OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

April 11, 2014

Madeline Cohen
O. Dean Sanderford
ASST. FEDERAL PUBLIC DEFENDERS
OFFICE OF THE FEDERAL PUBLIC DEFENDER
DISTRICTS OF COLORADO AND WYOMING
633 17th Street, Suite 1000
Denver, CO 80202

Re: Executions of Clayton Lockett and Charles Warner

Dear Ms. Cohen and Mr. Sanderford:

It was a pleasure speaking with Mr. Sanderford earlier today and I received his email response stating why you think the date of acquisition of the execution drugs should be provided. As I explained to Mr. Sanderford, I was nearly done with a response to the April 7, 2014 letter when I received the April 10, 2014 letter. I thought it best to simply combine the responses into one letter though as opposed to several.

ODOC has recently acquired a manufactured source of vecuronium bromide. That means there will be no compounded drugs used in the executions of your clients. This will resolve the concerns you and your clients have expressed regarding compounded drugs.

In regards to the April 7, 2014 requests for information please note the following which are numbered identical to your questions for the sake of clarity:

1. We decline at this time to identify the manufacturer, distributor, and/or supplier of the manufactured midazolam intended for use in the execution of your clients. This information is irrelevant to your clients and disclosure could lead to harassment or intimidation which will have a chilling effect on the State's ability to acquire these drugs for future executions. We have previously provided information regarding the expiration date of the midazolam and

assured you the source is one approved by the FDA and that the drugs are intended for use in humans.

2. We decline at this time to identify the date ODOC acquired the midazolam intended for use in the execution of your clients for the same reasons identified in our response to question #1.

3. We decline at this time to identify the lot number(s) associated with the midazolam ODOC has acquired for use in the execution of your clients for the same reasons identified in our response to question #1.

4. There is no response necessary to question #4 due to the fact that no drugs will be compounded for the executions of your clients as explained in our response to question #1.

5. There were no experts directly consulted in connection with the development of ODOC's March 21, 2014 execution protocol, however, other protocols, relevant case law, and transcripts from other lethal injection challenges, including testimony from a recent challenge to Florida's protocol, were reviewed. *See*, attached transcripts.

6. Please also note that the manufactured vecuronium bromide which ODOC intends to use in the execution of your clients has an expiration date of August 2014. No additional information requested in your March 28, 2014 letter which has not already been disclosed is anticipated.

In response to the questions in your April 10, 2014 letter regarding drug concentrations versus what is stated in the protocol we are currently examining that issue and will not hesitate to update the protocol in the event any numbers were incorrectly expressed within it. I can verify, however, that all of the drugs ODOC has acquired for the executions of your clients are FDA approved products from an FDA approved manufacturer and are intended and approved for use in humans. Rest assured, you will be provided a copy of any revised protocols promptly upon implementation should that occur.

In the meantime, should you have any questions or concerns about this or any other matter please do not hesitate to contact me.

Sincerely,

John D. Hadden
Assistant Attorney General

cc: Mike Oakley
Warden Anita Trammell
Seth Day
Susanna Gattoni

Encl: *Howell v. State of Florida*, Appeal Case No. SC14167, Supreme Court of the State of Florida, Supplemental Record Vols. VII, VIII and IX.