedure will dictate the personnel," Walburn said.

Even so, she quickly noted that Collins is "fully supportive of the execution team and the current protocols. Any changes would not be a reflection on the personnel involved."

There is no time frame for developing the new protocol, Walburn said. The execution of Kenneth Biros, a convicted killer from Trumbull County, is scheduled for Dec. 8 but could be delayed by Strickland.

Richard Dieter, executive director of the Washington-based Death Penalty Information Center, said it is "significant that they're looking at a major overhaul of the process. This has been a long time coming."

California and Maryland are looking at protocol and procedures changes, but Dieter said no other state is considering the major revamp contemplated by Ohio officials.

"It's a fresh start," he said. "Maybe there are alternatives that have less risks."

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News

## Elyria looks to lease jail for boost in city funding

Wednesday, October 7, 2009

By HEATHER CHAPIN-FOWLER  
[hfowler@MorningJournal.com](mailto:hfowler@MorningJournal.com)

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**ELYRIA** — City officials are looking for someone to lease their now-vacant city jail.

"We're not sure if we can, but we're going to make every effort," Mayor William Grace said.

The jail was closed Friday as part of an effort to ease the city's financial problems, which continue to worsen.

Closing the jail resulted in the layoffs of supervisors, correction staff and a computer technician.

Instead of letting the facility sit vacant, the administration wants it put to use, Grace said.

Grace and his staff are researching and contacting both public and private entities that may be interested in leasing the facility, he said.

The city hasn't had any offers yet, but will continue to solicit interest, Grace said.

"It's a very modern, state-of-the-art facility," he said. The jail was built in the 1990s as part of the new police station. If the city is able to secure a lease, it will generate money.

This year has been challenging for the administration as it has had to cut several police officers, firefighters and other employees from the payroll to deal with its financial problems.

The auditor's office is expecting this month to bring a significant deficit where the city is spending more than its revenue.

At the beginning of the year, the city started with a beginning balance in its general fund of approximately \$1.8 million, Grace and Auditor Ted Pileski said.

Because of the deficit spending, the city will likely end the year with no money in reserve, Grace said.

In order to restore its general fund, various services and avoid further cuts, the city is asking for an increase in its income tax.

If the income tax passes, it is expected to generate another \$5.6 million by bringing the income tax up from 1.75 percent to 2.25 percent.

Grace has maintained that if the income tax increase doesn't pass, the city will be forced to cut another approximate \$4 million off its general fund through more jobs and services.

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## Coleman, Valerie

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**From:** Smith, JoEllen  
**Sent:** Wednesday, October 07, 2009 8:07 AM  
**To:** Coleman, Valerie  
**Subject:** FW: Lima News 10-7-2009

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**From:** McCombs, Willard  
**Sent:** Wednesday, October 07, 2009 6:10 AM  
**To:** Williams, Jesse; Smith, JoEllen; Walburn, Julie  
**Subject:** Lima News 10-7-2009

# ALLEN CORRECTIONAL INSTITUTION

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## Guard fired again

### Man accused of bringing drugs into prison

By **GREG SOWINSKI**  
[gsowinski@limanews.com](mailto:gsowinski@limanews.com) 419-993-2090

LIMA — An Allen Correctional Institution guard accused of bringing drugs into the prison has been fired.

Elroy James, 62, was fired Saturday, said Dean McCombs, a spokesman for the prison. James was fired for various rule violations, including bringing an illegal substance into the prison, giving preferential treatment to an inmate, having an unauthorized relationship with an inmate, and engaging in a business relationship with an inmate, McCombs said.

James was placed on paid administrative leave June 10 until his termination, which was the third time in his career.

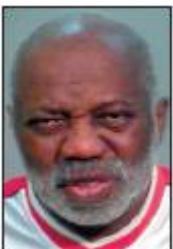
The discipline issued is separate from the ongoing criminal case against James, McCombs said.

James is charged with bringing drugs into the prison, a third-degree felony that carries up to five years in prison.

James began his career with the state prison system in 1994. He was fired Feb. 11, 1997, from Marion Correctional Institution but reinstated and transferred to ACI as part of a union settlement.

James was fired again Oct. 27, 1998, over allegations he smuggled drugs into ACI. State officials failed to charge him, saying there was insufficient evidence to make a case. James again was reinstated.

You can comment on this story at [www.limaohio.com](http://www.limaohio.com).



James



October 7, 2009

## Long sentence sends message: Don't

By *JESSICA CUFFMAN*  
*The Marion Star*

MARION - A former local basketball star pleaded guilty to a trafficking in crack cocaine charge and was sentenced to almost seven years in prison last week.

Lorenthea R. Jones, 27, formerly of 456 W. Columbia St., will serve six years for pleading to a reduced charge. She was indicted on a first-degree felony trafficking charge for trafficking in the presence of children. Jones amended her plea to a second-degree charge last week, Marion County Prosecuting Attorney Brent Yager said.

Two other third-degree felony counts of possession of crack cocaine and aggravated possession of drugs brought for ecstasy found in her home were dismissed.

Jones also was sentenced to another eight months in prison for a probation violation. In a 2006 case, she pleaded guilty to fourth-degree felony charges of trafficking in cocaine, according to court records.

She was sentenced to 17 months in prison but served less than two before being granted judicial release when she was placed on two years community controlled sanctions.

Through her probation, two violations were filed with the court and both times she was sentenced to halfway house programs. Her community controlled sanctions were extended by one year and were set to expire in 2010.

Then in August, MARMET Drug Task Force detectives executed a warrant at her home in a buy-bust operation, Yager said.

Detectives recovered 28.9 grams of crack cocaine and 21 ecstasy pills.

Jones was arrested after the Aug. 6 investigation and has been held at Multi-County Correctional Center on a \$50,000 bond until her sentencing. She will be transferred to the Ohio Reformatory for Women in Marysville to serve her time.

Yager said he was satisfied with the plea.

"There's been a little change in the paradigm," he said. "When her attorney came in to talk about it, he was asking three or four years."

But attorneys and defendants are started to understand the prosecutor's office is demanding longer sentences for drug dealers.

Coming to an agreement on the plea was a balance, Yager said.

"We want to send a message out that you're going to get longer sentences, but then I've got the

Department of Rehabilitation and Corrections telling me the prisons are overcrowded," he said.

"We want to send the message, don't come back here to sling your drugs."

Local attorney Thomas Mathews did not return a call seeking comment.

Jones was a 2000 Harding graduate who played basketball for Temple University.

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