

No. 14-16310  
**IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

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Joseph Rudolph Wood III, Plaintiff-Appellant,  
vs.  
Charles L. Ryan, et al., Defendants-Appellees.

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On Appeal from the United States District Court  
for the District of Arizona  
Case No. 2:14-cv-01447-NVW-JFM

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Excerpts of Record-Volume 2

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JON M. SANDS  
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Attorneys for Plaintiff-Appellant Joseph R. Wood

Plaintiff-Appellant Joseph Rudolph Wood III  
Excerpts of Record

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**VOLUME 1 (ERs 001-054):**

- ER 001: Notice of Preliminary Injunction Appeal, filed July 10, 2014 [United States District Court for the District of Arizona (“USDC”) ECF No.22]
- ER 003: Order Denying Petitioner’s Motion for Preliminary Injunction or Temporary Restraining Order, filed July 11, 2014 [USDC ECF No. 21]
- ER 018: Hearing Transcript for Motion for Preliminary Injunction, dated July 9, 2014

**VOLUME 2 (ERs 055-186):**

- ER 055: Affidavit of Charles L. Ryan, dated October 8, 2010 [USDC ECF No. 11-1, Ex. K, filed July 2, 2014]
- ER 057: Affidavit of Charles L. Ryan, dated December 6, 2010 [USDC ECF No. 11-1, Ex. H, filed July 2, 2014]
- ER 059: *West v. Brewer*, No. 11-cv-1409-NJW, Protective Order at 1, dated August 10, 2011 [USDC ECF No. 16-1, Ex. L, filed July 8, 2014]
- ER 064: Notice of Service of Defendants Rule 26 Disclosures and Responses to Plaintiffs First Request for Production, *West v. Brewer*, No. 2:11-cv-01409-NVW (D. Ariz.), filed August 24, 2011 [USDC ECF No. 11-1, Ex. J, filed July 2, 2014]

Attachments to Notice of Service:

- ER 067: Defs’ Disclosures, Bates No. 01973-01978 DFS’ 26(a)(1) Disclosures and Responses to RFP’s (Photographs of Nembutal Supply)

- ER 073: Defs' Disclosures, Bates No. 01985 DFS' 26(a)(1) Disclosures and Responses to RFPs (Nembutal® Purchase Order)
- ER 074: ADC Dep't Order 710, Execution Procedures, at Attach. D, § A(I)(III), dated September 21, 2012 [USDC ECF No. 11-1, Ex. I, filed July 2, 2014]
- ER 108: Letter from Jeffrey A. Zick, Chief Counsel, Capital Litigation Section of the Office of the Arizona Attorney General, to Julie S. Hall, Esq., dated April 22, 2014 [USDC ECF No. 11-1, Ex. A, filed July 2, 2014]
- ER 110: Letter from Dale A. Baich, Supervisor, Capital Habeas Unit of the Office of the Federal Public Defender for the District of Arizona, to Charles L. Ryan, Director, Arizona Department of Corrections, dated April 30, 2014 [USDC ECF No. 11-1, Ex. B, filed July 2, 2014]
- ER 115: Letter from Charles L. Ryan, Director, Arizona Department of Corrections, to Dale A. Baich, Supervisor, Capital Habeas Unit of the Office of the Federal Public Defender for the District of Arizona, dated May 6, 2014 [USDC ECF No. 11-1, Ex. F, filed July 2, 2014]
- ER 117: Letter from Dale A. Baich, Supervisor, Capital Habeas Unit of the Office of the Federal Public Defender for the District of Arizona, to Charles L. Ryan, Director, Arizona Department of Corrections, dated May 9, 2014 [USDC ECF No. 11-1, Ex. C, filed July 2, 2014]
- ER 123: Letter from Dale A. Baich, Supervisor, Capital Habeas Unit of the Office of the Federal Public Defender for the District of Arizona, to Charles L. Ryan, Director, Arizona Department of Corrections, dated May 15, 2014 [USDC ECF No. 11-1, Ex. D, filed July 2, 2014]
- ER 128: Letter from Dale A. Baich, Supervisor, Capital Habeas Unit of the Office of the Federal Public Defender for the District of Arizona, to Charles L. Ryan, Director, Arizona Department of Corrections, dated May 15, 2014 [USDC ECF No. 11-1, Ex. E, filed July 2, 2014]
- ER 132: Letter from Charles L. Ryan, Director, Arizona Department of Corrections, to Dale A. Baich, Supervisor, Capital Habeas Unit of the

Office of the Federal Public Defender for the District of Arizona,  
dated June 6, 2014 [USDC ECF No. 11-1, Ex. G, filed July 2, 2014]

Attachments to Letter (redacted):

- ER 135: Arizona Department of Corrections, Request for Purchase/Purchase Order (Hydromorphone and Midazolam), January 13, 2014
- ER 136: Arizona Department of Corrections, Invoice (Midazolam), January 13, 2014
- ER 137: Arizona Department of Corrections, Pick Ticket (Midazolam), January 10, 2014
- ER 138: Arizona Department of Corrections, Invoice (Hydromorphone), January 13, 2014
- ER 139: Arizona Department of Corrections, Pick Ticket (Hydromorphone), January 13, 2014
- ER 140: Arizona Department of Corrections, Invoice (Midazolam), January 17, 2014
- ER 141: Arizona Department of Corrections, Request for Purchase/Purchase Order (Hydromorphone and Midazolam), April 14, 2014
- ER 142: Arizona Department of Corrections, Invoice (Midazolam), April 21, 2014
- ER 143: Arizona Department of Corrections, Pick Ticket (Midazolam), January 17, 2014
- ER 144: Arizona Department of Corrections, Request for Purchase/Purchase Order (Heparin), April 5, 2012
- ER 145: Arizona Department of Corrections, Invoice (Heparin), April 6, 2012

- ER 146: Arizona Department of Corrections, Unidentified document (Heparin), April 5, 2012
- ER 147: Arizona Department of Corrections, Request for Purchase/Purchase Order (Heparin), November 13, 2012
- ER 148: Arizona Department of Corrections, Invoice (Heparin), May 20, 2013
- ER 149: Arizona Department of Corrections, Unidentified document (Heparin), November 26, 2012
- ER 150: Arizona Department of Corrections, Request for Purchase/Purchase Order (Heparin), November 13, 2012
- ER 151: Arizona Department of Corrections, Invoice (Heparin), December 6, 2012
- ER 152: Arizona Department of Corrections, Invoice (Heparin), November 27, 2012
- ER 153: Correspondence between officials with the Arizona Department of Corrections and Oklahoma Department of Corrections
- ER 173: Correspondence regarding request for records
- ER 178: Letter from Charles Ryan, Director, Arizona Department of Corrections, to Joseph Rudolph Wood, dated June 25, 2014 [USDC ECF No. 16-1, Ex. M, filed July 8, 2014]
- ER 180: USDC Docket

# Exhibit K

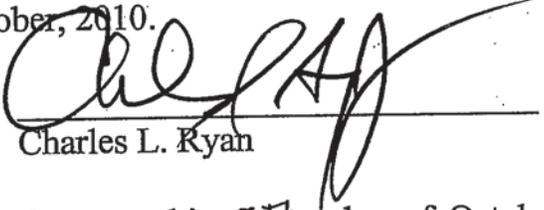
1 STATE OF ARIZONA )  
2 COUNTY OF MARICOPA ) ss. AFFIDAVIT OF CHARLES L. RYAN

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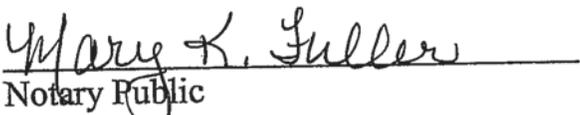
I, Charles L. Ryan, declare under penalty of perjury, the following to be true and accurate to the best of my belief:

- 1. I am currently the Director of the Arizona Department of Corrections (ADC). I was appointed to this position by Governor Janice K. Brewer.
- 2. I am familiar with the Departments execution protocols—Department Order 710 and Attachment F, the administration of chemicals.
- 3. The Department has lawfully obtained the necessary chemicals under its current written protocol—sodium thiopental, pancuronium bromide, and potassium chloride—in sufficient quantity for an execution.
- 4. The Department of Corrections intends to follow the current protocol as written with respect to the upcoming scheduled execution on October 26, 2010, 10:00 a.m.

DATED this 8<sup>th</sup> day of October, 2010.

  
Charles L. Ryan

SUBSCRIBED AND SWORN to before me this 8<sup>th</sup> day of October, 2010.

  
Notary Public

My Commission expires: August 21, 2013



# Exhibit H

1 STATE OF ARIZONA )  
2 COUNTY OF MARICOPA ) ss. **AFFIDAVIT OF CHARLES L. RYAN**

3  
4 I, Charles L. Ryan, declare under penalty of perjury, the following to be true  
5 and accurate to the best of my belief:

- 6 1. I am currently the Director of the Arizona Department of Corrections  
7 (ADC). I was appointed to this position by Governor Janice K. Brewer.
- 8 2. I am familiar with the Department's execution protocols—Department Order  
9 710 and Attachment F, the preparation and administration of chemicals.
- 10 3. The Department has lawfully obtained the necessary chemicals under its  
11 current written protocol—sodium thiopental, pancuronium bromide, and  
12 potassium chloride—in sufficient quantity for an execution.
- 13 4. The sodium thiopental was obtained through Dream Pharma, Ltd., a  
14 pharmaceutical supplier in the United Kingdom.
- 15 5. The Department avows that the process of shipping and receiving the  
16 chemicals was cleared and approved by United States Customs and Food  
17 and Drug Administration ("FDA") officials. See Attachment.
- 18 6. The Department is properly licensed by the Drug Enforcement  
19 Administration to receive sodium thiopental, a Schedule 2 drug.
- 20 7. The Department of Corrections intends to follow the current protocol as  
21 written with respect to upcoming scheduled executions.

22 DATED this 6<sup>th</sup> day of December, 2010

  
Charles L. Ryan

23  
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25 SUBSCRIBED AND SWORN to before me this 6<sup>th</sup> day of December,  
26 2010.

27   
28 Notary Public

My Commission expires: Aug. 21, 2013



# Exhibit L

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Thomas Paul West, et al.,	)	No. CV-11-01409-PHX-NVW
Plaintiffs,	)	<b>PROTECTIVE ORDER</b>
vs.	)	
Janice K. Brewer, et al.,	)	
Defendants.	)	

---

IT IS HEREBY ORDERED that any depositions of medical team members or special operations team members will take place pursuant to the following Protective Order:

1. “Confidential Information”

1.1 As used throughout this Protective Order, the phrase “Confidential Information” shall mean information sufficient to determine “the identity of executioners and other persons who participate or perform ancillary functions in an execution,” as that information is defined and protected under A.R.S. 13-704(c).

1.2 Counsel for defendants shall be responsible for designating as Confidential any such information contained in the Deposition transcripts.

1.3 Confidential Information will be designated by counsel for defendants by submitting to counsel plaintiffs, within ten (10) days following the Deposition in which

1 such information was disclosed, a proposed redacted copy of any pages of the Deposition  
2 transcript containing such information. Notwithstanding this requirement, the failure to  
3 designate Confidential Information shall not be deemed a waiver of the protections of the  
4 Protective Order. However, those individuals authorized to review the Deposition  
5 transcripts under this Protective Order (as described below, in paragraph 4) shall not be  
6 liable for inadvertent disclosure of Confidential Information if such information has not  
7 been properly designated.

8       1.4 If, after counsel for plaintiffs receive information designated pursuant to the  
9 provisions of paragraph 1.3 of this Protective Order, it appears to counsel for plaintiffs  
10 that any proposed redacted information is not, in fact, Confidential Information,  
11 plaintiffs' counsel shall first notify counsel of record for defendants in writing. If the  
12 parties are unable to reach an agreement as to whether the information should be treated  
13 as Confidential under the terms of this Protective Order, plaintiffs' counsel may then or  
14 thereafter submit the matter for decision by the Court. Counsel for defendants shall bear  
15 the burden of proving that the designated information constitutes Confidential  
16 Information. Plaintiffs, however, shall not be obligated to challenge the propriety of any  
17 designation by Defendants, and a failure to do so shall not constitute a waiver or in any  
18 way preclude a subsequent challenge of the propriety of such designations.

19       2.     Names of Deponents

20             The names of the medical team members and special operations members  
21 shall not be revealed in connection with the litigation of this lawsuit to anyone other than  
22 counsel for defendants, counsel for plaintiffs, one (1) staff investigator and one (1)  
23 paralegal employed by the Federal Public Defender's office. Counsel for defendants and  
24 counsel for plaintiffs will agree upon a generic identifier to be used when referring to or  
25 addressing the aforementioned individuals. Such identifier will include only the person's  
26 title, such as "medical team leader" or "IV team member #1."

1           3.     Videotapes of Depositions

2           The Depositions may be videotaped. No videotape may be disseminated  
3 in any form, although the videotapes may be used by counsel at trial.

4           3.1    Initially, the videotapes of the depositions will be given only to counsel for  
5 defendants, who shall maintain custody of the video tapes until such time as the parties  
6 enter into a separate agreement or pre-trial order governing the use of the videotapes by  
7 counsel for plaintiffs in pre-trial preparations and during trial.

8           3.2    Upon conclusion of the litigation of this case, including any appeals, any  
9 videotapes will be returned to counsel for defendants or destroyed.

10          4.     Transcripts of the Depositions

11          Transcripts of the Depositions will not be made available to plaintiffs  
12 Gregory Dickens, Charles M. Hedlund, Robert Wayne Murray, Theodore Washington, and  
13 Todd Smith. Nor will plaintiffs' counsel disclose to plaintiffs Confidential Information.  
14 Confidential Information obtained in the Depositions will not be disclosed to anyone other  
15 than counsel for the parties and counsel's employees, only insofar as is necessary for  
16 purposes of this litigation. Confidential Information will only be shared with outside  
17 consultants and experts retained by the parties to assist counsel specifically for the  
18 purposed of this litigation, to the extent necessary for such experts to prepare a written  
19 opinion, prepare to testify, or to assist counsel.

20          5.     Filing of Documents Containing Confidential Information with the Court

21          Counsel for either plaintiffs or defendants may file with the Court documents  
22 containing Confidential Information.

23          5.1    Any document filed with the Court that contains Confidential  
24 Information shall be filed under seal. Such documents may be filed using the ECF system  
25 without filing a separate motion to file under seal, so long as the inclusion of Confidential  
26 Information is the only reason for filing the document under seal. If the filing party seeks  
27 to seal the document on other grounds, a separate motion to seal must be filed.  
28



# Exhibit J

1 THOMAS C. HORNE  
ATTORNEY GENERAL  
2 (FIRM STATE BAR No. 14000)

3 JEFFREY A. ZICK  
ASSISTANT ATTORNEY GENERAL  
CAPITAL LITIGATION SECTION  
4 1275 W. WASHINGTON  
PHOENIX, ARIZONA 85007-2997  
5 TELEPHONE: (602) 542-4686  
(STATE BAR NUMBER 018712)  
6 E-MAIL: CADocket@azag.gov  
ATTORNEYS FOR DEFENDANTS

7  
8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF ARIZONA**

10 Thomas Paul West, et.al.,

11 Plaintiffs,

12 -vs-

14 Janice K. Brewer, et al.,

15 Defendants.

No. CV-11-01409-PHX-NVW

NOTICE OF SERVICE OF  
DEFENDANTS RULE 26  
DISCLOSURES AND  
RESPONSES TO PLAINTIFFS  
FIRST REQUEST FOR  
PRODUCTION

16  
17 Defendants hereby give notice that they have provided the following  
18 disclosures and responses to Plaintiffs’ First Request for Production to Plaintiffs’  
19 Counsel as follows.

20 On August 19, 2011, Defendants hand-delivered Defendants’ Rule 26(a)(1)  
21 Disclosures and Responses to Plaintiffs’ First Request for Production. These  
22 documents are Bates stamped numbers 1-2450. Additionally, on August 19, 2011,  
23 Defendants hand-delivered Defendants’ CONFIDENTIAL Rule 26(a)(1)  
24 Disclosures and Responses to Plaintiffs’ First Request for Production. These  
25 documents are Bates stamped numbers 1-2.

26 On August 24, 2011, Defendants hand-delivered the second portion of  
27 Defendants’ Rule 26(a)(1) Disclosures and Responses to Plaintiffs’ First Request  
28 for Production. These documents are Bates stamped numbers 2451-3260.

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DATED this 24th day of August, 2011.

RESPECTFULLY SUBMITTED,  
THOMAS C. HORNE  
ATTORNEY GENERAL

s/\_\_\_\_\_  
JEFFREY A. ZICK  
ASSISTANT ATTORNEY GENERAL  
ATTORNEY FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on August 24, 2011, I electronically transmitted the foregoing Notice of Service of Initial Rule 26(a)(1) Disclosure to the Clerk's office using the CM/ECF System for filing.

Participants in the case are registered CM/ECF users and service will be accomplished by the CM/ECF system.

JON M. SANDS  
Federal Public Defender  
DALE A. BAICH  
ROBIN KONRAD  
CARY SANDMAN  
Assistant Federal Public Defenders  
850 West Adams Street  
Phoenix, Arizona 85007

Attorneys for Plaintiffs

s/\_\_\_\_\_  
JEFFREY A. ZICK

2272214

NDC 67386-501-55

50 mL  
Sterile Solution

**Nembutal<sup>®</sup>**  
**Sodium Solution**  
(pentobarbital sodium  
injection, USP)

**50 mg/mL** **Ⓢ**

For Intravenous or Intramuscular Use.  
Multiple-dose Vial. LATEX-FREE.  
Caution: This solution is not  
suitable for subcutaneous  
administration.

**Rx only**

*Lundbeck*



**Lundbeck Inc.**  
**Deerfield, IL 60015, U.S.A.**

AD22-C  
2 3:22PM

Each mL contains:

- Pentobarbital Sodium, derivative of  
barbituric acid..... 50 mg
- Propylene Glycol ..... 40%
- Alcohol..... 10%
- Water for Injection..... q.s.

pH adjusted with hydrochloric acid  
and/or sodium hydroxide.

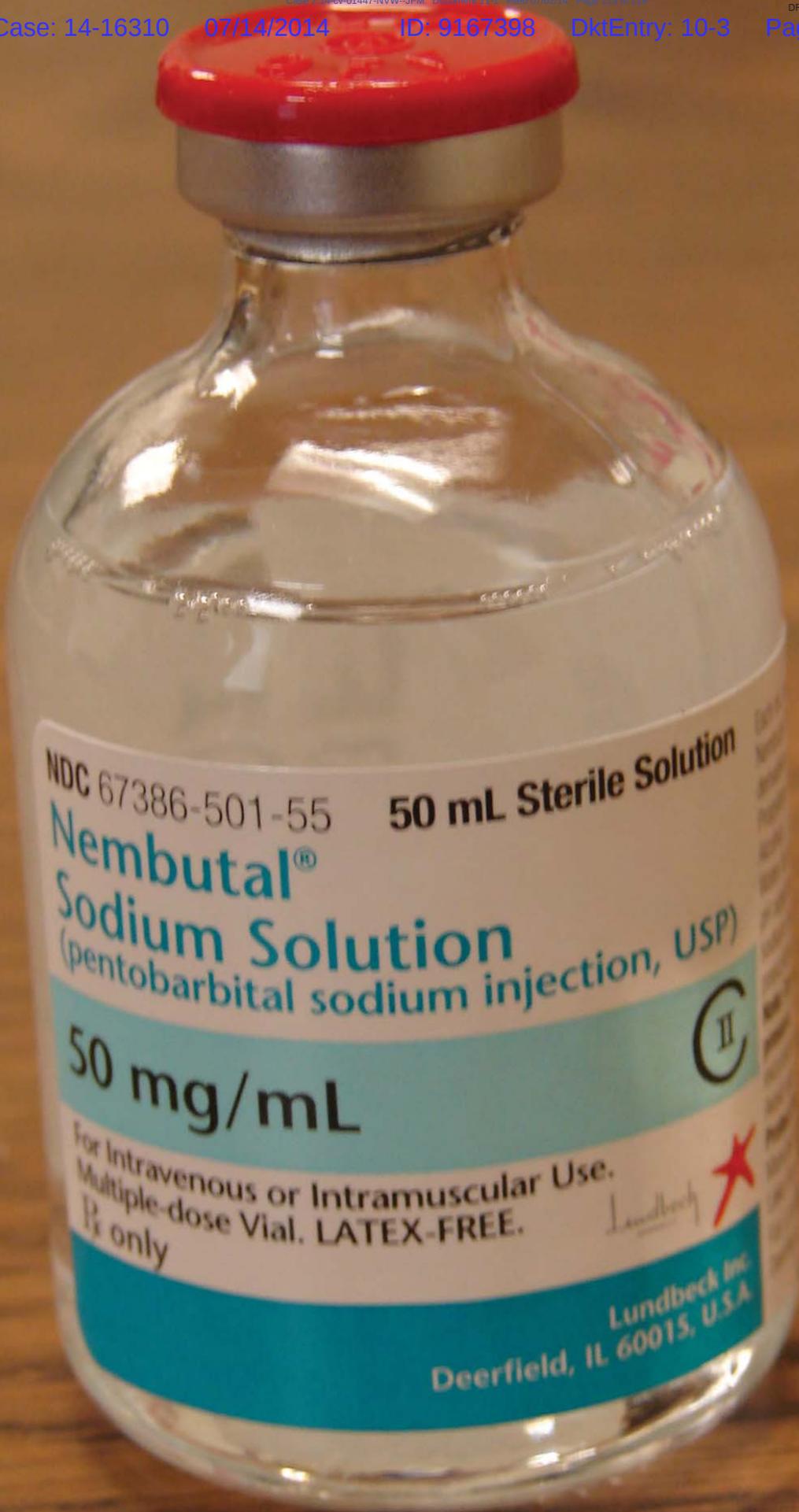
See enclosure for prescribing  
information.

Manufactured by: Hospira, Inc.  
Lake Forest, IL 60045, U.S.A.

For: Lundbeck Inc.  
Deerfield, IL 60015, U.S.A.

