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Office of the

FEDERAL PUBLIC DEFENDER

Districts of Colorado and Wyoming

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March 28, 2014

Ms. Jennifer Dickson Assistant Attorney General jennifer.dickson@oag.ok.gov

Mr. Robert Whittaker Assistant Attorney General robert.whittaker@oag.ok.gov

Mr. John Hadden Assistant Attorney General john.hadden@oag.ok.gov

RE: Executions of Clayton Lockett and Charles Warner

Dear Ms. Dickson, Mr. Whittaker, and Mr. Hadden,

We are counsel for death row prisoners Clayton Lockett and Charles Warner. On March 17, 2014, the Office of the Attorney General represented that the Oklahoma Department of Corrections did not have the drugs necessary to carry out the executions of Mr. Lockett and Mr. Warner that were scheduled for March 20 and March 27, respectively. Based on that representation, the Oklahoma Court of Criminal Appeals rescheduled Mr. Lockett's execution for April 22, 2014, and Mr. Warner's for April 29.

On March 21, 2014, we received a copy of Oklahoma's new execution protocol, listing five possible drug combinations that the Department of Corrections may use to carry out lethal injection executions. On March 26, 2014, Oklahoma County District Judge Patricia Parrish ruled that the portion of 22 O.S. 2011 § 1015(B) prohibiting disclosure of the identity of execution-drug suppliers is unconstitutional.

In light of the newly released execution protocol and Judge Parrish's ruling, we are writing to request immediate disclosure of the following information:

- 1. Which of the five execution methods listed in the March 21, 2014 protocol will be used to execute Mr. Lockett and Mr. Warner.
- 2. Whether the Department of Corrections has acquired any and all drugs necessary to carry out the selected execution method(s).
- 3. The identity of the manufacturer, compounder, distributor, and/or supplier of each and every drug acquired for use in Mr. Lockett's and Mr. Warner's executions.
- 4. The exact quantity of each and every drug acquired or intended for use in Mr. Lockett's and Mr. Warner's executions.
- 5. The results of any testing performed by the manufacturer, compounder, distributor, supplier, and/or any laboratory, and/or by the Department of Corrections, on the Active Pharmaceutical Ingredient(s) for each and every drug acquired or intended for use in Mr. Lockett's or Mr. Warner's execution.
- 6. The results of any testing performed by the manufacturer, compounder, distributor, supplier, and/or any laboratory, and/or by the Department of Corrections, on the finished product of each and every drug acquired or intended for use in Mr. Lockett's or Mr. Warner's execution.
- 7. The identity of any other person or company who will participate in or supervise the execution of Mr. Lockett or Mr. Warner, or who has supplied or will supply any medical supplies or medical equipment for those executions.
- 8. The date on which each drug intended for use in Mr. Lockett's or Mr. Warner's execution was acquired, and the date on which each such drug entered the possession of the Department of Corrections.

- 9. The expiration date of each and every drug acquired or intended for use in Mr. Lockett's or Mr. Warner's execution.
- 10. The location and manner of storage for each and every drug acquired or intended for use in Mr. Lockett's or Mr. Warner's execution.

Please provide us with all requested information no later than 5:00 p.m. central time on Tuesday, April 1, 2014.

Sincerely,

Madeline S. Cohen

Assistant Federal Public Defender

Attorney for Charles Warner

O. Dean Sanderford

Assistant Federal Public Defender

Attorney for Clayton Lockett

cc: David Autry, Esq.

Lanita Henricksen, Esq.