

Office of the Governor
State of Louisiana

JOHN BEL EDWARDS
GOVERNOR



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July 19, 2018

The Honorable Jeff Landry
Attorney General
Post Office Box 94005
Baton Rouge, LA 70804

Dear Attorney General Landry:

I was surprised to hear media reports of a letter you purportedly sent to me about your decision to withdraw from a case pending in federal court regarding the implementation of the death penalty. After receiving this letter (again, from the media), I feel compelled to respond, as your letter contains several inaccurate statements and deliberately misrepresents the facts.

First, in the press release accompanying your letter, you state that you have attempted to work with me several times to try to resume executions in Louisiana. As you know, this is simply not true. Your office has not approached me or my office one time about this issue. If you had questions about my administration's approach to the death penalty, all you had to do was call me. Instead, you seem more concerned with issuing press releases and sending tweets than actually trying to find a resolution to an issue of profound importance in Louisiana that predates both of our terms in office.

Second, your objection to the strategy in this case is, at best, new-found. As a matter of fact, in May of 2016, Liz Murrill with your office filed a motion to extend the stay on executions in Louisiana through January 2018, writing that it would "be a waste of resources and time to litigate this matter at present time" (see attached). This stay was extended again in January without objection from your office. It seems only recently, like yesterday, that you have decided (without consultation with your clients – the state) that you have decided a different approach should have been taken in this matter. New-found interest seems to be a theme for you on this issue. For example, you did not participate when the death penalty was discussed at length in the 2017 and 2018 Regular Sessions of the Louisiana Legislature. Your office did not appear at any of the legislative hearings, nor did you register any formal opposition to any of the bills that would have outlawed the death penalty. I did not check your Twitter feed to see what thoughts you may have put out at the time, but when it came time for legislative action you were absent.

The death penalty is a serious and complicated issue in Louisiana (and around the rest of the country) and the families of victims are not well served by politicians who spout off about this issue without real solutions. Louisiana has not performed an execution since 2010 because of a legitimate problem with access to the drug protocol for lethal injection. As you can see from

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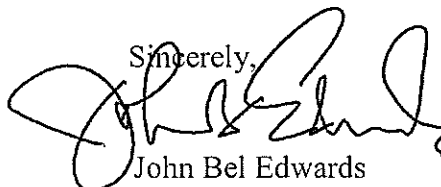
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the attached, in order to get any drugs from a wholesaler or manufacturer the state has to certify under penalty of perjury that none of the drugs will be used for executions. Despite many efforts, the state of Louisiana at this time is simply unable to obtain the drugs necessary to legally carry out an execution. This is not a problem unique to Louisiana. While you do correctly note that some other states have recently been able to obtain some drugs via various methods for execution, you fail to mention that the main reason for that is because those states are not required to disclose how those drugs are obtained. Louisiana law does not allow for this obtainment information to be concealed from the public.

You have indicated that since the state is not able to obtain the necessary drugs to perform an execution by lethal injection, you believe other methods should be considered, like firing squad or hanging. As I hope you know, those methods of execution are not allowed by Louisiana law. Despite the fact that you have been aware of this issue for your entire time in office, you have not made any attempts to propose legislation that would legalize any other means of execution. In a meeting last October attended by lawyers from your office and DOC, there was discussion about the possibility of seeking a legislative change to the execution protocol. In a follow up email to that meeting, Dale Lee of the East Baton Rouge District Attorney's office indicated that he would take the lead in pursuing legislation to allow for alternative forms of execution. That has not been done. In fact, no such legislation has been proposed in any of the last three legislative sessions.

You claim in your letter that the reason for your actions is your support for crime victims. I too support the victims of crime in this state and I pray that they may find peace and justice. However, you are not supporting the victims of crime by quitting a case that is attempting to solve the death penalty impasse and then taking to social media to try to score political points. That is using victims of crime - not supporting them. If you have real proposals or solutions that may be considered, I am open to discussing them with you. You have my cell number and can call me anytime. If you are as interested as you now say you are, I look forward to hearing from you.

Sincerely,



John Bel Edwards
Governor

cc: Louisiana Department of Corrections
Louisiana Sheriffs Association
Louisiana District Attorneys Association

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF LOUISIANA

JESSIE HOFFMAN, ET AL.

Plaintiff

CHRISTOPHER SEPULVADO

Intervenor

v.

BOBBY JINDAL, ET AL.

Defendants

Civil Action No. 12-796-JJB-EWD

**UNOPPOSED MOTION TO CONTINUE
STATUS CONFERENCE AND EXTEND STAY**

MAY IT PLEASE THE COURT:

NOW INTO COURT, through undersigned counsel, come Defendants, Louisiana Department of Public Safety and Corrections, James M. LeBlanc, Secretary of Louisiana Department of Public Safety and Corrections in his official capacity, Darrel Vannoy, Warden of Louisiana State Penitentiary in his official capacity, and James “Jimmy” Cruze, Jr., Assistant Warden of Louisiana State Penitentiary in his official capacity, (collectively “Defendants”) who move this Court to continue the status conference presently set for July 11, 2016, and, further, extend the stay and terms of Consent Orders (Rec. Docs. 178 and 188), for eighteen months or until January 8, 2018.