LNB50C-01

MAD22:G  
2 3:22PM



NDC 67386-501-55 50 mL Sterile Solution

**Nembutal<sup>®</sup>**  
**Sodium Solution**  
(pentobarbital sodium injection, USP)

**50 mg/mL**



For Intravenous or Intramuscular Use.  
Multiple-dose Vial. LATEX-FREE.  
Rx only



**Lundbeck Inc.**  
Deerfield, IL 60015, U.S.A.

WPEC-2 2 3:23PM

NDC 67386-501-55 50 mL Sterile Solution

**Nembutal<sup>®</sup>**  
**Sodium Solution**  
(pentobarbital sodium injection, USP)

**50 mg/mL**

For Intravenous or Intramuscular Use.  
Multiple-dose Vial. LATEX-FREE.  
Rx only

Deerfield, IL 60015

2 3:24PM

Each mL contains:

- Nembutal Sodium (Pentobarbital Sodium, derivative of barbituric acid) ..... 50 mg
- Propylene Glycol..... 40%
- Alcohol..... 10%
- Water for Injection ..... q.s.

pH adjusted with hydrochloric acid and/or sodium hydroxide. See enclosure for prescribing information.

**Note: Do not use if precipitate is present.** Store at 20-25°C (68-77°F); excursions permitted 15-30°C (59-86°F).

Avoid excessive heat.

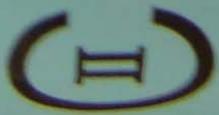
**Protect from freezing.**

Manufactured by: Hospira, Inc.  
Lake Forest, IL 60045, U.S.A.

For: Lundbeck Inc.  
Deerfield, IL 60015, U.S.A.

Solution

(USP)



Lundbeck Inc.  
60015, U.S.A.



2 3:24PM

Enclosures & Responses to RFP's 01978

LOT 870653F  
EXP MAR 2013

Filed 07/02/14 Page 116 of 119

LOT 870653F  
EXP MAR 2013

Document 11-1

LOT 870653F  
EXP MAR 2013

Case 2:14-cv-01447-NWW--JFM

LOT 870653F  
EXP MAR 2013

ARIZONA DEPARTMENT OF CORRECTIONS

Request for Purchase / Purchase Order

Purchase Order Number  
 [Redacted]

RFP Number 50065	Activity Manager and Date* <i>[Signature]</i>	AZ Contract Number mmCAP
Budget Unit ASPC-F BUSINESS OFFICE	Budget Group Authority and Date* <i>[Signature]</i> 9/29/10	Purchasing and Date*
Date Prepared 9/27/2010	Index 06604	PCA
Requestor and Phone* Kurt Meyer 520-868-4011 x 6008	Compt Obj 7351	Accounting and Date* 072 10/16/10
		Vendor Number and Mail Code 13114705446002

Vendor [Redacted]	Ship To ASPC-Florence 1305 E. Butte Ave Florence, AZ 85132 Attn and M/C Complex Warehouse	Bill To ASPC-F A/P P.O. BOX 629 Florence, AZ 85132 Customer Number 163348
Phone Number [Redacted]		

Line No.	Qty	Unit	Commodity No.	Description	Unit Price	Extended Price
1	30	ea	3535838	Nembutal Sod 50mg/ml 50ml	\$752.50	\$22,575.00

Delivery Required	Terms**	FOB	Subtotal	\$22,575.00
Received [Redacted]	received except as noted above. 9/28/10		Tax	
			Freight	
			Total	\$22,575.00

\* Requires [Redacted]  
 - Signature must be on file with Financial Services Bureau as authorized to sign RFP  
 + Signature must be on file with the Financial Services Bureau as authorized to sign encumbrances/purchase orders  
 \*\* See reverse side for State of Arizona Purchase Order Terms and Conditions

Authorized Agent and Date\*+  
 [Redacted]

# Exhibit I

 <p>ARIZONA DEPARTMENT OF CORRECTIONS</p> <p>DEPARTMENT ORDER MANUAL</p>	<p>CHAPTER: 700 OPERATIONAL SECURITY</p>	<p>OPR: OPS</p>
	<p>DEPARTMENT ORDER: 710 <i>EXECUTION PROCEDURES</i></p>	<p>SUPERSEDES: DO 710 (01/25/12)</p>
		<p>EFFECTIVE DATE: SEPTEMBER 21, 2012</p>
		<p>REPLACEMENT PAGE EFFECTIVE DATE: MARCH 26, 2014</p>

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## PURPOSE

This Department Order establishes procedures for planning and carrying out the execution of a person convicted of a capital offense and sentenced to death. These procedures shall be followed as written unless deviation or adjustment is required, as determined by the Director of the Arizona Department of Corrections (Department). This Department Order outlines internal procedures and does not create any legally enforceable rights or obligations.

## RESPONSIBILITY

The Department ensures the execution of a person sentenced to death under State law by a court of competent authority and jurisdiction is carried out in keeping with statute, case law and professional practices.

The Department shall make every effort in the planning and preparation of an execution to ensure the execution process:

- Faithfully adheres to constitutional mandates against cruel and unusual punishment.
- Is handled in a manner that minimizes its impact on the safety, security and operational integrity of the prison and the community in which it occurs.
- Accommodates the public's right to obtain certain information concerning the execution.
- Reasonably addresses the privacy interests of persons as provided by law.
- Provides contingency planning to identify and address unforeseen problems.
- Allows for stays of execution, commutations and other exigencies up to the time that the sentence is imposed.
- Provides opportunity for citizens to exercise their First Amendment rights to demonstrate for or against capital punishment in a lawful manner.
- Ensures there is an appropriate response to unlawful civil disobedience, trespass and other violations of the law by any person attempting to impact the execution or the operation of the prison.

The Department shall detain, seek the arrest and encourage prosecution of persons whose conduct includes:

- Violating prohibitions against filming, taping, broadcasting or otherwise electronically documenting the execution of the inmate.
- Trespassing and otherwise entering upon Department property without authorization.
- Participating in unlawful demonstrations or unlawfully attempting to disrupt, prevent and otherwise interfere with the execution.
- Unlawfully threatening, intimidating and otherwise attempting to influence authorized persons involved in the execution process.
- These prohibitions apply to the inmate population as well as department personnel and members of the general public engaging or attempting to engage in disruptive and other prohibited behaviors.

Participating staff shall adhere to the Department's Code of Ethics and Guided Principles, evidencing:

- Appropriate levels of professionalism, restraint and courtesy when interacting with witnesses, demonstrators, attorneys, news media, state and local law enforcement and any other member of the public directly and indirectly involved with the imposition of the sentence of death.
- All assigned duties are performed proficiently and professionally.
- Their ability to exercise the option to withdraw from the process by the prescribed means at any time.
- Conduct that appropriately reflects the solemnity of the activities in which they elect to engage and the duties they choose to perform.

- Reserving public comment on any and all facets of the execution except as expressly provided in Department Order #201, Information Release.
- Any Department employee who learns of identifying information regarding any person who participates in or performs any function of an execution must keep that information confidential.

#### **IMPORTANT GUIDELINES REGARDING CONFIDENTIALITY AND VOLUNTARINESS OF PARTICIPATION IN AN EXECUTION:**

- The anonymity of any person, as defined in A.R.S. 1-215(28) and A.R.S. 13-105(30), who participates in or performs any ancillary function(s) in the execution, including the source of the execution chemicals, and any information contained in records that would identify those persons are, as required by statute, to remain confidential and are not subject to disclosure. A.R.S. 13-757 (C).
- All team members serve on a strictly voluntary basis. At any point before, during or after an execution any team member may decline to participate or participate further without additional notice and explanation or repercussion.
- The Division Director for Offender Operations shall ensure all team members understand and comply with the provisions contained herein.

## **PROCEDURES**

### **710.01 COMPLEX AND DIRECTOR'S OFFICE RESPONSIBILITIES UPON RECEIPT OF WARRANT OF EXECUTION**

- 1.1 Upon receipt of the Warrant of Execution from the Attorney General's Office:
  - 1.1.1 General Counsel shall:
    - 1.1.1.1 Notify the Director, Division Director for Offender Operations, the Wardens of ASPC-Florence and ASPC-Eyman or ASPC-Perryville, and the Media and Public Relations Office.
    - 1.1.1.2 Forward the original Warrant of Execution to the Warden of ASPC-Florence;
    - 1.1.1.3 Forward copies of the original Warrant of Execution to the Warden of ASPC-Eyman or ASPC-Perryville;
    - 1.1.1.4 Notify the Victim Services Team Leader, who shall contact the victim(s) and inform them of the court's issuance of the Warrant of Execution.
  - 1.1.2 The Director shall:
    - 1.1.2.1 Select the time of execution and provide notice to the Arizona Supreme Court and the parties at least 20 calendar days prior to the execution date. (Arizona Rules of Criminal Procedures, Rule 31.17(c)(3)).
    - 1.1.2.2 Notify the inmate that if the offense was committed prior to November 23, 1992, he shall choose in writing either lethal injection or lethal gas. If the inmate fails to choose either lethal injection or lethal gas, the penalty of death shall be inflicted by lethal injection (A.R.S. 13-757 (B)).

- 1.1.2.3 Have the authority, under exigent circumstances, to change the timeframes established in this Department Order.
- 1.1.3 The ASPC-Eyman or ASPC-Perryville Warden shall:
  - 1.1.3.1 Direct the inmate to submit the Inmate Witness and Notification Information, Form 710-2, to the Warden no later than 14 days prior to the scheduled execution date.
    - 1.1.3.1.1 Inform the inmate that two clergy and five other persons may be invited to be present at the execution.
    - 1.1.3.1.2 Notify the inmate that minors are prohibited from witnessing the execution pursuant to A.R.S. 13-758.
    - 1.1.3.1.3 Notify the inmate that requests for Department or contract staff to attend the execution shall be denied.
    - 1.1.3.1.4 Notify the inmate that requests for other inmates to attend the execution shall be denied.
  - 1.1.3.2 Direct the inmate to review and update as necessary the Notification in Case of Accident, Serious Illness or Death and Disposition of Property, Form 711-1. The Warden shall direct the inmate to provide any changes no later than 14 days prior to the execution. If the inmate provides no instruction, the property and accounts shall be disposed in accordance with Department Order #711, Notification of Inmate Hospitalization or Death.
  - 1.1.3.3 Advise the inmate that his/her body shall not be used for organ donation.
  - 1.1.3.4 Summarize the options available with the inmate for release and disposition of their body after the autopsy is performed. The Warden shall direct the inmate to review the previously completed Disposition of Remains, Form 710-3, and update as necessary no later than 14 days prior to the execution. If the inmate provides no information or the information is insufficient or incorrect the deceased shall be disposed in accordance with Department Order #711, Notification of Inmate Hospitalization or Death.
  - 1.1.3.5 Advise the inmate he may request a last meal by completing the Last Meal Request, Form 710-5, and returning it no later than 14 days prior to the execution. Reasonable effort shall be made to accommodate the request.

**710.02 EXECUTION TEAM MEMBERS**

- 1.1 The Division Director for Offender Operations shall:
  - 1.1.1 Establish a training schedule and identify dates for periodic on-site practice by the Housing Unit 9 Section Teams, to include 10 training scenarios within the 12 months preceding the scheduled execution.
  - 1.1.2 Conduct a minimum of two training sessions with multiple scenarios 2 days prior to the scheduled execution. The IV Team members shall participate in at least one training session with multiple scenarios within one day prior to the scheduled execution.
    - 1.1.2.1 All training sessions shall be documented and be included as part of a permanent record created by the ASPC-Florence Warden to be submitted to the Department's General Counsel for archive, post execution.
  - 1.1.3 Ensure periodic testing of all of the equipment in Housing Unit 9 occurs, affirming electrical, plumbing, heating and air conditioning units are in working order and the gas chamber is maintained.
- 1.2 The Division Director for Offender Operations provides for the planning and overall direction of all pre-execution, execution and post-execution activities. The Division Director coordinates the activities of the Southern and Northern Regional Operations Directors (SROD and NROD) and the ASPC-Eyman or ASPC-Perryville and ASPC-Florence Wardens who activate the following teams and oversee their activities, specifically:
  - 1.2.1 Command
    - 1.2.1.1 Consists of a minimum of three team members:
      - 1.2.1.1.1 Commander.
      - 1.2.1.1.2 Recorder.
      - 1.2.1.1.3 Telephone operator.
      - 1.2.1.1.4 Others as necessary.
    - 1.2.1.2 Team members are selected by the Division Director for Offender Operations with the documented approval of the Director.
    - 1.2.1.3 Its team leader is selected by the Division Director for Offender Operations.
    - 1.2.1.4 Primary function of Command is the overall coordination of execution procedures.

- 1.2.2 Housing Unit 9 Section
  - 1.2.2.1 Consists of a section leader and two teams:
    - 1.2.2.1.1 Restraint Team.
    - 1.2.2.1.2 Special Operations Team.
  - 1.2.2.2 Team leaders are selected by the Division Director for Offender Operations with the documented approval of the Director.
  - 1.2.2.3 The section leader is the ASPC-Florence Warden.
  - 1.2.2.4 Primary function of the section leader is the overall coordination of activities of the Restraint Team and the Special Operations Team to ensure compliance with conditions of confinement and application of approved procedures.
- 1.2.3 Restraint Team
  - 1.2.3.1 Consists of seven team members divided into two teams of three and one team leader.
  - 1.2.3.2 Its team members and the team leader are selected by the Division Director for Offender Operations with the documented approval of the Director.
  - 1.2.3.3 Primary function of the Restraint Team is to provide continuous observation of the inmate on the day of the execution and apply appropriate restraint procedures and inmate management prior to, during and after the execution.
- 1.2.4 Special Operations Team
  - 1.2.4.1 Consists of a minimum of five team members:
    - 1.2.4.1.1 Team Leader.
    - 1.2.4.1.2 Recorder.
    - 1.2.4.1.3 Three additional team members.
  - 1.2.4.2 Its team members and team leader are selected by the Division Director for Offender Operations with the documented approval of the Director.
  - 1.2.4.3 The Special Operations Team Leader shall designate functions of the other team members, including the selection of a member to observe the procedure and serve as the Recorder.

- 1.2.4.4 Primary function of the Special Operations Team is to implement the protocols associated with the execution with its primary duty being the administration of the chemicals, and additionally mixing the chemicals under the direct supervision of the IV Team Leader.
- 1.2.5 Intravenous Team Members (IV Team)
- 1.2.5.1 The IV Team will consist of any two or more of the following: physician(s), physician assistant(s), nurse(s), emergency medical technician(s) (EMT's), paramedic(s), military corpsman or other certified or licensed personnel including those trained in the United States Military. All team members shall be currently certified or licensed within the United States to place IV lines.
- 1.2.5.2 The IV Team members shall be selected by the Director. Selection of any team member shall include a review of the proposed team member's qualifications, training, experience, and/or any professional license(s) and certification(s) they may hold. Licensing and criminal history reviews shall be conducted, by the Inspector General's Office prior to assigning or retaining any IV Team member and upon the issuance of a Warrant of Execution.
- 1.2.5.3 The Director shall designate the IV Team Leader. The Division Director for Offender Operations shall ensure all team members thoroughly understand all provisions contained herein as written and by practice.
- 1.2.5.4 The IV Team shall be responsible for inserting either peripheral IV catheters or a central femoral line as determined by the Director acting upon the recommendation of the IV Team Leader. The IV Team Leader shall ensure all lines are functioning properly throughout the procedure, supervise the Special Operations team in the mixing of the chemicals, preparing the syringes, and monitoring the inmate (including the level of consciousness and establishing the time of death). The IV Team Leader shall supervise the administration of the chemicals. A central femoral venous line will not be used unless the person placing the line is currently certified or licensed within the United States to place a central femoral line.
- 1.2.5.5 IV Team members shall only be required to participate in the training sessions scheduled for one day prior to the actual execution.
- 1.2.5.6 Documentation of IV Team members' qualifications, including training of the team members, shall be maintained by the Department Director or his designee.

- 1.2.6 Maintenance Response Team (MRT)
  - 1.2.6.1 Consists of three team members and a team leader, and reports to Command.
  - 1.2.6.2 Team members are selected by the ASPC-Florence Warden.
  - 1.2.6.3 Primary function of MRT is to test all Housing Unit 9 equipment utilized to impose the sentence of death and to ensure electrical, plumbing, heating and air conditioning units are in working order.
  
- 1.2.7 Critical Incident Response Team (CIRT)
  - 1.2.7.1 Consists of three team members and a team leader, and reports to Command.
  - 1.2.7.2 The leader is the Employee Relations Administrator or designee.
  - 1.2.7.3 Team members are CIRT responders and selected by the Employee Relations Administrator.
  - 1.2.7.4 Primary function of CIRT is to educate staff regarding possible psychological responses and effective coping mechanisms to affected staff at all levels in the Department prior to, during and after the execution. CIRT shall provide ongoing follow up contact to staff.
  
- 1.2.8 Traffic Control Team
  - 1.2.8.1 Consists of eight team members and a team leader, and reports to Command.
  - 1.2.8.2 Team members and the team leader are selected by the Division Director for Offender Operations.
  - 1.2.8.3 Primary function is to confer with state and local law enforcement agencies, establish check points and parameters for traffic control and formulate inter-agency emergency response strategies. The team also coordinates the ingress/egress for Department and contract staff and other persons whose attendance is necessary at ASPC-Eyman or ASPC-Perryville and ASPC-Florence. The Team’s focus is the period of time starting twenty-four hours prior to the execution and concluding when normal activities resume after the execution.
  
- 1.2.9 Escort Team
  - 1.2.9.1 Consists of eight team members and a team leader, and reports to Command.
  - 1.2.9.2 Team members and the team leader are selected by the Division Director for Offender Operations.

1.2.9.3 Primary function is to coordinate the movement of all pre-approved witnesses on and off prison grounds and within its perimeter. One Escort Team is assigned to escort and assist pre-approved official, victim, media, and inmate witnesses. Escort team members always remain with witnesses within the established perimeter.

#### 1.2.10 Victim Services Team

1.2.10.1 Consists of two team members and reports to the Escort Team leader.

1.2.10.2 The team leader is the Victim Services Office Administrator.

1.2.10.3 Primary function is to ensure victims of the crime that resulted in the imposition of death are informed of the execution date and their opportunity to witness the execution. The team explains the execution process. If the victim is interested in attending, the team submits the victim's name(s) for consideration.

1.2.10.4 Day of the Execution - The team leader meets with the victim(s) in a predetermined staging area and accompanies them throughout the process, including a briefing by the Director. The Team provides support and advocacy as appropriate.

1.2.10.5 If the victim(s) is interested in speaking with the media after the execution, the victim(s) is escorted to the Press Room for brief media availability.

1.2.10.6 Post-Execution - The team leader ensures the victim(s) receives follow up phone calls and support.

#### 1.2.11 Population Assessment

1.2.11.1 Southern Region Operations Director:

1.2.11.1.1 Is responsible for the coordination of monitoring and evaluation of inmate activity at ASPC-Eyman and ASPC-Florence.

1.2.11.1.2 Continuously monitors and assesses the inmate population for any activity related to the execution or its impact on the prison's operation at ASPC-Eyman and ASPC-Florence.

1.2.11.2 ASPC-Perryville Warden:

1.2.11.2.1 Is responsible for the coordination of monitoring and evaluation of inmate activity at ASPC-Perryville.

- 1.2.11.2.2 Continuously monitors and assesses the inmate population for any activity related to the execution or its impact on the prison's operation.

### 1.3 Designation of ADC Staff and Others Selected to Assist with the Execution

- 1.3.1 The ASPC-Eyman or ASPC-Perryville and ASPC-Florence Wardens shall review the current teams' rosters and recommend retention and replacement of staff and alternates to the Division Director for Offender Operations.
- 1.3.2 The Division Director for Offender Operations shall evaluate the teams' composition and the Wardens' recommendations and forward final recommendations to the Director.
- 1.3.3 In the selection and retention of section leaders and Housing Unit 9 team members, the Division Director for Offender Operations shall consider:
  - 1.3.3.1 No employee who was suspended or demoted in the past 12 months shall be considered. Any staff currently under investigation is also ineligible.
  - 1.3.3.2 Special consideration may be given to staff with pertinent specialized training and qualifications.
  - 1.3.3.3 Staff with less than two years employment with the Department shall not be considered.
  - 1.3.3.4 No staff serving on any team shall be related to the inmate by blood or marriage or have any other legal relationship with the inmate, their family or the crime victim(s).
- 1.3.4 Staff participation in the execution process is strictly voluntary. No Department employee is required to attend or participate in an execution. Any staff volunteers may withdraw from performing their assigned duties specific to the execution at any time by advising their Team Leader, advising a Team Member or advising their immediate Chain of Command. All staff participating in the execution shall be required to sign a Notice of Execution Involvement, Form 710-8.

## **710.03 COMMUTATION HEARING PROCEEDINGS**

- 1.1 The Arizona Board of Executive Clemency (BOEC) shall:
  - 1.1.1 Contact the ASPC-Eyman or ASPC-Perryville Warden to arrange for the BOEC Executive Director or designee to meet with the inmate in person to advise the inmate that a commutation hearing may be held, and that the inmate may participate in the hearing in person or by submitting a written statement to the BOEC.

- 1.1.2 Advise the Department of its plans to convene a Commutation Hearing and its date and time. Upon receipt of the notice, the ASPC-Eyman or ASPC-Perryville Warden shall arrange for a location in which the Commutation Hearing will be held.
  - 1.1.2.1 If the BOEC Commutation Hearing is held at the prison, the Department shall:
    - 1.1.2.1.1 Require those in attendance to adhere to dress code as outlined in Department Order #911, Inmate Visitation.
    - 1.1.2.1.2 Comply with the open meeting laws as it applies to Board of Executive Clemency hearings pursuant to A.R.S. 38-431.08.

