

Lawsuit wants Tulsa pharmacy barred from providing execution drug

By DAVID HARPER World Staff Writer | Posted: Wednesday, February 12, 2014 12:00 am

A lawsuit filed Tuesday asks a federal judge to stop a Tulsa-area pharmacy from delivering compounded pentobarbital for use in a Missouri execution later this month.

Attorneys for Michael A. Taylor claim that "recent incidents demonstrate that use of compounded pentobarbital in Mr. Taylor's execution creates a very real and substantial risk that he will suffer severe, unnecessary lingering, and ultimately inhumane pain."

The lawsuit, filed in Tulsa federal court, seeks a temporary restraining order and preliminary injunction that would stop the use of the drug in Taylor's execution, which is scheduled for Feb. 26.

Taylor, 47, was condemned to death for the 1989 abduction, rape and fatal stabbing of a 15-year-old girl.

The lawsuit also asks that The Apothecary Shoppe the defendant be permanently enjoined from delivering the substance to the Missouri Department of Corrections for use in the execution of any other condemned person.

It asks that the court declare the pharmacy's delivery of compounded pentobarbital to the Missouri DOC for use in executions to constitute cruel and unusual punishment in violation of the Eighth and Fourteenth amendments of the U.S. Constitution.

The lawsuit was filed on behalf of Taylor by Tulsa attorney Paul DeMuro and Washington, D.C.-based lawyers with the firm Jenner & Block.

"We're asking the court to stop a practice that, in violation of the Constitution and our shared moral values, inflicts unnecessary, protracted, and inhumane pain during the execution process," DeMuro said in a statement released Tuesday evening.

In January, Oklahoma inmate Michael Lee Wilson said he felt his whole body burning after the drug was injected during his execution.

Citing state law, the Oklahoma Department of Corrections will not reveal the pharmacy that provides the pentobarbital that Oklahoma uses in executions.

But according to the lawsuit filed Tuesday evening, the Apothecary Shoppe has contracted with Missouri's DOC to produce and provide compounded pentobarbital as the lethal ingredient in the injection that is scheduled to be used to execute Taylor.

Missouri and other states for decades had used a three-drug execution method, but pharmaceutical companies in recent years stopped selling the drugs for use in executions. Missouri eventually switched to pentobarbital, a powerful sedative, which was used to execute two men there last year and another man last month.

The Apothecary Shoppe has two locations in Tulsa and one in Broken Arrow, according to its website.

An attempt to garner comment from the Apothecary Shoppe was routed to Sarah Lees, company executive vice president of Sales and Human Resources.

Lees said that even after she has the chance to review the lawsuit, she will not be able to comment on its specific allegations.

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