1.

In support of the motion, undersigned counsel represents the following:

2.

On May 20, 2016, a telephone status conference was held before the Honorable Magistrate Judge Erin Wilder-Doomes with all parties participating through counsel of record. (Rec. Doc. 195.)

3.

Counsel discussed the status of the case. (Rec. Doc. 195)

4.

The Court questioned counsel about the Consent Order entered on June 23, 2015, staying all proceedings in this matter through July 11, 2016, as well as imposing a stay of any executions of any Plaintiffs, and extending the temporary restraining order in effect with regard to the execution of Christopher Sepulvado. (Rec. Doc. 195).

5.

Counsel were in agreement that a continuance of the stay for another year was appropriate.

6.

In accordance with Magistrate Wilder-Doomes' order, undersigned counsel conferred with her clients and confirmed that they do not object to a stay.

7.

Undersigned counsel also conferred with counsel for the Plaintiffs, Michael Rubenstein, who agreed, on behalf of the Plaintiffs, that he does not object to a stay. Mr. Rubenstein further agreed that given that a twelve month stay would put all parties back in the position of dealing with a legislative session and possible conflicts resulting from same, it would be prudent to extend the stay for eighteen months or until approximately January 8, 2018.

Defendants request this continuance and extension of the stay because the facts and issues that are involved in this proceeding continue to be in a fluid state, meaning that it would be a waste of resources and time to litigate this matter at present time.

WHEREFORE Defendants pray that this Court continue the status conference set for July 11, 2016, and extend the stay and terms of the Consent Orders previously entered by this Court through January 8, 2018.

RESPECTFULLY SUBMITTED:

JEFF LANDRY
ATTORNEY GENERAL

BY: /s/Elizabeth Baker Murrill

ELIZABETH BAKER MURRILL (LBA #20685)
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Attorney for Defendants, Louisiana Department of Public Safety and Corrections, James M. LeBlanc, Secretary of Louisiana Department of Public Safety and Corrections in his official capacity, Darrel Vannoy, Warden of Louisiana State Penitentiary in his official capacity, and James "Jimmy" Cruze, Jr., Assistant Warden of Louisiana State Penitentiary in his official capacity

CERTIFICATE OF SERVICE

I do hereby certify that, on this 31st day of May 2016, the foregoing pleading was filed electronically with the Clerk of Court using the CM/ECF system which gives notice of filing to all counsel of record at the following email address:

Michael D. Rubenstein – mrubenstein@liskow.com
Cecelia Tenticosta Kappel – ceceliat@thejusticecenter.org
Mercedes Hardy Montagnes – mercedsm@thejusticecenter.org
Nicholas J. Tenticosta – nicktr@bellsouth.net
Letty S. DiGiulio – letty@lettydigiulio.com
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James L. Hilburn – jamesh@swllp.com
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Grant Guillot – grantg@scwllp.com

/s/Elizabeth Baker Murrill
Elizabeth Baker Murrill



CERTIFICATION

Under penalty of perjury, I, _____, a duly elected officer of _____ (“Purchaser”), hereby certify to Hospira, Inc., a Pfizer company, and to _____ (“Wholesaler”) that as an express condition to the purchase and receipt by our organization of the Hospira products known as Amidate(Etomidate), Atracurium Besylate Injection, Diazepam, Fentanyl, Potassium Acetate, Potassium Phosphates Injection, Pancuronium Bromide, Potassium Chloride, Propofol, Midazolam, Hydromorphone, Rocuronium Bromide and Vecuronium Bromide (collectively, the “Restricted Products”), that Purchaser is purchasing and using the Restricted Products solely for its own use for medically prescribed patient care for those patients who are in the custody of our organization and not for any penal purposes (e.g., lethal injection in the administration of capital punishment.)

I further certify that our organization and none of its subsidiaries or affiliated organizations administer capital punishment.

As such officer, I further certify that Purchaser has not and will not resell or otherwise provide or distribute the Restricted Products to any other purchaser, wholesaler, distributor, retailer or other re-seller, including Purchaser’s subsidiaries and affiliated organizations.

Hospira, Inc., a Pfizer company, and Wholesaler are expressly relying upon this certification in granting an exception to the Pfizer policy against selling the Restricted Products to correctional institutions so that Purchaser can purchase the Restricted Products for legitimate medical treatment of its patients. Hospira, a Pfizer company, retains the right to include any other products to the list as a Restricted Product upon notice to Purchaser.

Very truly yours,

Signature: _____

Name: _____

Title: _____

Date: _____



Purchasing Entity Name (as per pharmacy license): _____

Address: _____

DEA #: _____

State Pharmacy License #: _____

Servicing Wholesaler Name and City: _____

Please return this signed Certification to my attention at:
PICustomerServiceRestrictedProductRelease@pfizer.com.

We appreciate and thank you for your support of this important matter.