#### 710.04 DESIGNATION OF WITNESSES BY DIRECTOR

- 1.1 The Director or designee shall be present during the execution.
  - 1.1.1 The Director shall invite:
    - 1.1.1.1 The Arizona Attorney General. A.R.S. 13-758.
    - 1.1.1.2 Twelve or more reputable citizens, including up to five Arizona-market media.
    - 1.1.1.3 The five official media witnesses selected as representatives, from media-print, television/cable, radio, and the local market where the crime occurred. These official media witnesses shall also agree to serve as pool reporters.
    - 1.1.1.4 Law Enforcement and prosecutors from the jurisdiction where the crime occurred.
    - 1.1.1.5 Any crime victims and survivors of the crime for which the sentence of death will be imposed, once the Victim Services Team identifies those persons and provides to the Director a list of victim witnesses within 14 days prior to the scheduled execution.
  - 1.1.2 Minors shall not be permitted to witness an execution. A.R.S. 13-758.
  - 1.1.3 All witnesses are subject to a records check. Selection to participate is contingent upon security clearance and Witness Agreement to adhere to the provisions stipulated in the Official Witness Agreement and Official Witness/Pool Reporters Agreements, Forms 710-6 and 710-7. The Director shall retain full discretion as to the selection of and any changes in the witnesses selected for each scheduled execution.

**710.05 STATE AND LOCAL LAW ENFORCEMENT BRIEFING; SITE CHECKS**

- 1.1 The Division Director for Offender Operations shall ensure state and local law enforcement is periodically briefed and adequately prepared for the execution.
- 1.2 All of the equipment necessary to the administration of the execution shall be available on site and in good working order including:
  - 1.2.1 Transportation vehicles.
  - 1.2.2 Communication devices with inter-operability capability and restricted frequencies.
  - 1.2.3 Climate control.
  - 1.2.4 Tool control.
  - 1.2.5 Safety equipment.
  - 1.2.6 Audio/visual equipment.
  - 1.2.7 Utility infrastructure.
  - 1.2.8 Key control/locking devices.
  - 1.2.9 Medical emergency response capability.
- 1.3 The Division Director for Offender Operations shall take all necessary steps to timely rectify deficiencies.

**710.06 THIRTY- FIVE DAYS PRIOR TO THE DAY OF EXECUTION – COMPLEX**

- 1.1 The Warden or designee of ASPC-Eyman or ASPC-Perryville shall confirm in writing the following steps were completed:
  - 1.1.1 Read the Warrant to the inmate.
  - 1.1.2 Outline for the inmate how conditions of confinement will be modified over the next thirty-five days and briefly describe the relevant aspects of the execution process.
  - 1.1.3 Offer the inmate the opportunity to contact their Attorney of Record by phone and to speak with a facility Chaplain.
  - 1.1.4 Obtain the inmate's current weight and provide that information to the Division Director for Offender Operations and the Housing Unit 9 Section Leader.
  - 1.1.5 Transfer the inmate to the single-person cell on Death Row Browning or the Lumley Unit that has been retrofitted expressly for the purpose of holding the inmate.

- 1.1.5.1 Before transferring the inmate into the cell, the inmate shall be strip searched, screened on the BOSS chair and then issued a new set of clothes and shoes to wear.
        - 1.1.5.2 The single-person cell shall be thoroughly searched prior to placing the inmate in the cell.
      - 1.1.6 Place the inmate on 24-hour Continuous Observation and post staff to the inmate's cell on an on-going basis to maintain visual contact with the inmate until such time as the inmate is transferred to Housing Unit 9 at ASPC-Florence.
      - 1.1.7 Establish an Observation Record to chronicle staff's observations of the inmate's activities and behavior until the sentence of death is imposed.
    - 1.2 Conditions of Confinement - The ASPC-Eyman or ASPC-Perryville Warden shall:
      - 1.2.1 Ensure none of the inmate's personal property is transferred with the inmate, except as provided in this section.
      - 1.2.2 Have the inmate's personal property inventoried in their presence before the transfer of cells occurs and then have it boxed, sealed and removed from the cell. Store the inmate's property pending receipt of written instruction by the inmate regarding disposition of property or otherwise dispose of the property as outlined in section 710.01 of this Department Order.
      - 1.2.3 Ensure all remaining property possessed by the inmate in the cell comply with indigent status items; any exceptions must be pre-approved in writing by the Division Director for Offender Operations.
      - 1.2.4 Allow the inmate to keep in the cell one box each of legal and religious materials, a pencil and paper, and a book or periodical.
      - 1.2.5 Issue the inmate a new mattress, pillow and bedding.
      - 1.2.6 Provide the inmate limited hygiene supplies, including a towel and washcloth, and exchange these items on a daily basis.
      - 1.2.7 Issue the inmate a clean set of clothing and bedding daily.
      - 1.2.8 Ensure all inmate medications are unit-dosed and, when available issued in liquid form, and none of the inmate's medication including over-the-counter medications be dispensed or maintained by the inmate as Keep-on-Person.
      - 1.2.9 Ensure the inmate has access to a department television set that is secured outside of the cell, and does not have access to any other appliances.
      - 1.2.10 Continue to provide outdoor exercise and showers, non-contact visits and phone calls per the current schedule for other death row inmates in Browning or the Lumley unit.

**710.07 THIRTY-FIVE DAYS PRIOR TO THE DAY OF EXECUTION – CENTRAL OFFICE**

- 1.1 The Division Director for Offender Operations:
  - 1.1.1 Identifies and assigns team leaders and members, with documented approval by the Director, and upon approval shall activate the teams.
  - 1.1.2 Confirms preventive maintenance in Housing Unit 9 occurs and that an equipment inventory is completed, and appropriate and timely action is taken.
  - 1.1.3 Directs the initiation of the Continuous Observation Log commencing on the 35<sup>th</sup> day prior to the day of the execution. The log shall follow the inmate from ASPC-Eyman or ASPC-Perryville to Housing Unit 9 at ASPC-Florence and be maintained until the execution occurs or a stay of execution is issued.
  - 1.1.4 Activates the training schedule ensuring staff participating in the execution receives adequate training, written instruction and practice, all of which is documented.
- 1.2 The Assistant Director for Health Services Contract Monitoring Bureau:
  - 1.2.1 Directs ADC's Health Services staff or ADC's contracted Health Services provider to conduct a medical records file review to identify any prescribed medication(s) and dosages the inmate is currently or was recently taking. ADC's Health Services staff or ADC's contracted Health Services provider shall modify prescribed medications as may be necessary.
  - 1.2.2 Directs ADC's Health Services staff or ADC's contracted Health Services provider to dispense all inmate medications in unit doses and, when available in liquid form. No medication including over-the-counter medications shall be provided or maintained by the inmate as Keep-on-Person.
  - 1.2.3 Ensures ADC's Health Services staff or ADC's contracted Health Services provider continuously monitors for significant changes in the inmate's medical or mental health and reports findings immediately to the Department's General Counsel.
- 1.3 The Media and Public Relations Office:
  - 1.3.1 Issues a news advisory announcing the date of the execution.
  - 1.3.2 Facilitates up to one non-contact interview with the inmate by phone, per day, with Arizona media from the day the Warrant is issued until the day before the sentence of death is imposed excluding weekends and state and federal holidays. The inmate and Attorney of Record may select among these requests that are submitted to the Media and Public Relations Office and recommend the order in which they occur. The inmate may refuse any or all media requests for interviews.
- 1.4 The Office of Victim Services - Identifies and advises victims of the crime for which the inmate has been sentenced to death of the issuance of the Warrant of Execution and the scheduled date and time of the execution.

**710.08 TWENTY-ONE DAYS PRIOR TO THE DAY OF EXECUTION – CENTRAL OFFICE**

- 1.1 The Media and Public Relations Office:
- 1.1.1 Forwards media-witness applications to the Inspector General for background investigation. The Inspector General shall advise the Director of any issues arising from such investigations.
  - 1.1.2 Sends media-witness agreement forms (Official Witness Agreement, Form 710-6 and as applicable, Official Witness/Pool Reporter Agreement, Form 710-7) to identified media-witnesses, and establishes a deadline for the return of all such forms.
  - 1.1.3 All witnesses shall sign and timely submit an Official Witness Agreement, Form 710-6, prior to being cleared and added to the witness list.
    - 1.1.3.1 All official witnesses who are also members of media/press and are selected to serve as pool reporters shall also sign and timely return the Official Witness/Pool Reporter Agreement, Form 710-7.

**710.09 FOURTEEN DAYS PRIOR TO THE DAY OF EXECUTION – CENTRAL OFFICE**

- 1.1 The Inspector General or designee:
- 1.1.1 Finalizes arrangements with a Medical Examiner Office for the disposition of the body, security for the Medical Examiner's vehicle and the custodial transfer of the body.
  - 1.1.2 Obtain a body bag and tag from the Medical Examiner's Office.
- 1.2 General Counsel:
- 1.2.1 Finalizes a list of all witnesses including official, victim, inmate witnesses and media/pool reporters, through coordination with the Offices of Victim Services and Media and Public Relations, for the Director's review and documented approval.
    - 1.2.1.1 Upon documented approval the Director or designee shall prepare a written invitation to each chosen witness. (See Attachment A).
- 1.3 The Media and Public Relations Office - Issue a news advisory announcing the date and time of the execution.

**710.10 TWO DAYS PRIOR TO THE DAY OF EXECUTION**

- 1.1 The Division Director for Offender Operations:
- 1.1.1 Schedules and conducts on-site scenario training sessions, modifying practices as warranted.
  - 1.1.2 Confirms adequate staffing and vehicles are in place for regular operations and the execution.

## 1.2 The ASPC-Florence Warden:

- 1.2.1 Confirms staff assigned to the Maintenance Response Team (MRT) is scheduled and will be on-site eight hours prior to the time scheduled for the imposition of sentence.
- 1.2.2 Restricts access to Housing Unit 9 to those with expressly assigned duties.
- 1.2.3 Readies Housing Unit 9 for the transfer of the inmate.
- 1.2.4 Verifies execution inventory and equipment checks are completed and open issues resolved.

## 710.11 TWENTY-FOUR HOURS PRIOR TO THE DAY OF EXECUTION

- 1.1 On-site scenario exercises continue.
- 1.2 Final preparation of Housing Unit 9 is completed. Each room receives final evaluation specific to its functions including security, climate control, lighting, sound, sanitation, and that separation screens and appropriate restraints are at the ready.
- 1.3 Detailed staff briefings are provided.
- 1.4 The ASPC-Eyman or ASPC-Perryville Warden shall ensure the inmate receives the last meal by 1900 hours. Every reasonable effort to accommodate the last meal request will have been made. All eating utensils and remaining food and beverage shall be removed upon completion of the meal.
- 1.5 The ASPC-Eyman or ASPC-Perryville Warden shall ensure non-contact visits and phone calls are concluded by 2100 hours.
  - 1.5.1 The inmate's telephone privileges shall be terminated at 2100 hours the day prior to the execution, excluding calls from the inmate's Attorney of Record and others as approved by the Division Director for Offender Operations.
  - 1.5.2 The inmate's visitation privileges shall be terminated at 2100 hours the day prior to the execution. The inmate will be permitted two hours of in-person visitation with no more than two Attorneys of Record, concluding one hour prior to the scheduled execution.
- 1.6 The inmate is prepared for transfer to Housing Unit 9 by the prescribed means.

## 710.12 TWELVE HOURS PRIOR TO AND THROUGH THE EXECUTION

- 1.1 Restricting Access to Institution Property - During the final twelve hours prior to the execution, access to ASPC-Eyman or ASPC-Perryville and ASPC-Florence is limited to:
  - 1.1.1 On-duty personnel.
  - 1.1.2 On-duty contract workers.
  - 1.1.3 Volunteers deemed necessary by the Wardens.

- 1.1.4 Approved delivery vehicles.
  - 1.1.5 Law enforcement personnel on business-related matters.
  - 1.1.6 Restrictions to these facilities shall remain in effect until normal operations resume after the execution or a stay of execution is issued.
- 1.2 Transfer of the inmate from Browning or Lumley Unit to Housing Unit 9
- 1.2.1 The inmate shall be secured and transferred by the Execution Restraint Team per the prescribed means the night before the execution.
  - 1.2.2 Housing Unit 9 staff shall take custody of the inmate and the Observation Log. Staff shall assume maintenance of the log until the execution is completed or a stay of execution is issued.
  - 1.2.3 Upon the inmate's arrival, the inmate may be offered a mild sedative.
  - 1.2.4 No later than five hours prior to the execution, the inmate shall be offered a light meal. All eating utensils and remaining food shall be removed upon completion of the meal.
  - 1.2.5 No later than four hours prior to the execution, the inmate may be offered a mild sedative.
  - 1.2.6 These time frames may be adjusted as necessary in the event of a stay of execution or other exigencies.
- 1.3 Housing Unit 9 Conditions of Confinement
- 1.3.1 The inmate shall remain on Continuous Watch. Staff shall record observations and make entries in the Observation Record during the final four hours in hours, and minutes.
  - 1.3.2 The inmate shall be issued one pair each of pants, boxer shorts and socks, and a shirt on the morning of the execution.
  - 1.3.3 The cell shall be furnished with a mattress, pillow and pillowcase, one each top and bottom sheet, a blanket, a washcloth and towel, and toilet paper.
  - 1.3.4 The inmate may have a pencil and paper, religious items, a book or periodical and indigent-sized hygiene supplies (liquid soap, toothpaste) and a toothbrush and comb. These items may be made available only for the duration of the use and shall be removed immediately thereafter. Any other requested property shall require approval by the Division Director for Offender Operations, and shall be documented.
- 1.4 Population Management - ASPC-Eyman or ASPC-Perryville and ASPC-Florence shall go on lockdown status from between two to six hours prior to the time the execution is scheduled to occur at the direction of Command. They shall remain on lock down throughout the execution. After the conclusion of the execution, the prisons shall return to regular operations at the direction of Command.

## 1.5 Additional Operations Requirements

1.5.1 Witness Escort Teams shall process, transport and remain with pre-approved official witnesses, inmate witnesses, media witnesses and victim(s) witnesses through the conclusion of the execution and their return to designated staging areas per prescribed means.

1.5.1.1 Teams shall ensure each witness group is separated from the other witness groups at all times.

1.5.1.2 The Director or designee shall provide a brief overview of the execution for the official witnesses. The Director may advise witnesses that the curtains in the execution chamber may be drawn prior to the conclusion of the execution if necessary and then reopened when the execution resumes and that an IV Team member may enter into the chamber and physically manipulate the inmate to check consciousness.

1.5.2 Upon the direction of the Director to proceed:

1.5.2.1 The ASPC-Florence Warden shall direct the Execution Restraint Team to prepare the inmate for escort into the execution chamber.

1.5.2.2 Prior to moving the inmate from the holding cell to the execution table, the Director shall confer with the Attorney General or designee and the Governor or designee to confirm there is no legal impediment to proceeding with the lawful execution.

1.5.2.3 When the inmate is secured on the execution table by the team and readied by qualified medical personnel, the Warden shall advise the Director.

1.5.2.4 The Director shall reconfirm with the Attorney General or designee and the Governor or designee that there is no legal impediment to proceeding. Upon oral confirmation that there is no legal impediment to proceeding with the execution, the Director may order the Warden to proceed with the execution.

1.5.2.4.1 If there is a legal impediment the Director shall instruct the ASPC-Florence Warden to stop, and to notify the inmate and witnesses that the execution has been stayed or delayed. The Warden shall also notify Command to notify the Media and Public Relations staff who shall advise the media in the Press Room.

- 1.5.2.5 The Warden shall read aloud a summary of the Warrant of Execution. The Warden shall ask the inmate if he wishes to make a last statement that is reasonable in length and does not contain vulgar language or intentionally offensive statements directed at the witnesses. The microphone will remain on during the last statement. It will be turned off in the event the inmate uses vulgarity or makes intentionally offensive statements.
- 1.5.2.6 The Director shall instruct the disbursement of chemicals to begin by the prescribed means.
- 1.5.3 Pronouncement and Documentation of Death
  - 1.5.3.1 The Director shall announce death when it has occurred.
  - 1.5.3.2 The ASPC-Florence Warden shall complete and sign the return of the Death Warrant pursuant to A.R.S. 13-759. The Director shall file the document with the sentencing court and the Arizona Supreme Court within 48 hours.
  - 1.5.3.3 A Medical Examiner shall take custody of the body and issue a Certificate of Death.
- 1.6 Stay of Execution - Upon receipt of notification that the court has issued a Stay of Execution, the Director shall advise Command.
  - 1.6.1 Upon receipt of notification, the Housing Unit 9 Section Leader shall:
    - 1.6.1.1 Instruct the Special Operations to stand down.
    - 1.6.1.2 Direct the Restraint Team to remove the inmate from the chamber and return to the Housing Unit 9 cell, pending movement back to Death Row at Browning or Lumley Unit as authorized by Command.
    - 1.6.1.3 Advise the witnesses a Stay of Execution has been issued.
  - 1.6.2 Command shall inform the following teams of the Stay of Execution:
    - 1.6.2.1 Traffic Control Team Leader.
    - 1.6.2.2 Population Assessment.
    - 1.6.2.3 Critical Incident Response Team Leader.
    - 1.6.2.4 Media Relations Director.
    - 1.6.2.5 Victim Services Team Leader.
    - 1.6.2.6 Escort Team leader.

- 1.6.3 The Traffic Control Team Leader shall notify protestors of the issuance of the Stay of Execution.
- 1.6.4 The Escort Team shall commence escorting witness groups from Housing Unit 9 as set forth herein.
- 1.6.5 Upon Command's instruction, the inmate shall be transported from Housing Unit 9 back to Death Row at Browning or Lumley Unit and their personal possessions returned.

## 710.13 POST-EXECUTION

### 1.1 Removing Witnesses from Housing Unit 9

- 1.1.1 After the pronouncement of death, witnesses shall be escorted in the prescribed order from the facility.
  - 1.1.1.1 Each group of witnesses will continue to be kept separated from the other groups at all times.
  - 1.1.1.2 Official witnesses who are media pool reporters will return to the Press Room to participate in the media briefing.
  - 1.1.1.3 Victim witnesses speaking with the media will be escorted to the Press Room.
- 1.1.2 Media may remain on site in a designated location outside the secure perimeter for a limited time to complete live broadcasts.

### 1.2 Site Clean Up

- 1.2.1 Under the supervision of a person designated by the ASPC-Florence Warden, Housing Unit 9 shall be cleaned and secured.
- 1.2.2 Institutional staff trained in infectious diseases preventive practices will utilize appropriate precautions in cleaning Housing Unit 9.

### 1.3 Normal Operations

- 1.3.1 Command shall determine when the prisons resume normal operations after receiving assessments from the Wardens of ASPC-Florence and ASPC-Eyman or ASPC-Perryville.
- 1.3.2 Department personnel shall be deactivated at the direction of Command.

### 1.4 Execution Documentation

- 1.4.1 The ASPC-Florence Warden shall be responsible to gather all documents pertaining to the execution and forward to the Department's General Counsel for archive.

- 1.4.2 Pursuant to A.R.S. 13-759 (B), the Director shall send written notification to the sentencing court and the Arizona Supreme Court stating the time, mode and manner in which the Warrant was carried out. (See Attachments B and C)

## 710.14 PROCEDURES FOR NEWS MEDIA

- 1.1 Reasonable efforts will be made to accommodate representatives of the news media before, during and after a scheduled execution however; the Department reserves the right to regulate media access to ensure the orderly and safe operations of its prisons.
- 1.2 The Media and Public Relations Office shall coordinate the release of information to news media outlets. All Department and contract staff are expressly prohibited from providing information not readily available in the public domain.
- 1.3 Update Prior to the Execution - Following activation of the Press Room, the Media Relations Director and the Media and Public Relations Officer shall provide the news media with regular briefings or updates.
- 1.4 Media Orientation and Releases - The Media Relations Director shall provide general information regarding the execution and about the inmate.
  - 1.4.1 Media Representatives will be informed how the press pool will be established and advised that if they are selected as press pool witnesses, they shall be required to complete and sign Media Witness Press Pool Agreement, Form 710-7, in addition the Official Witness Agreement, Form 710-6, prior to the execution.
  - 1.4.2 Media Representatives will return to the Press Room after the execution to answer questions of all other media representatives concerning their observations during the execution, prior to filing or reporting their story.
- 1.5 Press Room Operations
  - 1.5.1 Media representatives requesting to witness an execution must submit written requests to the Media and Public Relations Office no later than 28 days prior to the execution. Each request must include the name, social security number and birth date of media requesting access. Only those news organizations that have submitted written requests within the stated time frame shall be considered.
  - 1.5.2 The Media and Public Relations Office shall finalize recommendations for selected media to perform official witness/pool reporter functions 14 days prior to the execution.
- 1.6 Briefing Packets and Updates
  - 1.6.1 The Media Relations Office shall provide press briefing packets for reporters.
  - 1.6.2 A brief summary of inmate's activities during the final twenty-four hours, activities related to the execution and sequence of events, may be provided.

1.7 News Media Selection

- 1.7.1 No more than five members of the Arizona media may be selected to witness the execution as official witnesses. Selected media will perform the additional duties of pool reporter:
  - 1.7.1.1 Print.
  - 1.7.1.2 Radio.
  - 1.7.1.3 Television/Cable.
  - 1.7.1.4 Local media representative in the market where the crime was committed.
- 1.7.2 Media is held to the same standards for conduct as are all other official witnesses.
- 1.7.3 Command may exclude any media witness at any time if the media witness fails to abide by the provisions of the Official Witness and Pool Reporter Agreements (Forms 710-6 and 710-7).
- 1.7.4 Media witnesses are not permitted to bring unauthorized items into Housing Unit 9. Unauthorized items include:
  - 1.7.4.1 Electronic or mechanical recording devices.
  - 1.7.4.2 Still, moving picture or video tape camera.
  - 1.7.4.3 Tape recorders or similar devices.
  - 1.7.4.4 Radio/television broadcasting devices.
- 1.7.5 Each pool reporter shall be provided a tablet of paper and a pencil to take notes from the time they complete security screening and board the bus until they are returned to the Press Room after the conclusion of the execution.
- 1.7.6 Official witnesses who are pool reporters shall attend a pre-execution briefing.

**IMPLEMENTATION**

The ASPC-Florence and ASPC-Perryville Wardens shall maintain Post Order #015, Death Watch Security Officer, delineating post-specific responsibilities. The ASPC-Florence Warden shall also maintain Post Order #015-A01, Housing Unit-9 Security Watch.

{Original Signature on File}

\_\_\_\_\_  
CHARLES L. RYAN  
DIRECTOR

## ATTACHMENTS

- Attachment A - Letter of Invitation to Witness an Execution
- Attachment B - Return of Warrant Notification - Supreme Court
- Attachment C - Return of Warrant Notification - Superior Court
- Attachment D - Preparation and Administration of Chemicals

## FORMS LIST

- 710-1, Method of Execution
- 710-2, Inmate Witness Information
- 710-3, Disposition of Remains
- 710-4, Authorized Witnesses for Execution Log (A, B and C)
- 710-5, Last Meal Request
- 710-6, Official Witness Agreement
- 710-7, Official Witness/Pool Reporter Agreement
- 710-8, Notice of Execution Involvement

## CROSS-REFERENCE INDEX

- Department Order #201, Information Release
- Department Order #207, Media Relations
- Department Order #711, Notification of Inmate Hospitalization or Death
- Department Order #911, Inmate Visitation

## AUTHORITY

- A.R.S. 13-757 (B), Methods of Infliction of Sentence of Death
- A.R.S. 13-757 (C), Identity of Executioners
- A.R.S. 13-758, Persons Present at Execution of Sentence of Death; Limitations
- A.R.S. 13-759 (B), Return Upon Death Warrant
- A.R.S. 13-4021 through 13-4026, Insanity or Pregnancy of Persons under Death Sentence
- Arizona Rules of Criminal Procedure, Rule 31.17(c)(3), Date and Time of Execution; Notification to Supreme Court
- A.R.S. 1-215 (28), Definitions
- A.R.S. 13-105 (30), Definitions

ATTACHMENT A  
DEPARTMENT ORDER 710

**SAMPLE**

**LETTER OF INVITATION TO WITNESS AN EXECUTION**

Date

Name

Mailing address

Mailing address

Dear \_\_\_\_\_

Thank you for expressing interest in serving as a witness.

Please be advised that you are selected to witness the execution of \_\_\_\_\_  
[name] \_\_\_\_\_ [number], on \_\_\_\_\_ [date] at \_\_\_\_\_ [time] subject to the conditions stipulated  
in this correspondence.

There are three kinds of witnesses. They are 1) Official Witnesses including Official Witnesses who are members of the media and will serve as Pool Reporters, 2) the Inmate's Witnesses and 3) the Victim(s) Witnesses.

All witnesses are required to complete the *Witness Agreement* form and return it to the Media Relations Office of the Arizona Department of Corrections no later than \_\_\_\_\_ [date] by fax, mail, hand delivery or as an e-mail attachment.

Official Witnesses who are members of the media and will be serving as Pool Reporters are also required to complete the *Official Witnesses/Pool Reporters Agreement* form. This form must be returned as well to the Media Relations Office of the Arizona Department of Corrections no later than the Friday before the scheduled date of the execution, \_\_\_\_\_ [date] by the same means.

Failure to fully complete and return on time the required forms with receipt by the Department before 5 P.M. on \_\_\_\_\_ [date], will result in your removal from the list of approved witnesses.

For additional information and to confirm receipt of your materials, you are welcome to contact the Media Relations Office by phone at 602-542-3133, by fax at 602-542-2859 or e-mail at [media@azcorrections.gov](mailto:media@azcorrections.gov).

Sincerely,

Media Relation Director

Applicable Attachments:

*Witness Agreement* form

*Official Witnesses/Pool Reporters Agreement* form

**ATTACHMENT B  
DEPARTMENT ORDER 710**

**SAMPLE**

**RETURN OF WARRANT NOTIFICATION**

Supreme Court

**DATE:**

The Honorable  
Chief Justice of the Supreme Court of Arizona  
402 Arizona State Courts Building  
1501 West Washington Street  
Phoenix, Arizona 85007-3329

**RE:** Return of Warrant of Execution

State vs.

Supreme Court Number:

County Number:

Chief Justice:

This is to advise you that in accordance with the Warrant of Execution, Supreme Court Number, and pursuant to A.R.S. 13-759(B), the imposition of the sentence of death of \_\_\_\_\_ was carried out at the Arizona State Prison Complex-Florence on \_\_\_\_\_, 20 \_\_\_\_, at \_\_\_\_\_ A.M./P.M.

The mode and manner of the death was by lethal \_\_\_\_\_.

Sincerely,

Charles L. Ryan  
Director  
Arizona Department of Corrections

**ATTACHMENT C  
DEPARTMENT ORDER 710**

**SAMPLE**

**RETURN OF WARRANT NOTIFICATION**

Superior Court

**DATE:**

The Honorable  
Presiding Judge  
Superior Court of Arizona  
In County  
\_\_\_\_\_, Arizona

**RE:** Return of Warrant of Execution

State vs.

Supreme Court Number:

County Number:

Judge \_\_\_\_\_:

This is to advise you that in accordance with the Warrant of Execution, Supreme Court Number, and pursuant to A.R.S. 13-759(B), the imposition of the sentence of death of \_\_\_\_\_ was carried out at the Arizona State Prison Complex-Florence on \_\_\_\_\_, 20 \_\_\_\_, at \_\_\_\_\_ A.M./P.M.

The mode and manner of the death was by lethal \_\_\_\_\_.

Sincerely,

Charles L. Ryan  
Director  
Arizona Department of Corrections

**ATTACHMENT D**  
**DEPARTMENT ORDER 710**  
Page 1 of 7

**PREPARATION AND ADMINISTRATION OF CHEMICALS**

A. Obtaining Chemicals and Equipment

1. Upon receipt of the Warrant of Execution, the Housing Unit 9 Section Leader shall:
  - I. Confirm the equipment for the procedure and ensure all equipment necessary to properly conduct the procedure is on site, immediately available for use and functioning properly.
  - II. Ensure all medical equipment, including a backup electrocardiograph is on site, immediately available for use and functioning properly.
  - III. Ensure that complete sets of chemicals are on site and immediately available for use.
  - IV. Ensure the chemicals are ordered, arrive as scheduled and are properly stored. The chemicals shall be stored in a secured, locked area that is temperature regulated and monitored to ensure compliance with manufacturer specifications, under the direct control of the Housing Unit 9 Section Leader.

B. Preparation of Chemicals

1. At the appropriate time, the Housing Unit 9 Section Leader shall transfer custody of the chemicals to the Special Operations Team to begin the chemical(s) and syringe preparation in the chemical room, under the direct supervision by the IV Team Leader.
2. The Special Operations Team Leader will assign a team member(s) to assist preparing each chemical and the corresponding syringe. The IV Team Leader will supervise the process. The IV Team Leader, with the assistance of the Special Operations Team members, shall prepare the designated chemical and syringes for a total of one complete set of chemicals. One full set of syringes is used in the implementation of the death sentence and an additional complete set of the necessary chemicals shall be obtained and kept available in the chemical room, but need not be drawn into syringes unless the primary dosages prove to be insufficient for successful completion of the execution.
3. The IV Team Leader, with the assistance of a Special Operations Team member, shall be responsible for preparing and labeling the assigned sterile syringes in a distinctive manner identifying the specific chemical contained in each syringe by i) assigned number, ii) chemical name, iii) chemical amount and iv) the designated color, as set forth in the chemical charts below. This information shall be preprinted on a label, with one label affixed to each syringe to ensure the label remains visible.

C. Chemical Charts; Choice of Protocol

1. Charts for all chemical protocols follow. The Director shall have the sole discretion as to which lethal chemical(s) will be used for the scheduled execution. This decision will be provided to the inmate in writing 20 calendar days prior to the scheduled execution date.
2. If compounded Pentobarbital is used it shall be obtained from a certified or licensed compounding pharmacist or compounding pharmacy in good standing with their licensing board. Licensing, certification, and criminal history reviews shall be conducted by the Inspector General's Office prior to obtaining the compounded Pentobarbital. A qualitative analysis of the compounded Pentobarbital to be used in the execution shall be performed no more than 30 calendar days prior to the execution date. The decision to use compounded Pentobarbital will be provided to the inmate in writing 20 calendar days prior to the scheduled execution.

ATTACHMENT D  
DEPARTMENT ORDER 710  
Page 2 of 7

**CHART A: ONE-DRUG PROTOCOL WITH PENTOBARBITAL**

CHEMICAL CHART	
Syringe No.	Label
1A	60mL Heparin/Saline, <b>BLACK</b>
2A	2.5gm Pentobarbital, <b>GREEN</b>
3A	2.5gm Pentobarbital, <b>GREEN</b>
4A	60mL Heparin/Saline, <b>BLACK</b>

- Syringes 2A, and 3A, will have a dose of 2.5 gm of Pentobarbital for a total of 5 grams. Each syringe containing Pentobarbital shall have a **GREEN** label which contains the name of chemical, chemical amount and the designated syringe number.
- Syringes 1A, and 4A, each contain 60 ml. of a Heparin/Saline solution, at a concentration of 10 units of Heparin per milliliter, and shall have a **BLACK** label which contains the name of the chemical, chemical amount and the designated syringe number.

**CHART B: ONE-DRUG PROTOCOL WITH SODIUM PENTOTHAL**

CHEMICAL CHART	
Syringe No.	Label
1A	60mL Heparin/Saline, <b>BLACK</b>
2A	1.25gm Sodium Pentothal, <b>GREEN</b>
3A	1.25gm Sodium Pentothal, <b>GREEN</b>
4A	1.25gm Sodium Pentothal, <b>GREEN</b>
5A	1.25gm Sodium Pentothal, <b>GREEN</b>
6A	60mL Heparin/Saline, <b>BLACK</b>

- Syringes 2A, 3A, 4A, 5A, each contain 1.25 gm/50ml. of Sodium Pentothal / 1 in 50 ml. of sterile water in four 60 ml. syringes for a total dose of 5 grams of Sodium Pentothal. Each syringe containing Sodium Pentothal shall have a **GREEN** label which contains the name of chemical, chemical amount and the designated syringe number.
- Syringes 1A, and 6A, each contain 60 ml. of a Heparin/Saline solution, at a concentration of 10 units of Heparin per milliliter, and shall have a **BLACK** label which contains the name of the chemical, chemical amount and the designated syringe number.

**ATTACHMENT D**  
**DEPARTMENT ORDER 710**  
Page 3 of 7

**CHART C: TWO-DRUG PROTOCOL WITH MIDAZOLAM AND HYDROMORPHONE**

CHEMICAL CHART	
Syringe No.	Label
1A	60mL Heparin/Saline, <b>BLACK</b>
2A	50mg Midazolam and 50mg Hydromorphone, <b>GREEN</b>
3A	60mL Heparin/Saline, <b>BLACK</b>

- Syringe 2A, will have a dose of 50mg of Midazolam and 50mg Hydromorphone. The syringe containing Midazolam and Hydromorphone shall have a **GREEN** label which contains the name of each chemical, chemical amounts and the designated syringe number.
  - Syringes 1A, and 3A, each contain 60 ml. of a Heparin/Saline solution, at a concentration of 10 units of Heparin per milliliter, and shall have a **BLACK** label which contains the name of the chemical, chemical amount and the designated syringe number.
3. After the IV Team prepares all required syringes with the proper chemicals and labels as provided in the Chemical Chart, the IV Team Leader shall attach one complete set of the prepared and labeled syringes to the 2-Gang, 2-Way Manifold in the order in which the chemical are to be administered. The syringes will be attached to the 2-Gang, 2-Way Manifold in a manner to ensure there is no crowding, with each syringe resting in its corresponding place in the shadow board which is labeled with the name of the chemical, color, chemical amount and the designated syringe number.
  4. The syringes shall be affixed in such a manner to ensure the syringe labels are clearly visible. Prior to attaching the syringes to the 2-Gang, 2-Way Manifold, the flow of each gauge on the manifold shall be checked by the IV Team Leader running the Heparin/Saline solution through the line to confirm there is no obstruction.
  5. After all syringes are prepared and affixed to the 2-Gang, 2-Way Manifold in proper order, the Special Operations Team Leader shall confirm that all syringes are properly labeled and attached to the manifold in the order in which the chemicals are to be administered as designated by the Chemical Chart. Each chemical shall be administered in the predetermined order in which the syringes are affixed to the manifold.
  6. The quantities and types of chemicals prepared and administered may not be changed in any manner without prior documented approval of the Director.
  7. All prepared chemicals shall be utilized or properly disposed of in a timely manner after the time designated for the execution to occur.
  8. The chemical amounts as set forth in the Chemical Chart are designated for the execution of persons weighing 500 pounds or less. The chemical amounts will be reviewed and may be revised as necessary for an inmate exceeding this body weight.
  9. The Special Operations Team Recorder is responsible for completing the Correctional Service Log, Form 105-6. The Recorder shall document on the form the amount of each chemical administered and confirm that it was administered in the order set forth in the Chemical Chart. Any deviation from the written procedure shall be noted and explained on the form.

**ATTACHMENT D**  
**DEPARTMENT ORDER 710**  
**Page 4 of 7**

D. Movement and Monitoring of Inmate

1. Prior to moving the inmate from the holding cell to the execution table, the Director will confer with the Attorney General or designee and the Governor or designee to confirm there is no legal impediment to proceeding with the lawful execution and there are no motions pending before a court which may stay further proceedings.
2. The inmate may be offered a mild sedative based on the inmate's need. The sedative shall be provided to the inmate no later than four hours prior to the execution, unless it is determined medically necessary.
3. At the designated time, the inmate will be brought into the execution room and secured on the table by the prescribed means with the inmate's arms positioned at an angle away from the inmate's side.
4. The inmate will be positioned to enable the IV Team or the Special Operations Team Leader and the Warden to directly observe the inmate and to monitor the inmate's face with the aid of a high resolution color camera and a high resolution color monitor.
5. After the inmate has been secured to the execution table, the Restraint Team Leader shall personally check the restraints which secure the inmate to the table to ensure they are not so restrictive as to impede the inmate's circulation, yet sufficient to prevent the inmate from manipulating the catheter and IV lines.
6. A microphone will be affixed to the inmate's shirt to enable the IV Team, or the Special Operations Team Leader, to verbally communicate directly with the inmate and hear any utterances or noises made by the inmate throughout the procedure. The Special Operations Team Leader will confirm the microphone is functioning properly, and that the inmate can be heard in the chemical room.
7. The Restraint Team members will attach the leads from the electrocardiograph to the inmate's chest once the inmate is secured. The IV Team Leader shall confirm that the electrocardiograph is functioning properly and that the proper graph paper is used. A backup electrocardiograph shall be on site and readily available if necessary. Prior to the day of and on the day of the execution both electrocardiograph instruments shall be checked to confirm they are functioning properly.
8. An IV Team member shall be assigned to monitor the EKG, and mark the EKG graph paper at the commencement and completion of the administration of the lethal chemical(s).
9. Throughout the procedure, the IV Team Leader shall monitor the inmate's level of consciousness and electrocardiograph readings utilizing direct observation, audio equipment, camera and monitor as well as any other medically approved method(s) deemed necessary by the IV Team Leader. The IV Team Leader shall be responsible for monitoring the inmate's level of consciousness.
10. Closed-circuit monitors will allow witnesses in designated witness room to observe the IV Team's vein assessment and placement of IV catheters in the inmate. In addition, a microphone will be turned on during the IV Team's assessment and placement of IV catheters.

E. Intravenous Lines

1. The Director acting upon the advice of the IV Team Leader shall determine the catheter sites. A femoral central line shall only be used if the person inserting the line is currently certified or licensed within the United States to insert a femoral central line. The IV Team members shall insert a primary IV catheter and a backup IV catheter.

**ATTACHMENT D**  
**DEPARTMENT ORDER 710**  
Page 5 of 7

2. The IV Team Leader shall ensure the catheters are properly secured and properly connected to the IV lines and out of reach of the inmate's hands. A flow of Heparin/Saline shall be started in each line and administered at a slow rate to keep the lines open.
3. The primary IV catheter will be used to administer the lethal chemical(s) and the backup catheter will be reserved in the event of the failure of the first line. Any failure of a venous access line shall be immediately reported to the Director.
4. The IV catheter in use shall remain visible to the Warden throughout the procedure.
5. The Warden shall physically remain in the room with the inmate throughout the administration of the lethal chemical(s) in a position sufficient to clearly observe the inmate and the primary and backup IV sites for any potential problems and shall immediately notify the IV Team Leader and Director should any issue occur. Upon receipt of such notification, the Director may stop the proceedings and take all steps necessary in consultation with the IV Team Leader prior to proceeding further with the execution.
6. Should the use of the backup IV catheter be determined to be necessary, a set of backup chemicals should be administered in the backup IV.

F. Administration of Chemicals

1. At the time the execution is to commence and prior to administering the lethal chemical(s), the Director will reconfirm with the Attorney General or designee and the Governor or designee that there is no legal impediment to proceeding with the execution. Upon receipt of oral confirmation that there is no legal impediment, the Director will order the administration of the chemicals to begin.
2. Upon receipt of the Director's order and under observation of the IV Team Leader, the Special Operations Team Leader will instruct the assigned Special Operations Team member(s) to begin dispensing the lethal chemical(s).
3. Upon direction from the Special Operations Team Leader, the assigned Special Operations Team member will visually and orally confirm the chemical name on the syringe and then administer the full dose of the lethal chemical(s) immediately followed by the Heparin/Saline flush.
4. When three minutes has elapsed since commencing the administration of the lethal chemical(s), the IV Team Leader, dressed in a manner to preserve their anonymity, will enter into the room where the Warden and inmate are located to physically confirm the inmate is unconscious by using all necessary medically appropriate methods. The IV Team Leader will also confirm that the IV line remains affixed and functioning properly.
5. If, after three minutes, the inmate remains conscious, the IV Team shall communicate this information to the Director, along with all IV Team input. The Director will determine how to proceed or, if necessary, to start the procedure over at a later time or stand down. The Director may direct the curtains to the witness viewing room be closed, and, if necessary, for witnesses to be removed from the facility.
6. If deemed appropriate, the Director may instruct the Special Operations Team to administer an additional dose of the lethal chemical(s) followed by the Heparin/Saline flush.

**ATTACHMENT D**  
**DEPARTMENT ORDER 710**  
Page 6 of 7

7. Upon administering the lethal chemical(s) and Heparin/Saline from a backup set, the IV Team shall confirm the inmate is unconscious by sight and sound, utilizing the audio equipment, camera and monitor. The IV Team Leader will again physically confirm the inmate is unconscious using proper medical procedures and verbally advise the Director of the same.
8. When all electrical activity of the heart has ceased as shown by the electrocardiograph, the IV Team Leader will confirm the inmate is deceased and the inmate's death shall be announced by the Director.
9. The Special Operations Team Recorder shall document on the Correctional Services Log the start and end times of the administration of the lethal chemical(s).
10. Throughout the entire procedure, the IV Team members, the Special Operations Team members and the Warden shall continually monitor the inmate using all available means to ensure that the inmate remains unconscious and that there are no complications.

**G. Post Execution Procedures**

1. Upon the pronouncement of death, the Director shall notify the Governor or designee and the Attorney General or designee via telephone that the sentence has been carried out and the time that death occurred.
2. An IV Team member will clamp and cut the IV lines leaving them connected to the inmate for examination by a Medical Examiner.
3. A Criminal Investigations Unit Investigator and a Medical Examiner will take photos of the inmate's body:
  - While in restraints prior to being placed in the body bag,
  - Without restraints prior to being placed in the body bag,
  - Sealed in the body bag, and
  - A photo of the seal in place on the bag.
4. The inmate's body will be placed on a Medical Examiner's gurney and released into the custody of a Medical Examiner's Office.
5. Once the inmate's body is placed in a Medical Examiner's transport vehicle, it will be escorted off the premises. The Examiner's Office will take the inmate's body to the medical examiner's office designated by the county.

**H. Documentation of Chemicals and Stay**

1. In the event that a pending stay results in more than a two hour delay, the catheters shall be removed, if applicable, and the inmate shall be returned to the holding cell until further notice.
2. The Correctional Service Logs the list of identifiers and the EKG tape shall be submitted to the Department's General Counsel for review and storage.

**ATTACHMENT D**  
**DEPARTMENT ORDER 710**  
**Page 7 of 7**

I. Contingency Procedure

1. An Automated External Defibrillator (AED) will be readily available on site in the event that the inmate goes into cardiac arrest at any time prior to dispensing the chemicals; trained medical staff shall make every effort to revive the inmate should this occur.
2. Trained medical personnel and emergency transportation, neither of which is involved in the execution process, shall be available in proximity to respond to the inmate should any medical emergency arise at any time before the order to proceed with the execution is issued by the Director.
3. If at any point any team member determines that any part of the execution process is not going according to procedure, they shall advise the IV Team Leader who shall immediately notify the Director. The Director may consult with persons deemed appropriate and will determine to go forward with the procedure, start the procedure over at a later time within the 24-hour day, or stand down.
4. There shall be no deviation from the procedures as set forth herein, without prior consent from the Director.

J. Debrief and Policy Review

1. The IV and Special Operations Teams will participate in an informal debriefing immediately upon completion of the event.
2. Upon an assignment to a Team, team members shall review Department Order #710, Execution Procedures.
3. Periodically, and in the discretion of the Director, a review of Department Order #710, Execution Procedures along with this attachment may be reviewed to confirm it remains consistent with the law. General Counsel shall advise the Director immediately upon any change that may impact these procedures.

# Exhibit A



TOM HORNE  
ATTORNEY GENERAL

OFFICE OF THE ARIZONA ATTORNEY GENERAL  
CRIMINAL DIVISION  
CRIMINAL APPEALS/CAPITAL LITIGATION DIVISION

JEFFREY A. ZICK  
CHIEF COUNSEL  
(602) 542-4686  
JEFFREY.ZICK@AZAG.GOV

April 22, 2014

Julie Hall  
779 S. Cody Loop Rd.  
Oracle, Arizona 85623-6121

Re: *State v. Wood*

Dear Counsel:

This letter is to inform you that, should the Arizona Supreme Court grant the pending motion for warrant for execution, the Arizona Department of Corrections ("ADC") will use Midazolam and Hydromorphone in a two-drug protocol. See Department Order 710, Attachment D, Chart C at <http://www.azcorrections.gov/Policies/700/0710.pdf>. In the event ADC is able to procure Pentobarbital, ADC will provide notice of its intent to use that drug in accordance with Department Order 710, Attachment D at (C)(1).

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey A. Zick", with a horizontal line extending to the right.

Jeffrey A. Zick  
Chief Counsel  
Capital Litigation Section

JAZ:bl

# Exhibit B

Office of the  
**FEDERAL PUBLIC DEFENDER**  
for the District of Arizona  
**Capital Habeas Unit**

**Jon M. Sands**  
Federal Public Defender

direct line: 602.382.2816  
email: dale\_baich@fd.org

April 30, 2014

Charles Ryan, Director  
Arizona Department of Corrections  
1601 West Jefferson  
Phoenix, AZ 85007

Dear Director Ryan:

I am writing to you on behalf of Pete Carl Rogovich and Joseph Rudolph Wood, III, to ask you certain questions about ADC's intention to execute Messrs. Rogovich and Wood, as those intentions have been expressed by the Office of the Arizona Attorney General in court filings and in a letter to Mr. Wood's counsel, as well as in a press release the Attorney General recently issued.

With respect to specific actions in Mr. Wood's case: on April 22, 2014, the State filed a motion for a warrant of execution.<sup>1</sup> On that same day, Jeffrey Zick, Chief Counsel, Capital Litigation Section, sent a letter to Mr. Wood's counsel stating that ADC intends to use the newly created drug protocol involving midazolam and hydromorphone.<sup>2</sup> In his letter, Mr. Zick also noted that if "ADC is able to procure Pentobarbital, ADC will provide notice of its intent to use that drug . . . ."<sup>3</sup>

In terms of my questions about the Attorney General's press release, I refer you to his release of March 26, 2014.<sup>4</sup> There, Mr. Horne explained that ADC is now authorized to use a two-drug protocol (*i.e.*, the protocol to which Mr. Zick referred in his letter to

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<sup>1</sup> Mot. for Warrant of Execution, *State v. Wood*, No. CR-91-0233-AP (Ariz. Sup. Ct.), filed April 22, 2014.

<sup>2</sup> Letter from Jeffrey A. Zick, Chief Counsel, Capital Litigation Section of the Office of the Arizona Attorney General, to Julie Hall, Esq., dated April 22, 2104 ("Zick Letter") (attached).

<sup>3</sup> *Id.*

<sup>4</sup> *State of Arizona announces change to lethal injection protocol*, Press Release, Office of the Arizona Attorney General, March 26, 2014, available at [www.azag.gov/press-release/state-arizona-announces-change-lethal-injection-protocol](http://www.azag.gov/press-release/state-arizona-announces-change-lethal-injection-protocol).

Charles Ryan, Director  
April 30, 2014  
Page 2

Ms. Hall). The Press Release also stated, “The two-drug protocol has already been used in Ohio, and Arizona will be using an even greater concentration.” The Press Release does not state how ADC decided on the amounts of midazolam (50 mg) or hydromorphone (50mg).<sup>5</sup> Moreover, the Press Release said, “Because of Arizona’s confidentiality law (A.R.S. § 13-757(C)) the compound pharmacist and/or company that provides these drugs to the Arizona Department of Corrections will remain confidential.”

As a result of these documents, I have several questions for you, the answers to which will enable counsel to properly advise Messrs. Rogovich and Wood about their potential executions. Therefore, I ask that you provide me with the following information pertaining to the lethal drugs that ADC currently possesses, as well as those that ADC intends to procure or is attempting to procure.

**I. Execution protocol with midazolam and hydromorphone<sup>6</sup>**

- A. Please provide me with documentation indicating why the amounts differ from the amounts used in Ohio. Please also provide documentation explaining how ADC chose the amounts of midazolam and hydromorphone.
- B. Please provide me with the name of the manufacturer; the source of the midazolam and the hydromorphone, including whether these two drugs are from domestic or foreign sources; proof that the drugs are approved by the Food and Drug Administration (FDA); and—if the drugs are not FDA-approved—the legal authority for your acquisition and possession of these drugs.
- C. If ADC intends to use midazolam or hydromorphone that is not FDA-approved, please provide the source of those drugs. In particular, if ADC intends to use compounded drugs, please identify the name of the pharmacy and the state(s) in which the pharmacy is registered, as well as the pharmacist (or other personnel), that will provide the compounded drugs.

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<sup>5</sup> Dep’t Order 710, Attach. D, at Chart C.

<sup>6</sup> Dep’t Order 710, Attach. D, at Chart C, “Two-Drug Protocol with Midazolam and Hydromorphone.”

Charles Ryan, Director  
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D. Please provide me with the credentials<sup>7</sup> of each IV Team member with respect to the Drug Enforcement Agency (DEA) registrations that authorize IV Team members to handle controlled substances, and the same information for all other persons responsible for handling the drugs before, during, and after executions.

## II. Execution protocol with pentobarbital<sup>8</sup>

Mr. Zick's letter to Ms. Hall appears to indicate that ADC continues to try to procure pentobarbital.<sup>9</sup> If this is the case, please provide me with the following information.

- A. Please explain why ADC has announced its intention to use Chart C (the two-drug protocol) if it has not actually fully committed to that course.
- B. Please explain what methods ADC is using to locate pentobarbital.
- C. Please tell me how long ADC intends to continue its search for pentobarbital.
- D. If ADC finds a source of pentobarbital, when that source is identified will you agree to provide me with the name of the manufacturer; the source of the pentobarbital, including whether the drug is from a domestic or foreign source; proof that the drug is approved by the Food and Drug Administration (FDA); and—if the drug is not FDA-approved—the legal authority for your acquisition and possession of the drug.
- E. If ADC intends to use non-FDA-approved pentobarbital, when the source is identified will you agree to provide the source of that drug. In particular, if ADC intends to use compounded pentobarbital, please identify the name of the pharmacy and the state(s) in which the pharmacy is registered, as well as the pharmacist (or other personnel), which will provide the compounded drug.

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<sup>7</sup> ADC Dep't Order 710, section 710.02, 1.2.5.2.

<sup>8</sup> Dep't Order 710, Attach. D, at Chart A, "One-Drug Protocol with Pentobarbital."

<sup>9</sup> Zick Letter.

Charles Ryan, Director  
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F. Please provide me with the credentials<sup>10</sup> of each IV Team member with respect to the Drug Enforcement Agency (DEA) registrations that authorize IV Team members to handle controlled substances, and the same information for all other persons responsible for handling the drugs before, during, and after executions.

The information I am requesting is critical in advising Messrs. Rogovich and Wood regarding their potential executions. And as you are aware, addressing these issues at the last minute is extremely difficult.<sup>11</sup> Therefore, your prompt response will be greatly appreciated. Additionally, please consider this request to be an ongoing one: at any time that ADC obtains new information pertaining to my request, please promptly provide me with that information.

Sincerely,



Dale A. Baich, Supervisor  
Capital Habeas Unit

cc: Julie Hall  
Jeffrey A. Zick  
Dawn Northup

DAB/clh

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<sup>10</sup> ADC Dep't Order 710, section 710.02, 1.2.5.2.

<sup>11</sup> See *Towery v. Brewer*, 672 F.3d 650, 652-53 (9th Cir. 2012) (noting that the State of Arizona's consistent approach to change protocols on the eve of executions forces the court to hear appeals at the "in the waning hours before executions" and cannot continue).

# Exhibit F

# Arizona Department of Corrections



JANICE K. BREWER  
GOVERNOR

1601 WEST JEFFERSON  
PHOENIX, ARIZONA 85007  
(602) 542-5497  
www.azcorrections.gov



CHARLES L. RYAN  
DIRECTOR

May 6, 2014

RECEIVED

MAY 07 2014

Federal Public Defender  
Capital Habeas Unit

Dale Baich, Supervisor  
Capital Habeas Unit  
Office of the Federal Public Defender  
850 W. Adams St., Suite 201  
Phoenix, AZ 85007

Dear Mr. Baich:

In response to your letter of April 30, 2014, I reiterate that the Arizona Department of Corrections ("ADC") will use Midazolam and Hydromorphone in a two-drug protocol in the event a warrant of execution is issued for inmate Joseph Wood (#086279). Your suggestion that ADC is not "fully committed" to that course is misplaced. With regard to your request for documents relating to "how ADC chose the amounts of midazolam and hydromorphone," the ADC relied on declarations and sworn testimony provided in the Ohio Execution Protocol litigation (Case No 2:11-CV-1016) out of the Southern District of Ohio.

ADC's position that A.R.S. § 13-757(C) protects the identity of the source of the drugs has not changed. I can tell you, however, that the drugs the ADC intends to use in the event a warrant of execution is issued for inmate Wood have been domestically obtained and are FDA approved. Similarly, the qualifications of the IV team as set forth in Department Order 710.02-1.2.5 have not changed since the ADC amended the protocol in September, 2012, to include assurances of the IV team's qualifications. Based in significant part on these additions, as well as other changes that demonstrate ADC's commitment to transparency in the process, you dismissed the constitutional challenge to ADC's execution protocol in *Towery v. Brewer*, 2:12-CV-00245-NVW.

ADC will continue to look for a source of pentobarbital indefinitely. If successful, you will be notified in accordance with the protocol (See Attachment D, Subsection (C)(2)).

Regards,

Charles L. Ryan  
Director

- cc: Jeffrey Zick, Chief Counsel, Capital Litigation Section
- Jeff Hood, Deputy Director
- Carson McWilliams, Interim Division Director, Offender Operations
- Dawn Northup, General Counsel
- Julie Hall-Counsel for inmate Wood

# Exhibit C

Office of the  
**FEDERAL PUBLIC DEFENDER**  
for the District of Arizona  
**Capital Habeas Unit**

**Jon M. Sands**  
Federal Public Defender

**direct line:** 602.382.3816  
**email:** dale\_baich@fd.org

May 9, 2014

Charles Ryan, Director  
Arizona Department of Corrections  
1601 West Jefferson  
Phoenix, Arizona 85007

Dear Director Ryan:

On April 30, 2014, I sent you a request for certain information about the drugs and personnel that ADC intends to use in the execution of Joseph Rudolph Wood, III.<sup>1</sup> You responded on May 6, 2014, with some of the information I requested.<sup>2</sup> As a result of your letter, I now write to ask for clarification and for additional information.

My first request pertains to the source of ADC's supply of midazolam and hydromorphone. As you know, I asked whether ADC intends to use FDA-approved drugs, and I asked you to provide me with the name of the manufacturers of the drugs, as well as the lot numbers and expiration dates of those drugs.<sup>3</sup> In your response, you declined to provide any information other than an avowal that ADC intends to use domestically obtained, FDA-approved drugs.<sup>4</sup> You also asserted ADC's position that Arizona Revised Statutes section 13-757(C) "protects the identity of the source of the drugs";<sup>5</sup> that position, however, contradicts ADC's previous releases of the same information.<sup>6</sup> Moreover, ADC's position stands in contradiction to the ruling in *Schad v.*

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<sup>1</sup> Letter from Dale A. Baich, Ass't Fed. Pub. Defender, to Charles A. Ryan, Dir., Ariz. Dep't Corr., dated April 30, 2014 (Baich letter).

<sup>2</sup> Letter from Charles A. Ryan, Dir., Ariz. Dep't Corr., to Dale A. Baich, Ass't Fed. Pub. Defender, dated May 6, 2014 (Ryan letter).

<sup>3</sup> Baich letter at 2.

<sup>4</sup> Ryan letter.

<sup>5</sup> *Id.*

<sup>6</sup> See, e.g., Document release from Kent Cattani, Office of the Ariz. Att'y Gen., to Dale A. Baich, dated March 25, 2011 (containing, *inter alia*, expiration dates and lot numbers of sodium thiopental, potassium chloride, and pancuronium bromide); Document release

Charles Ryan, Director

May 9, 2014

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*Brewer*,<sup>7</sup> in which the United States district court ordered ADC to turn over information about the name of the manufacturer of the drug that ADC intended to use in Mr. Schad's execution, as well as information detailing NDCs (National Drug Codes), lot numbers, and expiration dates for the drug.<sup>8</sup> ADC did not appeal this order, and turned over the information in a publically filed document.<sup>9</sup> Therefore, in light of ADC's previous actions, and because the information is crucial to our client, I again ask that you provide me with this public information at your earliest convenience. Additionally, I ask that you include the NDCs of the drugs (as you have done in previous matters).

My second request relates to ADC's process of determining the amounts of midazolam and hydromorphone listed in ADC's lethal-injection protocol. In my letter, I asked for documents detailing ADC's research on this issue.<sup>10</sup> In your response, you stated that "ADC relied on declarations and sworn testimony provided in the Ohio Execution Protocol litigation . . ."<sup>11</sup> While I appreciate this information, I now reiterate my request for the actual documents you relied upon. Moreover, if ADC relied on sources of information other than the documents to which you referred in your letter, please provide documentation of that information as well. Finally, please provide documentation of the manner in which ADC selected the material on which it relied. (If no documents exist, then please explain the selection method.)

My third request relates to Jeffrey Zick's statement that ADC intends to use the two-drug protocol (midazolam and hydromorphone), but also indicating that "if ADC is able to procure pentobarbital," ADC intends to use that drug.<sup>12</sup> In my letter, I asked you why ADC stated that it intends to use the two-drug protocol, given that ADC apparently continues its search for pentobarbital. Your letter did not clarify the issue; instead, you made the following statements:

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dated July 14, 2011 from Office of the Att'y Gen. to Dan Barr, *Office of the Fed. Pub. Defender v. ADC*, N. LC 2011-000344-001 DT (Ariz. Super. Ct.) filed May 5, 2011 (containing, *inter alia*, NDCs of Nembutal<sup>®</sup>); Defs' 26(a)(1) Disclosures and Responses to RFPs filed in *West v. Brewer*, No. 2:11-CV-01409-NW (D. Ariz.), Aug. 19, 2011, Bates No. 01985 (Nembutal<sup>®</sup> Purchase Order); Bates No. 01973-01978 (Photographs of Nembutal Supply).

<sup>7</sup> *Schad v. Brewer*, No. 2:13-CV-02001-ROS (D. Ariz.) filed Oct. 2, 2013.

<sup>8</sup> Order, *id.*, Oct. 4, 2013 (ECF No. 23).

<sup>9</sup> Notice of Disclosure, *id.*, Oct. 5, 2013 (ECF No. 24).

<sup>10</sup> Baich letter at 2.

<sup>11</sup> Ryan letter.

<sup>12</sup> Letter from Jeffrey A. Zick, Chief Counsel, Capital Litigation Section of the Office of the Ariz. Att'y. Gen., to Julie Hall, Esq., dated April 22, 2014.

Charles Ryan, Director

May 9, 2014

Page 3

1. “ADC *will use* Midazolam and Hydromorphone in a two-drug protocol in the event a warrant of execution is issued for inmate Joseph Wood (#086279).”<sup>13</sup>
2. “Your suggestion that ADC is not ‘fully committed to that course [the two-drug protocol] is misplaced.’”<sup>14</sup>
3. “ADC will continue to look for a source of pentobarbital indefinitely. If successful, you will be notified in accordance with the protocol.”<sup>15</sup>
4. “I can tell you . . . that the drugs the ADC intends to use in the event a warrant of execution is issued for inmate Wood *have been* domestically obtained and are FDA approved.”<sup>16</sup>

I do not understand why you believe that my suggestion that ADC has not committed to the two-drug protocol is “misplaced”—on the one hand, ADC “*will use* Midazolam and Hydromorphone”;<sup>17</sup> on the other hand, “ADC will continue to look for a source of pentobarbital indefinitely.”<sup>18</sup> And, you indicated that ADC has already obtained the drugs. I therefore ask that you explain whether ADC “will use” the two-drug protocol, or whether it will not.

My final request is one that I did not make in my original letter: I ask that you provide me with documentation of the credentials of the medical professional<sup>19</sup> who will participate in Mr. Wood’s execution. I ask because the Arizona Attorney General has recently brought the issue of femoral-vein access to the news, in light of the “horror show”<sup>20</sup> of Oklahoma’s recent execution of Clayton Lockett. General Horne is reported to have said that a horrific outcome is not possible here, because “in Arizona, to prevent that, if we think there’s a problem with the vein, we go to the femoral vein in the thigh.”<sup>21</sup>

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<sup>13</sup> *Id.* (emphasis added).

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> *Id.* (emphasis added).

<sup>17</sup> *Id.* (emphasis added).

<sup>18</sup> *Id.*

<sup>19</sup> See Dep’t Order 710 § 1.2.5 (describing qualifications for IV team members).

<sup>20</sup> Michael Kiefer, *What Oklahoma’s botched execution means for Arizona*, Ariz. Republic, May 2, 2014, available at <http://www.azcentral.com/story/news/politics/2014/05/03/oklahomas-botched-execution-means-arizona/8650575/> (“Kiefer article”).

<sup>21</sup> Public comment of Att’y Gen. Tom Horne, cited in Kiefer article.

Charles Ryan, Director  
 May 9, 2014  
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Moreover, Jeffrey Zick stated that the Oklahoma situation was a result of Mr. Lockett's "ruptured vein," which resulted in the drugs "going into soft tissue."

But General Horne's words provide no assurances to Mr. Wood, because the Oklahoma execution appears to have relied on the same type of femoral-vein access that, according to General Horne, make Arizona's execution protocol different from and more safe than Oklahoma's.<sup>22</sup> And that fact makes Mr. Zick's comments especially crucial: if the doctor setting the femoral-vein catheter is not qualified, then drugs will "go[] into soft tissue."

In light of these comments, the importance of the credentials of ADC's medical-professional-executioner is critically important to Mr. Wood. As you know, the matter of the credentials and qualifications of ADC's doctor-executioner has been an issue in the past. Two years ago, the United States District Court found that ADC "maintained no documentation concerning [the doctor-executioner's] qualifications and did not conduct a professional license or criminal history check before selecting him to participate on the Medical Team or before each execution."<sup>23</sup>

That unvetted doctor executed several Arizona prisoners by introducing drugs through femoral-vein catheters—instead of peripheral catheters, and in violation of ADC's protocol—"because in his opinion 'it's more reliable' and 'would be less likely to cause discomfort to the inmate.'"<sup>24</sup> But the doctor's opinion that surgery would cause less discomfort than peripheral catheters is not only incorrect in general,<sup>25</sup> but also because the doctor himself was unable to do the surgical procedure appropriately. Thus,

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<sup>22</sup> Letter from Robert Patton, Dir., Okla. Dep't Corr., to The Honorable Mary Fallin, Governor, The State of Okla., dated May 1, 2014, at [unnumbered] page 2, available at <http://www.scribd.com/doc/221455346/Oklahoma-Department-of-Corrections-Timeline-of-Clayton-Lockett-s-Execution>, as reported in Shawn Ashley, *Fallin: Patton Letter Gives 'Clarity,' Will Release Execution Review*, KGOU, May 2, 2014, available at <http://kgou.org/post/fallin-patton-letter-gives-clarity-will-release-execution-review>, last visited May 9, 2014.

<sup>23</sup> *West v. Brewer*, No. 2:11-CV-01409-NVW 2011, WL 6724628, at \*6 (D. Ariz. Dec. 21, 2011).

<sup>24</sup> *Id.* at 13.

<sup>25</sup> See e.g., Test. Of Eric Katz, M.D., 57:22-25, Dec. 7, 2011, *West v. Brewer*, No. 2:11-CV-01409-NVW (explaining that emergency-room physicians prefer peripheral lines over central lines (e.g., femoral lines) because peripheral access is "easier; It's available. It's more comfortable. It's effective. It works."); *id.* at 58:21-59:3 (explaining that a central line is *not* less likely to cause pain and discomfort, because the central line is a "more painful procedure . . .").

Charles Ryan, Director  
May 9, 2014  
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for example, he “punctured the skin at least twice and did not administer additional lidocaine [a local anaesthetic] after the first attempt at setting the line was unsuccessful [in the executions of two prisoners].”<sup>26</sup> Moreover, the doctor set the catheters incorrectly—often facing the wrong direction.<sup>27</sup>

Given these concerns, then, and given the Attorney General’s belief that femoral-vein access is important for avoiding execution situations like the one in Oklahoma, I ask that you provide me with 1) evidence that ADC has conducted the required background check and licensing review, and 2) documentation of the doctor-executioner’s qualifications.

I appreciate your prompt and thorough attention to my requests. As always, if you have any questions, please don’t hesitate to contact me.

Sincerely,



Dale A. Baich, Supervisor  
Capital Habeas Unit

cc: Julie Hall  
Jeffrey Zick  
Dawn Northup

DAB/clh

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<sup>26</sup> *West*, No. 2:11-cv-01409-NVM, 2011 WL 6724628, at \*8.

<sup>27</sup> Katz Test., 42:19-49:2, Dec. 7, 2011, *West*, No. 2:11-cv-01409-NVW (reviewing autopsy photos and describing the incorrect placement of catheters in executed prisoners); *see also* Kiefer article.

# Exhibit D

Office of the  
**FEDERAL PUBLIC DEFENDER**  
for the District of Arizona  
**Capital Habeas Unit**

**Jon M. Sands**  
Federal Public Defender

**direct line:** 602.382.3816  
**email:** dale\_baich@fd.org

May 15, 2014

*Via* hand-delivery and certified mail

Charles Ryan, Director  
Arizona Department of Corrections  
1601 West Jefferson  
Phoenix, Arizona 85007

Dear Director Ryan:

On April 22, 2014, the State of Arizona asked the Arizona Supreme Court to issue a warrant of executions for Joseph Rudolph Wood III<sup>1</sup> and Pete Carl Rogovich. As a result of that request, I sent you a letter on April 30, 2014, asking for certain information and documents pertaining to Mr. Wood's potential execution.<sup>2</sup> I asked you to provide data about the provenience of the lethal-injection drugs that ADC intends to use; to provide documentation explaining how ADC chose the amounts of the drugs it lists in its two-drug protocol; and to provide documentation that confirms that each and every person who will handle or who is expected to handle controlled substances has proper DEA authorization to do so.<sup>3</sup> You responded on May 6, 2014, declining to provide most of the information for which I asked,<sup>4</sup> and I sent follow-up letters on May 9 and May 15, 2014.<sup>5</sup>

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<sup>1</sup> The State of Arizona's Mot. for Warrant of Execution, *State v. Wood*, No. CR-91-0233-AP (Ariz. Sup. Ct.), filed Apr. 22, 2014.

<sup>2</sup> Letter from Dale A. Baich, Ass't Fed. Pub. Defender, to Charles A. Ryan, Dir., Ariz. Dep't Corr., dated April 30, 2014 ("Baich April Letter").

<sup>3</sup> Baich April Letter.

<sup>4</sup> Letter from Charles A. Ryan, Dir., Ariz. Dep't Corr., to Dale A. Baich, Ass't Fed. Pub. Defender, dated May 6, 2014.

<sup>5</sup> Letter from Dale A. Baich, Ass't Fed. Pub. Defender, to Charles A. Ryan, Dir., Ariz. Dep't Corr., dated May 9, 2014; Letter from Dale A. Baich, Ass't Fed. Pub. Defender, to Charles A. Ryan, Dir., Ariz. Dep't Corr., dated May 15, 2014.

Charles Ryan, Director  
May 15, 2014  
Page 2

The information I have requested is relevant to the potential execution of Mr. Wood; the information therefore implicates his constitutional rights, including but not limited to, due process and the Eighth Amendment. I am therefore writing to demand that you preserve all documents, tangible things, and electronically stored information (“ESI”) potentially relevant to these issues. This letter therefore provides notice that litigation is anticipated; consequently, ADC is legally required to suspend all routine, automated and regular policies for retention and deletion of paper or electronically stored information. Further, this letter demands that immediate steps be taken to communicate the legal duty requiring preservation of paper and electronically stored information to any and all ADC personnel who may be in possession of or have access to such information. Immediate steps must be taken to assure that ADC personnel are prevented from deleting any electronically stored information. *See Riley v. Prescott*, No. CV-11-08123-PCT-JAT, \_\_\_ F.R.D. \_\_\_, 2014 WL 641632, at \*18 (D. Ariz. Feb. 19, 2014) (“It is well established that the duty to suspend document retention/destruction policy and to preserve ESI arises when a party knows or should know that certain evidence is relevant to pending or future litigation) (quoting *Surowiec v. Capital Title Agency, Inc.*, 790 F.Supp.2d 997, 1006 (D. Ariz. 2011)); *See Knickbocker v. Corinthian Colls.*, No. CR-1142JLR, 2014 WL 1356205 at \*8 (W.D. Wash. Apr. 7 2014) (“Once triggered, this duty extends to any documents or tangible items that the party knows or should know are relevant to the litigation, as well as documents in possession of employees who are ‘key players’ in the case.”) (citing *Apple Inc. v. Samsung Elecs. Co., Ltd.*, 881 F.Supp. 2d, 1132, 1137 (N.D. Cal 2012)).

Specifically, I ask that you and your staff preserve, at a minimum, the following items of ESI:

1. All electronic mail with metadata (including message contents, header information, and logs of electronic mail usage) containing information I identified in my three letters;<sup>6</sup>
2. All data bases (including all records and field structural information) containing any reference to the information I identified in my Request Letters;

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<sup>6</sup> Letters dated April 30, 2014; May 9, 2014; May 15, 2014 (hereinafter, “Request Letters”); *see* nn. 2 & 5.

Charles Ryan, Director

May 15, 2014

Page 3

3. All logs of activity on any computer system which may have been used to process or maintain electronically stored information that contains any reference to the information I identified in my Request Letters;
4. All word processing files and file fragments containing any reference to the information I identified in my Request Letters;
5. All files and file fragments containing information from electronic calendars and scheduling programs containing any reference to the information I identified in my Request Letters;
6. All electronic data files and fragments created or used electronic spreadsheet programs where such data files contained any reference to the information regarding I identified in my Request Letters.
7. All voicemails, including but not limited to message headers, relating to the information I identified in my Request Letters; and,
8. To the extent not included in the foregoing, any and all other electronically stored information containing, arising from, or relating to, or relationship with the information I identified in my Request Letters.

Please retain and preserve all backup tapes or other storage media, whether on-line or off-line, and refrain from overwriting or deleting information contained thereon, which may contain the ESI identified above.

ESI should be afforded the broadest possible definition and includes (by way of example and not as an exclusive list) potentially relevant information electronically, magnetically, or optically stored as:

- Digital communications (e.g., email, voice mail, instant messaging);
- Word processed documents (e.g., Word or WordPerfect documents and drafts);
- Spreadsheets and tables (e.g., Excel or Lotus worksheets);
- Image and Facsimile Files (e.g., images);
- Sound Recordings (e.g., .WAV and .MP3 files);
- Video and Animation (e.g., .AVI and .MOV files);
- Databases (e.g., Access, Oracle, SQL Server data, SAP);
- Contact and Relationship Management Data (e.g., Outlook, .ics);
- Calendar and Diary Application Data (e.g., Outlook PST, Yahoo, .ics);

Charles Ryan, Director  
May 15, 2014  
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- Online Access Data (e.g., Temporary Internet Files, History, Cookies);
- Network Access and Server Activity Logs;
- Back Up and Archival Files (e.g., Zip, .GHO)

This demand covers for preservation of ESI includes information stored on current and former computer systems (both official and personal), voicemail systems, mobile devices (including but not limited to smartphones, iPads and other tablets, and flip-phones) (both official and personal), and data stored in the cloud (both official and personal).

Lastly, my demand also extends to preservation of paper documentation and other tangible things.

It is imperative that you employ proper forensic techniques and procedures to assure the preservation of the relevant ESI, as the failure to do so can itself result in the destruction of evidence. *Gates Rubber Co. v. Bando Chem. Indus., Ltd.*, 167 F.R.D. 90, 111-113 (D. Colo. 1996) (describing computer technology, and explaining the problems that arose when one party attempted to preserve and recover files, and the efforts resulted in “obliterating, at random, 7 to 8 percent of the information which otherwise have been available”). If you have any questions about my request demand for the preservation of this information, please let me know—we are prepared to work with you to ensure that appropriate steps are taken to preserve the relevant ESI.

Sincerely,



Dale A. Baich, Supervisor  
Capital Habeas Unit

cc: Dawn Northup, General Counsel, Arizona Department of Corrections  
Jeffrey A. Zick, Chief Counsel, Capital Litigation Section, Office of the Attorney  
General  
Julie Hall, Esq.

DAB/clh

# Exhibit E

Office of the  
**FEDERAL PUBLIC DEFENDER**  
for the District of Arizona  
**Capital Habeas Unit**

**Jon M. Sands**  
Federal Public Defender

direct line: 602.382.3816  
email: dale\_baich@fd.org

May 15, 2014

Via hand-delivery

Charles Ryan, Director  
Arizona Department of Corrections  
1601 West Jefferson  
Phoenix, Arizona 85007

Dear Director Ryan:

I am writing to follow up on my recent letters<sup>1</sup> to you asking for information pertaining to the potential executions of Joseph Rudolph Wood, III<sup>2</sup> and Pete Carl Rogovich. Specifically, I write to reiterate my request for information about the type and source of drugs ADC intends to use; information about the DEA registration of all persons who will handle, or who will potentially handle, controlled substances;<sup>3</sup>

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<sup>1</sup> Letter from Dale A. Baich, Ass't Fed. Pub. Defender, to Charles A. Ryan, Dir., Ariz. Dep't Corr., dated April 30, 2014 ("Baich April Letter"); Letter from Dale A. Baich, Ass't Fed. Pub. Defender, to Charles A. Ryan, Dir., Ariz. Dep't Corr., dated May 9, 2014 ("Baich May Letter").

<sup>2</sup> The State of Arizona's Mot. for Warrant of Execution, *State v. Wood*, No. CR-91-0233-AP (Ariz. Sup. Ct.), filed Apr. 22, 2014.

<sup>3</sup> In your response to me of May 9, you stated that "the qualifications of the IV team as set forth in Department Order 710.02-1.2.5 have not changed since the ADC amended the protocol in September, 2013, to include assurances of the IV team's qualifications." However, that statement does not fully address my concerns. First, the protocol only calls for a "review of the proposed [IV] team member's qualifications, training, experience, and/or any professional license(s) and certification(s) *they may hold*." Dep't Order 710, section 710.02, 1.2.5.2 (emphasis added). The protocol does not require that they have DEA registrations for handling controlled substances.

Moreover, this provision of the protocol only addresses the IV team members; I am asking for documentation that demonstrates the authorization for *all* persons who will handle or will potentially handle controlled substances (e.g., the person(s) who bring the

Charles Ryan, Director  
May 15, 2014  
Page 2

documents that ADC relied on in developing the two-drug protocol; and information about the credentials of the medical professional who will be responsible for, *inter alia*, setting a femoral catheter.

In addition to the categories I previously asked about, I ask that you add the following categories of information to my request.

1. All documentation relating to any communications with the staff or agents of any departments of corrections of any other states; with the Federal Bureau of Prisons; or with any other federal agency, on the topic of any lethal-injection protocol—whether those protocols are official, in draft version, or in any other stage of development.
2. All documentation relating to any source of lethal-injection drugs, including communications with departments of corrections in any jurisdiction (state or federal).
3. All documentation relating to communications with staff or agents of any departments of corrections in any jurisdiction (state or federal) about Oklahoma's April 29, 2014, execution of Clayton Lockett (whether those communications occurred before, during, or after the execution).
4. All documentation relating to communications with staff or agents of any departments of corrections in any jurisdiction (state or federal) about Ohio's January 16, 2014, execution of Dennis McGuire (whether those communications occurred before, during, or after the execution).
5. All documentation relating to travel or potential travel by staff or agents of ADC to other jurisdictions (state or federal) to observe, assist with, or otherwise participate in executions outside of Arizona;
6. All documentation relating to travel or potential travel by staff or agents of any other department of corrections (state or federal) to Arizona or other jurisdictions to observe, assist with, or otherwise participate in executions.

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drugs to the execution room; those who clean up after the execution and fill out the controlled-substances inventory; etc.).

Charles Ryan, Director  
May 15, 2014  
Page 3

7. All documentation relating to communications relating to refusals to provide information about lethal-injection drugs or protocols from litigants or the public.
8. All documentation relating to communications with any Arizona state agency about any of these topics.<sup>4</sup>
9. All documentation relating to communications with staff or agents of any federal agency about any of these topics.

These requests cover the time period covering September 1, 2013, through the present date. Additionally, my request is an ongoing one; therefore, if you continue to obtain documents relevant to this request, please provide them to me as you receive them.

If you have any questions about these requests, please do not hesitate to contact me. I look forward to hearing from you.

Sincerely,



Dale A. Baich, Supervisor  
Capital Habeas Unit

cc: Dawn Northup, General Counsel, Arizona Department of Corrections  
Jeffrey A. Zick, Chief Counsel, Capital Litigation Section, Office of the Attorney General  
Julie Hall, Esq.

DAB/clh

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<sup>4</sup> By "any state agency," I do not mean, of course, to include privileged communications with your counsel.

# Exhibit G

# Arizona Department of Corrections



JANICE K. BREWER  
GOVERNOR

1601 WEST JEFFERSON  
PHOENIX, ARIZONA 85007  
(602) 542-5497  
www.azcorrections.gov



CHARLES L. RYAN  
DIRECTOR

June 6, 2014

**RECEIVED**

JUN 09 2014

FEDERAL PUBLIC DEFENDER  
CAPITAL HABEAS UNIT

Dale A. Baich  
Federal Public Defender for District of Arizona  
Capital Habeas Unit  
850 W. Adams Street, Suite 201  
Phoenix, AZ 85007

Dear Mr. Baich:

This letter is in response to your letters of May 9 and May 15, 2014, requesting information about the source of the drugs the Arizona Department of Corrections (ADC) intends to use in the execution of inmate Joseph Wood (#086279), as well as information pertaining to the "credentials" of personnel who will be responsible for setting a femoral line in the event one is used. Your request for records, although not submitted as a public records request, has been construed as such and responsive records are attached. The records have been redacted pursuant to A.R.S. § 13-757(C).

With respect to your request for information regarding the credentials of the IV team, Department Order 710.02 at Section 1.2.5.4 clearly states that a central femoral line will not be used unless the person placing the line is currently certified or licensed within the United States to place a central line. Pursuant to Section 1.2.5.2 of Department Order 710, the certification and/or licensing of the IV team were verified by the Inspector General's Office prior to their selection and have been re-verified since the warrant issued. Thus, in the event a central femoral line is used for the scheduled execution of inmate Wood on July 23, 2014, it will be placed by a person who is currently certified or licensed to place not only peripheral IV lines, but also a central femoral line.

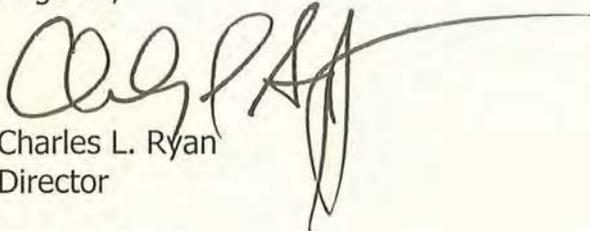
Your challenge to the credentials of the IV team members is curious given that this issue was raised in *Towery v. Brewer*, 2:12-CV-00245-NVW, and based on ADC's revisions to the protocol, specifically with regard to the qualifications of the IV team, you dismissed that challenge.

With regard to your request for records relating to ADC's addition of the two-drug protocol of hydromorphone and midazolam, as I stated in my letter of May 6, 2014,

Mr. Dale Baich  
June 6, 2014  
Page Two

responsive records can be found in the public record in Case No. 2:11-CV-1016 in the Southern District of Ohio. The Federal Public Defender's Office represented the inmate in that case so undoubtedly you have access to those documents.

Regards,

  
Charles L. Ryan  
Director

Enclosures

cc: Jeffrey Zick, Chief Counsel, Capital Litigation Section  
Jeff Hood, Deputy Director  
Carson McWilliams, Interim Division Director, Offender Operations  
Dawn Northup, General Counsel  
Julie Hall, Counsel for Inmate Wood  
CLR85475538

06-05-14 15:21 FROM-  
 ARIZONA DEPARTMENT OF CORRECTIONS

T-058 P0001/0001 F-198

*May 11/21/14*

Purchase Order Number  
 [REDACTED]

**Request for Purchase / Purchase Order**

RFP Number [REDACTED]	Activity Manager and Date*	AZ Contract Number
Budget Unit ASPC-F WARDEN	Budget Group Authority and Date**	Purchasing and Date*
Date Prepared 01/13/2014	Index [REDACTED] PCA	Accounting and Date*
Requestor and Phone* CARSON MCWILLIAMS	Compt Obj [REDACTED]	Vendor Number and Mail Code

Vendor [REDACTED]	Ship To ASPC-FLORENCE 1305 E BUTTE AVE FLORENCE, AZ 85132	Bill To ASPC-FLORENCE P.O. BOX 629 FLORENCE, AZ 85132
Phone Number	Attn and M/C WAREHOUSE	Customer Number

Line No.	Qty	Unit	Commodity No.	Description	Unit Price	Extended Price
01	5	EA	[REDACTED]	HYDROMORPHONE 5ML AMP	68.90	344.50
02	5	EA	[REDACTED]	MIDAZOLAM HCL DMG/ML VIAL 10 ML	115.35	576.75

Delivery Required	Terms**	FOB	Subtotal	\$921.25
Received and Date* - I certify this order received except as noted above.			Tax	
			Freight	\$8.95
			Total	930.20

\* Requires signature  
 ~ Signature must be on file with Financial Services Bureau as authorized to sign RFP  
 + Signature must be on file with the Financial Services Bureau as authorized to sign encumbrances/purchase orders  
 \*\* See reverse side for State of Arizona Purchase Order Terms and Conditions

Authorized Agent and Date\* *[Signature]* 1/13/14

Distribution: Original - Vendor Copy - Accounting Copy - Budget Group Authority Copy - Receiver Copy - Purchasing 302-2P 1/24/02



Send Payment To:



**INVOICE**

INVOICE NO	PAGE
[REDACTED]	1 of 1
INVOICE DATE	
1/13/14	
DUE DATE	
2/12/14	

**BILL TO**

ARIZONA DEPARTMENT OF CORRECTIONS  
PO BOX 629  
FLORENCE AZ 85132

**SHIP TO**

ARIZONA STATE PRISON - FLORENCE  
1305 BUTTE AVE  
520-560-2092 CARSON  
FLORENCE AZ 85132

ORDER NO	ORDER DATE	CUSTOMER NO	BRANCH
[REDACTED]	1/10/14	[REDACTED]	[REDACTED]
CUSTOMER P.O. NUMBER		TERMS	SHIP VIA
[REDACTED]		Net 30	UPS
ITEM NUMBER		QUANTITY	UNIT PRICE
DESCRIPTION			UOM
1.000	[REDACTED] MIDAZOLAM HCL 5mg/mL VIAL;10mL	5.0000	115.3500
	[REDACTED] 10/31/15		EA
2.000	Freight Freight		8.9500
			8.95

ASPC-FLORENCE  
RECEIVED

JAN 13 2014  
BUSINESS OFFICE

VISA, MASTERCARD & AMERICAN EXPRESS ACCEPTED.  
Invoices paid beyond terms are subject to a late payment charge.

SALE AMOUNT	585.70
0 % SALES TAX	.00
BALANCE DUE	585.70
<small>Payable in U.S. Currency</small>	

Please detach and return with payment

Customer No. [REDACTED]  
Ship To No. [REDACTED]

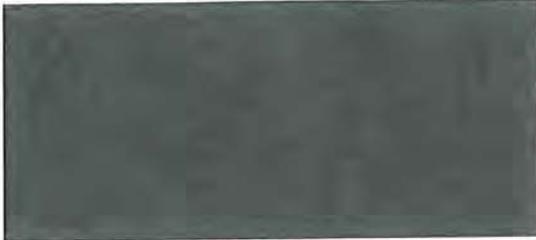
Invoice No. [REDACTED]

Balance Due  
585.70

ARIZONA DEPARTMENT OF CORRECTIONS  
PO BOX 629  
FLORENCE AZ 85132

ARIZONA STATE PRISON - FLORENCE  
1305 BUTTE AVE  
520-560-2092 CARSON  
FLORENCE AZ 85132

REMIT PAYMENT TO: [REDACTED]



PICK TICKET



Order No.	Order Date	Branch/Plant	Page No.
	1/10/14		1 of 1
Customer No.	Customer Purchase Order No.		

Ship Via	Picked By	Insp. By	Packed By	Ship Confirm	Shipping Instructions
GR					

Bill To: ARIZONA DEPARTMENT OF CORRECTIONS  
 PO BOX 629  
 FLORENCE AZ 85132

Ship To: ARIZONA STATE PRISON - FLORENCE  
 1305 BUTTE AVE  
 520-560-2092 CARSON  
 FLORENCE AZ 85132

THANK YOU FOR YOUR ORDER

Item No.	Description	Quantity Shipped	U/M	Location	Lot	Expiration Date
	MIDAZOLAM HCL 5mg/mL VIAL;10mL	5	EA	VAULT		10/31/15

\*\*\*\*\*Backordered Items\*\*\*\*\*

Item No.	Description	Qty/B/O
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*1/17/14*

Please Request Return Authorization:

Email: [Redacted]

Fax: [Redacted]

Direct Inquiries To: [Redacted]

Comments

INVOICE TO FOLLOW UNDER SEPARATE MAILING



Send Payment To:



**INVOICE**

INVOICE NO.	PAGE
[REDACTED]	1 of 1
INVOICE DATE	
1/13/14	
DUE DATE	
2/12/14	

**BILL TO**

ARIZONA DEPARTMENT OF CORRECTIONS  
PO BOX 629  
FLORENCE AZ 85132

**SHIP TO**

ARIZONA STATE PRISON - FLORENCE  
1305 BUTTE AVE  
ATTN: PHARMACY  
REF PO [REDACTED]  
FLORENCE AZ 85232

ORDER NO	ORDER DATE	CUSTOMER NO	BRANCH		
[REDACTED]	1/13/14	[REDACTED]	[REDACTED]		
CUSTOMER P.O. NUMBER		TERMS	SHIP VIA	UPS TRACKING NUMBER	
[REDACTED]		Net 30	UPS	[REDACTED]	
ITEM NUMBER	DESCRIPTION	QUANTITY	UNIT PRICE	UOM	EXTENDED AMOUNT
1.000	[REDACTED] HYDROMORPHONE 5ML AMP 9/30/15	5.0000	68.9000	EA	344.50

ASPC FLORENCE  
RECEIVED  
JAN 16 2014  
BUSINESS OFFICE

VISA, MASTERCARD & AMERICAN EXPRESS ACCEPTED.  
Invoices paid beyond terms are subject to a late payment charge.

SALE AMOUNT	344.50
0 % SALES TAX	.00
<b>BALANCE DUE</b>	<b>344.50</b>
Payable in U.S. Currency	

Please detach and return with payment

Customer No.

Ship To No.



Invoice No.



Balance Due

344.50

ARIZONA DEPARTMENT OF CORRECTIONS  
PO BOX 629  
FLORENCE AZ 85132

ARIZONA STATE PRISON - FLORENCE  
1305 BUTTE AVE  
ATTN: PHARMACY  
REF PO [REDACTED]  
FLORENCE AZ 85232

REMIT PAYMENT TO:





PICK TICKET



Order No.	Order Date	Branch/Plant	Page No.
	1/13/14		1 of 1
Customer No.	Customer Purchase Order No.		

Ship Via	Picked By	Insp. By	Packed By	Ship Confirm	Shipping Instructions
GR					

Bill To: ARIZONA DEPARTMENT OF CORRECTIONS  
 PO BOX 629  
 FLORENCE AZ 85132

Ship To: ARIZONA STATE PRISON - FLORENCE  
 1305 BUTTE AVE  
 ATTN: PHARMACY  
 FLORENCE AZ 85232

THANK YOU FOR  
 YOUR ORDER

Item No.	Description	Quantity Shipped	U/M	Location	Lot	Expiration Date
	HYDROMORPHONE 5ML AMP	5	EA	VAULT	091393	9/30/15

\*\*\*\*\*Backordered Items\*\*\*\*\*

Item No.	Description	Qty/B/O
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*[Handwritten Signature]*  
 1/13/14

Please Request Return Authorization:

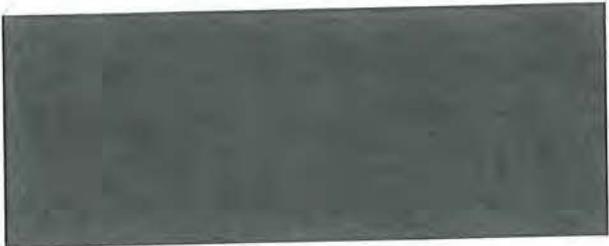
Email: [Redacted]  
 Fax: [Redacted]

Direct Inquiries To: [Redacted]

Comments

INVOICE TO FOLLOW UNDER SEPARATE MAILING

*MAILED 12/1/14*



Send Payment To:



**INVOICE**

INVOICE NO	PAGE
[REDACTED]	1 of 1
INVOICE DATE	
1/17/14	
DUE DATE	
2/16/14	

**BILL TO**

[REDACTED]  
 ARIZONA DEPARTMENT OF CORRECTIONS  
 PO BOX 629  
 FLORENCE AZ 85132

**SHIP TO**

[REDACTED]  
 ARIZONA STATE PRISON - FLORENCE  
 1305 BUTTE AVE  
 REF PO [REDACTED]  
 520-560-2092  
 FLORENCE AZ 85132

ORDER NO	ORDER DATE	CUSTOMER NO	BRANCH		
[REDACTED]	1/17/14	[REDACTED]	[REDACTED]		
CUSTOMER P.O. NUMBER		TERMS	SHIP VIA	UPS TRACKING NUMBER	
[REDACTED]		Net 30	UPS	[REDACTED]	
ITEM NUMBER	DESCRIPTION	QUANTITY	UNIT PRICE	UOM	EXTENDED AMOUNT
1.000	[REDACTED] MIDAZOLAM HCL 5mg/mL VIAL;10mL	5.0000	115.3500	EA	576.75
	[REDACTED] 10/31/15				
2.000	Freight Freight		8.9500		8.95

VISA, MASTERCARD & AMERICAN EXPRESS ACCEPTED  
 Invoices paid beyond terms are subject to a late payment charge.  
**AS OF FLORENCE RECEIVED**  
**JAN 27 2014**  
**BUSINESS OFFICE**

SALE AMOUNT	585.70
0 % SALES TAX	.00
<b>BALANCE DUE</b> Payable in U.S. Currency	<b>585.70</b>

Please detach and return with payment

Customer No. [REDACTED]  
 Ship To No. [REDACTED]

Invoice No.	[REDACTED]
Balance Due	585.70

ARIZONA DEPARTMENT OF CORRECTIONS  
 PO BOX 629  
 FLORENCE AZ 85132

ARIZONA STATE PRISON - FLORENCE  
 1305 BUTTE AVE  
 REF PO [REDACTED]  
 520-560-2092  
 FLORENCE AZ 85132

REMIT PAYMENT TO: [REDACTED]

ARIZONA DEPARTMENT OF CORRECTIONS

Purchase Order Number  
[REDACTED]

Request for Purchase / Purchase Order

RFP Number <span style="background-color: black; color: black;">[REDACTED]</span>	Activity Manager and Date* <i>Rose [Signature] 4/16/14</i>	AZ Contract Number
Budget Unit ASPC-F WARDEN	Budget Group Authority and Date*~ <i>[Signature] 4/15/14</i>	Purchasing and Date* 04/14/2014
Date Prepared 04/14/2014	Index <span style="background-color: black; color: black;">[REDACTED]</span>	PCA <span style="background-color: black; color: black;">[REDACTED]</span>
Accounting and Date*	Requestor and Phone* CARSON MCWILLIAMS	Compt Obj <span style="background-color: black; color: black;">[REDACTED]</span>
Vendor Number and Mail Code		

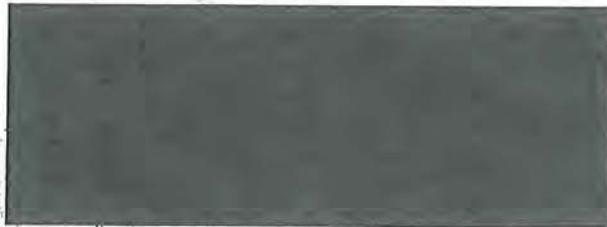
Vendor <span style="background-color: black; color: black;">[REDACTED]</span>	Ship To ASPC-Florence 1305 E Butte Ave Florence, AZ 85232 Attn and M/C ARMORY	Bill To ASPC-Florence P.O. Box 629 Florence, AZ 85232 Customer Number
Phone Number		

Line No.	Qty	Unit	Commodity No.	Description	Unit Price	Extended Price
01	10	EA	<span style="background-color: black; color: black;">[REDACTED]</span>	MIDAZOLAM HCL 5MG/ML VIAL 10ML <i>RCVD</i>	\$115.35	\$1,153.50
02	10	EA	<span style="background-color: black; color: black;">[REDACTED]</span>	HYDROMORPHONE 5ML AMP <i>Par [REDACTED]</i>	\$68.90	\$689.00

Delivery Required	Terms*	FOB	Subtotal	\$1,842.50
Received and Date* - I certify this order received except as noted above.			Tax	
			Freight	\$17.90
			Total	\$1,860.40

\* Requires signature  
 ~ Signature must be on file with Financial Services Bureau as authorized to sign RFP  
 + Signature must be on file with the Financial Services Bureau as authorized to sign encumbrances/purchase orders  
 \*\* See reverse side for State of Arizona Purchase Order Terms and Conditions

Authorized Agent and Date\*  
*[Signature]* *4/15/14*



Send Payment To:



**INVOICE**

INVOICE NO.	PAGE
[REDACTED]	1 of 1
INVOICE DATE	
4/21/14	
DUE DATE	
5/21/14	

**BILL TO**

ARIZONA DEPARTMENT OF CORRECTIONS  
PO BOX 629  
FLORENCE AZ 85132

**SHIP TO**

ARIZONA STATE PRISON - FLORENCE  
1305 BUTTE AVE  
PHARMACY / PO [REDACTED]  
FLORENCE AZ 85132

ORDER NO	ORDER DATE	CUSTOMER NO	BRANCH		
[REDACTED]	4/16/14	[REDACTED]	[REDACTED]		
CUSTOMER P.O. NUMBER		TERMS	SHIP VIA	UPS TRACKING NUMBER	
[REDACTED]		Net 30	UPS	[REDACTED]	
ITEM NUMBER	DESCRIPTION	QUANTITY	UNIT PRICE	UOM	EXTENDED AMOUNT
1.001	[REDACTED] MIDAZOLAM HCL 5mg/mL VIAL; 5mL [REDACTED] 7/31/14	10.0000	115.3500	EA	1153.50
2.000	Freight Freight		8.9500		8.95

**ASPC-FLORENCE**  
RECEIVED  
APR 25 2014  
BUSINESS OFFICE

VISA, MASTERCARD & AMERICAN EXPRESS ACCEPTED.  
Invoices paid beyond terms are subject to a late payment charge.

SALE AMOUNT	1162.45
0 % SALES TAX	.00
<b>BALANCE DUE</b> Payable in U.S. Currency	<b>1162.45</b>

Please detach and return with payment

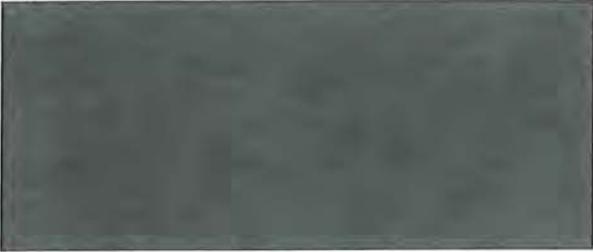
Customer No. [REDACTED]  
Ship To No. [REDACTED]

Invoice No. [REDACTED]  
Balance Due 1162.45

ARIZONA DEPARTMENT OF CORRECTIONS  
PO BOX 629  
FLORENCE AZ 85132

ARIZONA STATE PRISON - FLORENCE  
1305 BUTTE AVE  
PHARMACY / PO [REDACTED]  
FLORENCE AZ 85132

REMIT PAYMENT TO: [REDACTED]



PICK TICKET

Order No.	Order Date	Branch/Plant	Page No.
	1/17/14		1 of 1
Customer No.	Customer Purchase Order No.		

Ship Via	Picked By	Insp. By	Packed By	Ship Confirm	Shipping Instructions
GR					

Bill To: ARIZONA DEPARTMENT OF CORRECTIONS  
PO BOX 629  
FLORENCE AZ 85132

Ship To: ARIZONA STATE PRISON - FLORENCE  
1305 BUTTE AVE  
REF PO  
520-560-2092  
FLORENCE AZ 85132

THANK YOU FOR  
YOUR ORDER

Item No.	Description	Quantity Shipped	U/M	Location	Lot	Expiration Date
	MIDAZOLAM HCL 5mg/mL VIAL;10mL	5	EA	VAULT		10/31/15

\*\*\*\*\*Backordered Items\*\*\*\*\*

Item No.	Description	Qty/B/O
----------	-------------	---------

*Handwritten signature and date: 1/23/14*



Please Request Return Authorization: Email: Fax:	Comments
	INVOICE TO FOLLOW UNDER SEPARATE MAILING
Direct Inquiries To:	

ARIZONA DEPARTMENT OF CORRECTIONS

Request for Purchase / Purchase Order

Purchase Order Number  
 [Redacted]

RFP Number [Redacted]	Activity Manager and Date [Redacted] 4/9/12	AZ Contract Number [Redacted]
Budget Unit ASPC-Florence Warden	Budget Group Authority and Date* [Redacted] 4/6/12	Purchasing and Date* 4/5/12
Date Prepared 04/05/2012	Index/ [Redacted] PCA	Accounting and Date* #3M 4/6/12
Requestor and Phone* [Redacted]	Compt Obj [Redacted]	Vendor Number and Mail Code [Redacted]

Vendor [Redacted]	Ship To ASPC-Florence 1305 E Butte Ave Florence, AZ 85132	Bill To ASPC-Florence P.O. Box 629 Florence, AZ 85132
Phone Number [Redacted]	Attn and M/C Whse	Customer Number [Redacted]

Line No.	Qty	Unit	Commodity No.	Description	Unit Price	Extended Price
01	2	ctn	[Redacted]	Heparin, 100 x 5 ml  # [Redacted] Dracy	\$43.96	\$87.92

Delivery Required	Terms**	FOB	Subtotal	\$87.92
Received and Date* - I certify this order received except as noted above. [Redacted] 4/9/12			Tax	
			Freight	
			Total	\$87.92

\* Requires signature  
 - Signature must be on file with Financial Services Bureau as authorized to sign RFP  
 - Signature must be on file with the Financial Services Bureau as authorized to sign encumbrances/purchase orders  
 - See reverse side for State of Arizona Purchase Order Terms and Conditions

Authorized Agent and Date\*+  
 [Redacted]

PAGE 1 OF 1 ROUTE/STOP 536 / 027 DV

ORIGINAL INVOICE  
 CUST. NO. [REDACTED] DATE 4/06/12  
 REG. NO. [REDACTED] CUST. DEPT. NO. [REDACTED] ORDER NO. [REDACTED] CUSTOMER P.O. NUMBER [REDACTED]  
 EXEMPT [REDACTED]  
 DEPT. [REDACTED] ORDER DATE 4/05/12 CONF. I.D. [REDACTED]

DEA [REDACTED] FED ID [REDACTED]  
 S ARIZONASTATEPRISON - FLORENCE  
 H WARDEN-CARSON MCWILLIAMS \*\*\*\*\*  
 P 1305 BUTTE AVENUE  
 T FLORENCE, AZ 85232  
 O

S ARIZONASTATEPRISON - FLORENCE  
 L WARDEN-CARSON MCWILLIAMS \*\*\*\*\*  
 L 1305 BUTTE AVENUE  
 T FLORENCE, AZ 85232  
 O

ITEM NUMBER	NDC/UPC	QTY ORDERED	QTY SHIPPED	UNIT	DESCRIPTION	SIZE	QTY	UNIT PRICE	EXTENSION
		2	2	CT	HEPARIN LCK FL 10U/ML 100X5ML	100SY		43.96	87.92CT
		2	2		PIECES SHIPPED				87.92
		2	2		TOTAL PIECES SHIPPED				87.92
					S U M M A R Y				
					Total RX				87.92
					NET AMOUNT				87.92

INVOICE SHIP DATE: 4/06/2012

PLEASE REMIT YOUR PAYMENTS TO FOLLOWING ADDRESS:



Notes Codes: T Toxicity, G Generic Sub, P Pharm/Pak Discount, CT Contract, SN Special Net, SP Special Pricing  
 Omit Codes: 4 Not stocked, 7 Drug recall, 1 Mfg. B. O., 2 Whse. out, 3 Mfg. out, 5 Mfg. disc., 6 Whse. disc., 8 New item/stock unavail., 9 Restricted item

Customer is a final dispenser that does not and will not redistribute prescription pharmaceuticals into to the secondary market

If this invoice reflects any discounted prices, credits, or rebates or if price reductions are subsequently earned and paid with respect to the merchandise/services described herein, then federal law may require disclosure on the price reduction on your claim or cost reports for Medicare or Medicaid reimbursement under 42 U.S.C. 1320(a)(7b)

5/06/12 DUE DATE

8792

\*\*  
 \*\*\*\*\*  
 ARIZONASTATEPRISON -  
 DATE- 4/05/2012 INV  
 CUST PO  
 \*\*\*\*\*

Page 1

04/06/12  
 HEPARIN LCK FL  
 10U/ML 100X5ML  
 2 100 SY

HEPARIN L  
 040612  
 I#  
 100 10 UN  
 2  
 C

\*\*  
 \*\*\*\*\*  
 ARIZONASTATEPRISON - Container Num  
 DATE- 4/05/2012 INV  
 CUST PO  
 \*\*\*\*\*

04/06/12  
 HEPARIN LCK FL  
 10U/ML 100X5ML  
 2 100 SY

HEPARIN L  
 040612  
 I#  
 100 10 UN  
 2  
 C

Page 41 of 119  
 5367027  
 Filed 07/02/14  
 Document 11-1  
 NVW  
 5367027

ARIZONA DEPARTMENT OF CORRECTIONS

Request for Purchase / Purchase Order

Purchase Order Number  
[REDACTED]

RFP Number [REDACTED]	Activity Manager and Date* <i>[Signature]</i> 11-14-13	AZ Contract Number [REDACTED]
Budget Unit ASPC-F WARDEN	Budget Group Authority and Date* <i>[Signature]</i> 11/14/12	Purchasing and Date* 11/13/12
Date Prepared 11/13/2012	Index [REDACTED]	PCA [REDACTED]
Accounting and Date* 11/14/12 TT	Requestor and Phone* RON LEE X 5403	Vendor Number and Mail Code [REDACTED]

Vendor [REDACTED]	Ship To ASPC-FLORENCE 1305 E BUTTE AVE FLORENCE, AZ 85132	Bill To ASPC-FLORENCE P.O. BOX 629 FLORENCE, AZ 85132
Phone Number [REDACTED]	Attn and M/C WAREHOUSE	Customer Number [REDACTED]

Line No.	Qty	Unit	Commodity No.	Description	Unit Price	Extended Price
01	2	CN	[REDACTED]	HEAPARIN, 100 X 5 ml BACKORDER [REDACTED] OPEN 120 DAYS	\$43.96	\$87.92

*Handwritten:*  
018  
87.92  
11/14/12  
TT

Delivery Required	Terms**	FOB	Subtotal	\$87.92
Received and Date* - I certify this order received except as noted above.			Tax	
			Freight	
			Total	\$87.92

\* Requires signature  
 ~ Signature must be on file with Financial Services Bureau as authorized to sign RFP  
 + Signature must be on file with the Financial Services Bureau as authorized to sign encumbrances/purchase orders  
 \*\* See reverse side for State of Arizona Purchase Order Terms and Conditions

Authorized Agent and Date\*+  
[REDACTED]



536/038

536/038

Page 1

11/27/12  
 BD HEPARIN SOD  
 10U/ML 30X5ML  
 4  
 30 SY

BD HEPARI 112712 30 10 UN 4  
 BD HEPARI 112712 30 10 UN 4  
 BD HEPARI 112712 30 10 UN 4  
 BD HEPARI 112712 30 10 UN 4

\*\*\*\*\*  
 ARIZONA STATE PRISON -  
 /  
 DATE - 11/26/2012  
 INT  
 \*\*\*\*\*

ARIZONA DEPARTMENT OF CORRECTIONS

Request for Purchase / Purchase Order

Purchase Order Number  
[Redacted]

RFP Number [Redacted]	Activity Manager and Date* <i>[Signature]</i> 11-14-12	AZ Contract Number [Redacted]
Budget Unit ASPC-F WARDEN	Budget Group Authority and Date* <i>[Signature]</i> 11/14/12	Purchasing and Date* 11/13/12
Date Prepared 11/13/2012	Index [Redacted]	PCA [Redacted]
Accounting and Date* 11/14/12 <i>[Signature]</i>	Requestor and Phone* [Redacted]	Compt Obj [Redacted]
Vendor Number and Mail Code		

Vendor [Redacted]	Ship To ASPC-FLORENCE 1305 E BUTTE AVE FLORENCE, AZ 85132	Bill To ASPC-FLORENCE P.O. BOX 629 FLORENCE, AZ 85132
Phone Number	Attn and M/C WAREHOUSE	Customer Number

Line No.	Qty	Unit	Commodity No.	Description	Unit Price	Extended Price
01	4	CN	[Redacted]	HEAPARIN, 30 X 5 ml ORDER [Redacted] [Redacted]	\$20.68	\$82.72

Received a duplicate shipment which we kept

B# 018  
82.72  
11/14/12  
*[Signature]*

Delivery Required	Terms**	FOB	Subtotal	\$82.72
Received and Date* - I certify this order received except as noted above.			Tax	
			Freight	
			Total	\$82.72

\* Requires signature  
 - Signature must be on file with Financial Services Bureau as authorized to sign RFP  
 + Signature must be on file with the Financial Services Bureau as authorized to sign encumbrances/purchase orders  
 \*\* See reverse side for State of Arizona Purchase Order Terms and Conditions

Authorized Agent and Date\*+  
[Redacted]

To: Fa [redacted] Attn: [redacted] From: [redacted] Date: 02/26/13 05:01PM Page 1 of 1

APPROVED BY: *[Signature]*  
 Date: *2/26/13*

Case 2:14-cv-01447-NVW--JFM Document 11-1 Filed 07/02/14 Page 46 of 119

PAGE 1 OF 1 ROUTESTOP 000 / 000 DV

REPRINT INVOICE  
 12/06/12  
 EXEMPT  
 12/05/12  
 BILL ONLY DO NOT SHIP

DEA [redacted] FED ID [redacted]  
 ARIZONASTATEPRISON - FLORENCE  
 WARDEN-CARSON MCWILLIAMS \*\*\*\*  
 1305 BUTTE AVENUE  
 FLORENCE, AZ 85232

QTY	DESCRIPTION	UNIT PRICE	EXTENSION
4	BD HEPARIN SOD 100/ML 30X5ML	20.68	82.72SN

PIECES SHIPPED  
 TOTAL PIECES SHIPPED  
 Total RX 82.72  
 NET AMOUNT 82.72

PAID 2/26/13  
 DATE  
 VENDOR #  
 AMT 82.72  
 DISC AMT  
 TAX  
 TOTAL  
 1/05/13 DUE DATE  
 82.72

If this invoice reflects any discounts, price, credit, or rebate, or if price reduction is subsequently earned and paid into respect to the combination of services described herein, then federal law may require disclosure of the price reduction on your claim or cost report for Medicare or Medicaid reimbursement under 42 U.S.C. 1396j(7).

001-0000  
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 12-0000

PAGE 1 OF 1 ROUTE/STOP / DV  
 ORIGINAL INVOICE COPY 1  
 CUST. NO. DATE 11/27/12  
 REG. NO. CUST. DEPT. ORDER NO. CUSTOMER P.O. NUMBER  
 EXEMPT  
 DEPT. ORDER DATE CONF. NO.  
 11/26/12

DEA [REDACTED] FED ID [REDACTED]  
 S ARIZONASTATEPRISON - FLORENCE  
 I WARDEN-CARSON MCWILLIAMS \*\*\*\*  
 L 1305 BUTTE AVENUE  
 T FLORENCE, AZ 85232  
 O

S  
 I ARIZONASTATEPRISON - FLORENCE  
 L WARDEN-CARSON MCWILLIAMS \*\*\*\*  
 L 1305 BUTTE AVENUE  
 T FLORENCE, AZ 85232  
 O

ITEM NUMBER	NDC/UPC	QTY	DESCRIPTION	SIZE	UNIT PRICE	EXTENSION	DATE
4		4	BD HEPARIN SOD 10U/ML 30X5ML	30SY	20.68	82.72	SN
4		4	PIECES SHIPPED			82.72	
4		4	TOTAL PIECES SHIPPED			82.72	
Total RX						82.72	
NET AMOUNT						82.72	
INVOICE SHIP DATE: 11/27/2012							
PLEASE REMIT YOUR PAYMENTS TO FOLLOWING ADDRESS:							
[REDACTED]							
LAST INVOICE COPY							
						82.72	
							12/27/12
							DUE DATE

Note Codes:  
 T Taxable  
 G Generic Sub  
 P PharmPak Discount  
 CT Contract  
 SN Special Net  
 SP Special Pricing

Omni Codes:  
 4 Not stocked  
 5 Mir Disc  
 6 DC Disc  
 7 Drug Recall  
 8 New Item/Stock Unvail.  
 9 Restricted Item

Customer is a final dispenser that does not and will not redistribute prescription pharmaceuticals into to the secondary market

536 / 038

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**From:** RYAN, CHARLES <CRYAN@azcorrections.gov>  
**Sent:** Thursday, May 01, 2014 5:11 PM  
**To:** 'Robert Patton'; HOOD, JEFF  
**Subject:** RE: the Torture and Murder of Clayton Lockett  
  
**Importance:** High

Robert,

Stand your ground . . . you asked for an independent review . . . the facts will become public . . .

Chuck

Charles L. Ryan  
Director  
Arizona Department of Corrections  
Office 602-542-5225  
FAX 602-364-0159  
[cryan@azcorrections.gov](mailto:cryan@azcorrections.gov)

---

**From:** Robert Patton [<mailto:robert.patton@doc.state.ok.us>]  
**Sent:** Thursday, May 01, 2014 4:29 PM  
**To:** RYAN, CHARLES; HOOD, JEFF  
**Subject:** Fw: the Torture and Murder of Clayton Lockett

My staff didn't get to this one fast enough before I read it. I am told this is typical of the hundred or so calls, letters and emails that have come through.

Sent from my BlackBerry 10 smartphone.

---

**From:** Vern Miller <[rustysbrain@gmail.com](mailto:rustysbrain@gmail.com)>  
**Sent:** Thursday, May 1, 2014 5:16 PM  
**To:** Jerry Massie; Robert Patton  
**Subject:** the Torture and Murder of Clayton Lockett

---

I'm not a resident of your state so my opinion doesn't probably matter to you. But consider this: The whole world saw what you did. In my humble opinion you're no better than the guy you killed. How will you explain to your god that you were just following orders? You are a cruel and inhumane murderer. Hell awaits.

Vern Miller,  
Santa Rosa, California

---

**From:** Robert Patton <robert.patton@doc.state.ok.us>  
**Sent:** Thursday, May 01, 2014 4:29 PM  
**To:** RYAN, CHARLES; HOOD, JEFF  
**Subject:** Fw: the Torture and Murder of Clayton Lockett

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Sent from my BlackBerry 10 smartphone.

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Vern Miller,  
Santa Rosa, California

---

**From:** HOOD, JEFF <JHOOD@azcorrections.gov>  
**Sent:** Thursday, May 01, 2014 4:49 PM  
**To:** Robert Patton  
**Subject:** Re: the Torture and Murder of Clayton Lockett

Opinions are like assholes - everybody has one. If people only knew the extraordinary efforts undertaken to treat these vile examples of humanity with respect and dignity in their last hours...

Sent from my iPhone

On May 1, 2014, at 18:28, "Robert Patton" <[robert.patton@doc.state.ok.us](mailto:robert.patton@doc.state.ok.us)> wrote:

My staff didn't get to this one fast enough before I read it. I am told this is typical of the hundred or so calls, letters and emails that have come through.

Sent from my BlackBerry 10 smartphone.

---

**From:** Vern Miller <[rustysbrain@gmail.com](mailto:rustysbrain@gmail.com)>  
**Sent:** Thursday, May 1, 2014 5:16 PM  
**To:** Jerry Massie; Robert Patton  
**Subject:** the Torture and Murder of Clayton Lockett

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Vern Miller,  
Santa Rosa, California

---

**From:** Robert Patton <robert.patton@doc.state.ok.us>  
**Sent:** Tuesday, April 22, 2014 1:49 PM  
**To:** DNORTHUP@azcorrections.gov; HOOD, JEFF  
**Subject:** FW: Executive Order 2014-08

Interesting

Robert Patton

-----Original Message-----

**From:** Audrey Rockwell [<mailto:Audrey.Rockwell@gov.ok.gov>]  
**Sent:** Tuesday, April 22, 2014 3:39 PM  
**To:** Robert Patton; Terri Watkins; 'Tom.Bates@oag.ok.gov'; 'melissa.houston@oag.ok.gov'; [bingman@oksenate.gov](mailto:bingman@oksenate.gov); [jwhickman@okhouse.gov](mailto:jwhickman@okhouse.gov); [dlewis@okcca.net](mailto:dlewis@okcca.net); [tom.colbert@oscn.net](mailto:tom.colbert@oscn.net)  
**Subject:** Executive Order 2014-08

<https://www.sos.ok.gov/documents/filelog/89910.pdf> - Stay of Execution of Clayton Lockett



*Mary Fallin*  
Governor

**EXECUTIVE DEPARTMENT**  
**EXECUTIVE ORDER 2014-11**

---

I, Mary Fallin, Governor of the State of Oklahoma, pursuant to the power vested in me by Sections 1 and 2 of Article VI of the Oklahoma Constitution, hereby appoint Michael C. Thompson, Commissioner of the Oklahoma Department of Public Safety, to conduct an independent review of the events leading up to and during the execution of Clayton Derrell Lockett. The review shall include first, an inquiry into the cause of death of Clayton Derrell Lockett through a thorough examination by a forensic pathologist. Second, an inquiry addressing whether the Oklahoma Department of Corrections correctly followed the agency's current protocol for executions. Lastly, the review shall contain any recommendations to improve the current execution protocol used by the Oklahoma Department of Corrections.

Further, pursuant to the authority in Title 63 section 938 of the Oklahoma Statutes, I direct the Chief Medical Examiner to authorize the examination and autopsy of Clayton Derrell Lockett. Specifically, I hereby direct the Chief Medical Examiner to authorize the Southwestern Institute of Forensic Science (SWIFS) in Dallas, Texas to perform the autopsy, additional examination, and all other related testing on the remains of Clayton Derrell Lockett. In order to effectuate this examination, I direct the Office of the Chief Medical Examiner to transport the remains of Clayton Derrell Lockett to and from this facility for this purpose. The Chief Medical Examiner is ordered to appropriately maintain the remains of Clayton Derrell Lockett until released to his family.

Copies of this Executive Order shall be distributed to the Commissioner of the Oklahoma Department of Public Safety, the Executive Director of the Oklahoma Department of Corrections, the Oklahoma Office of the Chief Medical Examiner, the Southwestern Institute of Forensic Science in Dallas, Texas, and the Oklahoma Attorney General who shall cause the provisions of this order to be implemented by all appropriate agencies of state government.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 30th day of April, 2014.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

  
\_\_\_\_\_  
MARY FALLIN

ATTEST:

  
\_\_\_\_\_  
SECRETARY OF STATE

---

**From:** Robert Patton <robert.patton@doc.state.ok.us>  
**Sent:** Wednesday, April 30, 2014 1:48 PM  
**To:** HOOD, JEFF; CRYAN@azcorrections.gov; DNORTHUP@azcorrections.gov  
**Subject:** FW: PRESS RELEASE (WITH ATTACHMENT): Gov. Fallin Orders Independent Review of Execution Protocols  
**Attachments:** 4-30executioninvestigation.pdf

**From:** Governor Fallin Press  
**Sent:** Wednesday, April 30, 2014 3:42 PM  
**To:** Governor Fallin Press  
**Subject:** PRESS RELEASE (WITH ATTACHMENT): Gov. Fallin Orders Independent Review of Execution Protocols



## OFFICE OF GOVERNOR MARY FALLIN

### MEDIA CONTACTS:

Alex Weintz, Communications Director  
[Alex.Weintz@gov.ok.gov](mailto:Alex.Weintz@gov.ok.gov)  
(405) 522-8819

Michael McNutt, Press Secretary  
[michael.mcnutt@gov.ok.gov](mailto:michael.mcnutt@gov.ok.gov)  
(405) 522-8878

Web: [www.governor.ok.gov](http://www.governor.ok.gov)  
Facebook: [www.facebook.com/GovernorMaryFallin](http://www.facebook.com/GovernorMaryFallin)  
Twitter: [www.twitter.com/GovMaryFallin](http://www.twitter.com/GovMaryFallin)

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FOR IMMEDIATE RELEASE  
April 30, 2014

## Governor Mary Fallin Orders Independent Review of Execution Protocols

---

~~OKLAHOMA CITY~~—~~Oklahoma Governor Mary Fallin today issued the following statement regarding last~~  
~~night's execution of Clayton Lockett, the upcoming execution of Charles Warner, and the implementation of an~~  
~~independent review of the Oklahoma Department of Corrections' execution protocols. The governor also signed~~  
~~an executive order (see attached) authorizing the review, which will be led by Department of Public Safety~~  
~~Commissioner Michael Thompson.~~

*"Last night, the state executed Clayton Lockett. In 1999, Clayton Lockett physically assaulted, kidnapped, and shot Stephanie Neiman, and then had an accomplice bury her alive in a shallow grave. He also repeatedly raped a second woman.*

*"He was convicted in a fair trial by a jury of his peers. He was then sentenced to death. He appealed his execution, and that appeal was rejected by both the Oklahoma Supreme Court and the Oklahoma Court of Criminal appeals. He had his day in court.*

*"I believe in the legal process. And I believe that the death penalty is an appropriate punishment for those who commit heinous crimes against their fellow men and women. However, I also believe the state needs to be certain that its protocols and procedures for executions work.*

*"For that reason, I asked last night for a review of the Department of Correction's execution protocols. After consulting further with DOC Director Robert Patton, we agree that an independent review of DOC procedures would be most effective and appropriate. Therefore I have asked Department of Public Safety Commissioner Michael Thompson to lead that independent review of the state's execution procedures.*

*"That review will focus on three areas:*

- "First, Clayton Lockett's cause of death. Commissioner Thompson has informed me that the state Medical Examiner's office will authorize an independent pathologist to make that determination.*
- "Second, the review will determine whether or not the Department of Corrections followed the current protocol for executions.*
- "Third, Commissioner Thompson will develop recommendations to improve execution protocols for the Department of Corrections.*

*"I expect the review process to be deliberate and thorough. It will be the first step in evaluating the state's execution protocol. My office and the Department of Corrections will communicate with the Attorney General's office on any possible additional steps in the future.*

*"To allow for Commissioner Thompson's review process to be completed before any further executions, last night I issued an executive order staying the execution of Charles Warner until May 13<sup>th</sup>. I have not given Commissioner Thompson a deadline to complete his review. If he has not completed his review by May 13<sup>th</sup>, an additional stay will be issued.*

*If there are adjustments that need to be made to the state's execution protocols, those adjustments will be made.*

*"Charles Warner had his day in court. He committed a horrible crime: the physical abuse, rape and murder of an 11 month old infant. His fellow Oklahomans have sentenced him to death, and we expect that sentence to be carried out as required by law."*

---

###

**From:** Robert Patton [robert.patton@doc.state.ok.us]  
**Sent:** Wednesday, April 30, 2014 1:48 PM  
**To:** HOOD, JEFF; CRYAN@azcorrections.gov; DNORTHUP@azcorrections.gov  
**Subject:** FW: PRESS RELEASE (WITH ATTACHMENT): Gov. Fallin Orders Independent Review of Execution Protocols  
**Attachments:** 4-30executioninvestigation.pdf

**From:** Governor Fallin Press  
**Sent:** Wednesday, April 30, 2014 3:42 PM  
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Web: [www.governor.ok.gov](http://www.governor.ok.gov)  
Facebook: [www.facebook.com/GovernorMaryFallin](http://www.facebook.com/GovernorMaryFallin)  
Twitter: [www.twitter.com/GovMaryFallin](http://www.twitter.com/GovMaryFallin)

FOR IMMEDIATE RELEASE  
April 30, 2014

# Governor Mary Fallin Orders Independent Review of Execution Protocols

OKLAHOMA CITY – Oklahoma Governor Mary Fallin today issued the following statement regarding last night’s execution of Clayton Lockett, the upcoming execution of Charles Warner, and the implementation of an independent review of the Oklahoma Department of Corrections’ execution protocols. The governor also signed an executive order (see attached) authorizing the review, which will be led by Department of Public Safety Commissioner Michael Thompson.

*"Last night, the state executed Clayton Lockett. In 1999, Clayton Lockett physically assaulted, kidnapped, and shot Stephanie Neiman, and then had an accomplice bury her alive in a shallow grave. He also repeatedly raped a second woman.*

*"He was convicted in a fair trial by a jury of his peers. He was then sentenced to death. He appealed his execution, and that appeal was rejected by both the Oklahoma Supreme Court and the Oklahoma Court of Criminal appeals. He had his day in court.*

*"I believe in the legal process. And I believe that the death penalty is an appropriate punishment for those who commit heinous crimes against their fellow men and women. However, I also believe the state needs to be certain that its protocols and procedures for executions work.*

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*"That review will focus on three areas:*

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*If there are adjustments that need to be made to the state's execution protocols, those adjustments will be made.*

*"Charles Warner had his day in court. He committed a horrible crime: the physical abuse, rape and murder of an 11 month old infant. His fellow Oklahomans have sentenced him to death, and we expect that sentence to be carried out as required by law."*

---

###

---

**From:** Robert Patton [robert.patton@doc.state.ok.us]  
**Sent:** Tuesday, April 22, 2014 1:49 PM  
**To:** DNORTHUP@azcorrections.gov; HOOD, JEFF  
**Subject:** FW: Executive Order 2014-08

Interesting

Robert Patton

-----Original Message-----

**From:** Audrey Rockwell [mailto:[Audrey.Rockwell@gov.ok.gov](mailto:Audrey.Rockwell@gov.ok.gov)]  
**Sent:** Tuesday, April 22, 2014 3:39 PM  
**To:** Robert Patton; Terri Watkins; 'Tom.Bates@oag.ok.gov'; 'melissa.houston@oag.ok.gov'; [bingman@oksenate.gov](mailto:bingman@oksenate.gov); [jwhickman@okhouse.gov](mailto:jwhickman@okhouse.gov); [dlewis@okcca.net](mailto:dlewis@okcca.net); [tom.colbert@oscn.net](mailto:tom.colbert@oscn.net)  
**Subject:** Executive Order 2014-08

<https://www.sos.ok.gov/documents/filelog/89910.pdf> - Stay of Execution of Clayton Lockett

---

**From:** RYAN, CHARLES  
**Sent:** Friday, May 02, 2014 12:49 PM  
**To:** 'Robert Patton'  
**Cc:** MCWILLIAMS, CARSON; HETMER, LANCE  
**Subject:** RE: Photo's  
  
**Importance:** High

Of course. I'll have that done today.

Warden: Please provide these photos today, as requested by Robert. Also, in the e-mail response, please provide the measurements of the boards.

Thanks,

Charles L. Ryan  
Director  
Arizona Department of Corrections  
Office 602-542-5225  
FAX 602-364-0159  
[cryan@azcorrections.gov](mailto:cryan@azcorrections.gov)

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---

**From:** Robert Patton [<mailto:robert.patton@doc.state.ok.us>]  
**Sent:** Friday, May 02, 2014 12:39 PM  
**To:** RYAN, CHARLES  
**Subject:** Photo's

~~I was hoping I could impose on you for a small favor. Can you have someone take several photos of your syringe manifolds for me? Need photos both with and without the syringes attached. I am setting up the same board here.~~

Thanks for all your help and support

Robert

**ROBERT PATTON**

*Director*

Oklahoma Department of Corrections

3400 N Martin Luther King Ave

Oklahoma City, OK 73111

405-425-2505

405-425-2578 Fax

[www.ok.gov/doc](http://www.ok.gov/doc)

---

**From:** HETMER, LANCE  
**Sent:** Friday, May 02, 2014 4:26 PM  
**To:** Robert Patton  
**Subject:** FW: Photo's  
**Attachments:** Bank B Backup Bank Shadows with Lbls.jpg; Bank B With Syringes.jpg; Drug Board With Syringes Attached.jpg

Don't know if you got these or not, I am sending them again just in case.

Lance R. Hetmer  
Warden, ASPC-Florence  
(520) 868-4011 ext 5065

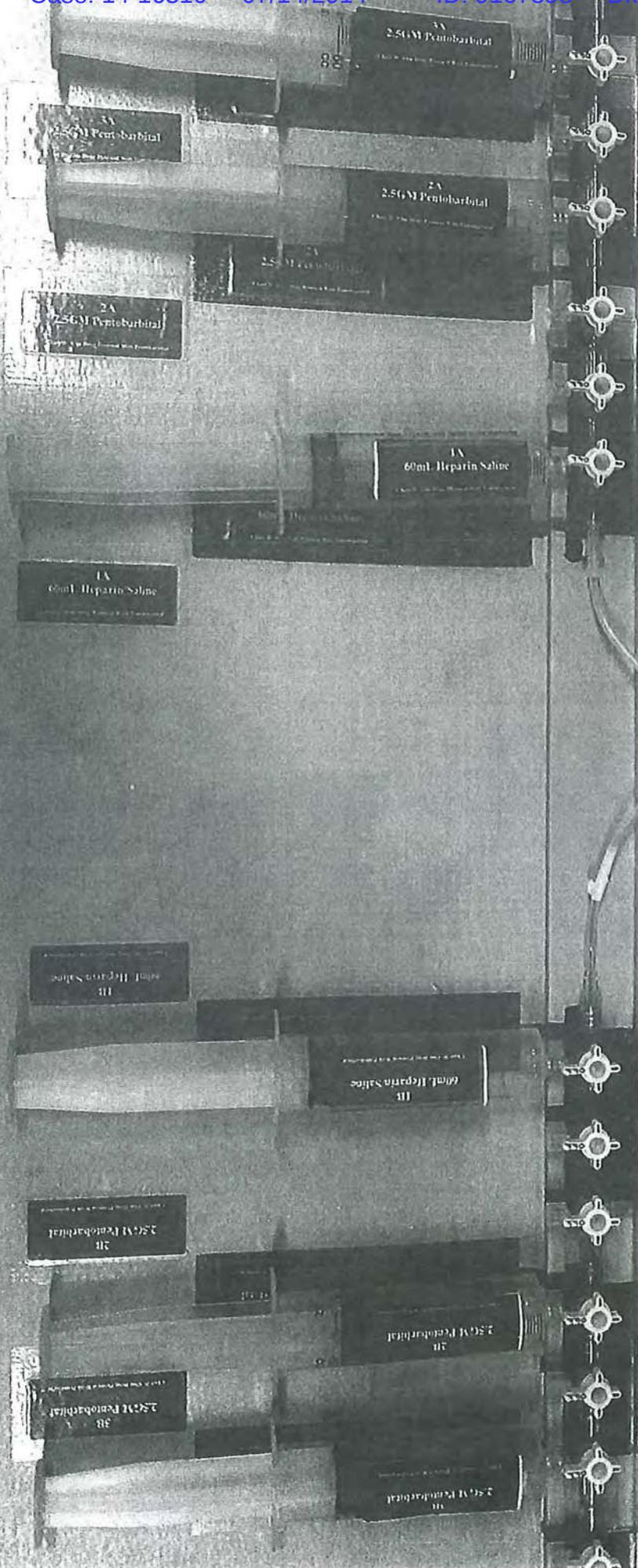
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**From:** HETMER, LANCE  
**Sent:** Friday, May 02, 2014 3:53 PM  
**To:** 'Robert Patton'  
**Cc:** RYAN, CHARLES; MCWILLIAMS, CARSON  
**Subject:** RE: Photo's

Director Patton, Here are the additional photos. There should be 6 photos total. If there is anything else I can do please let me know.

SCA 1011/2011/04/01/1A

Label	
1. Name	
2. Age	
3. Sex	
4. Race	
5. Ethnicity	
6. Religion	
7. Education	
8. Occupation	
9. Marital Status	
10. Date of Birth	
11. Date of Admission	
12. Date of Discharge	
13. Date of Death	
14. Date of Transfer	
15. Date of Admission to Hospital	
16. Date of Admission to ICU	
17. Date of Admission to CCU	
18. Date of Admission to NICU	
19. Date of Admission to PICU	
20. Date of Admission to SCU	
21. Date of Admission to SICU	
22. Date of Admission to SMCU	
23. Date of Admission to SMCU-ICU	
24. Date of Admission to SMCU-CCU	
25. Date of Admission to SMCU-NICU	
26. Date of Admission to SMCU-PICU	
27. Date of Admission to SMCU-SCU	
28. Date of Admission to SMCU-SICU	
29. Date of Admission to SMCU-SMCU-ICU	
30. Date of Admission to SMCU-SMCU-CCU	
31. Date of Admission to SMCU-SMCU-NICU	
32. Date of Admission to SMCU-SMCU-PICU	
33. Date of Admission to SMCU-SMCU-SCU	
34. Date of Admission to SMCU-SMCU-SICU	
35. Date of Admission to SMCU-SMCU-SMCU-ICU	
36. Date of Admission to SMCU-SMCU-SMCU-CCU	
37. Date of Admission to SMCU-SMCU-SMCU-NICU	
38. Date of Admission to SMCU-SMCU-SMCU-PICU	
39. Date of Admission to SMCU-SMCU-SMCU-SCU	
40. Date of Admission to SMCU-SMCU-SMCU-SICU	



**Drug Board**  
**Shadows with Labels attached**  
(Board Dimensions 38 1/2 x 23 1/4)

4B  
60ml. Heparin/Saline  
Chart B- One Drug Protocol With Pentobarbital

4B  
60mL Heparin  
Chart B- One Drug Protocol With Pentobarbital

3B  
2.5GM Pentobarbital  
Chart B- One Drug Protocol With Pentobarbital

3B  
2.5GM Pentobarbital  
Chart B- One Drug Protocol With Pentobarbital

2B  
2.5GM Pentobarbital  
Chart B- One Drug Protocol With Pentobarbital

2B  
2.5GM Pentobarbital  
Chart B- One Drug Protocol With Pentobarbital

1B  
60ml. Heparin/Saline  
Chart B- One Drug Protocol With Pentobarbital

1B  
60mL Heparin  
Chart B- One Drug Protocol With Pentobarbital

ip Bank)  
labels



4B  
60mL Heparin/Saline  
Chart D: One Drug Protocol With Pentobarbital

60mL  
Chart D: One Drug Protocol With Pentobarbital

3B  
2.5GM Pentobarbital  
Chart D: One Drug Protocol With Pentobarbital

3B  
2.5GM Pentobarbital  
Chart D: One Drug Protocol With Pentobarbital

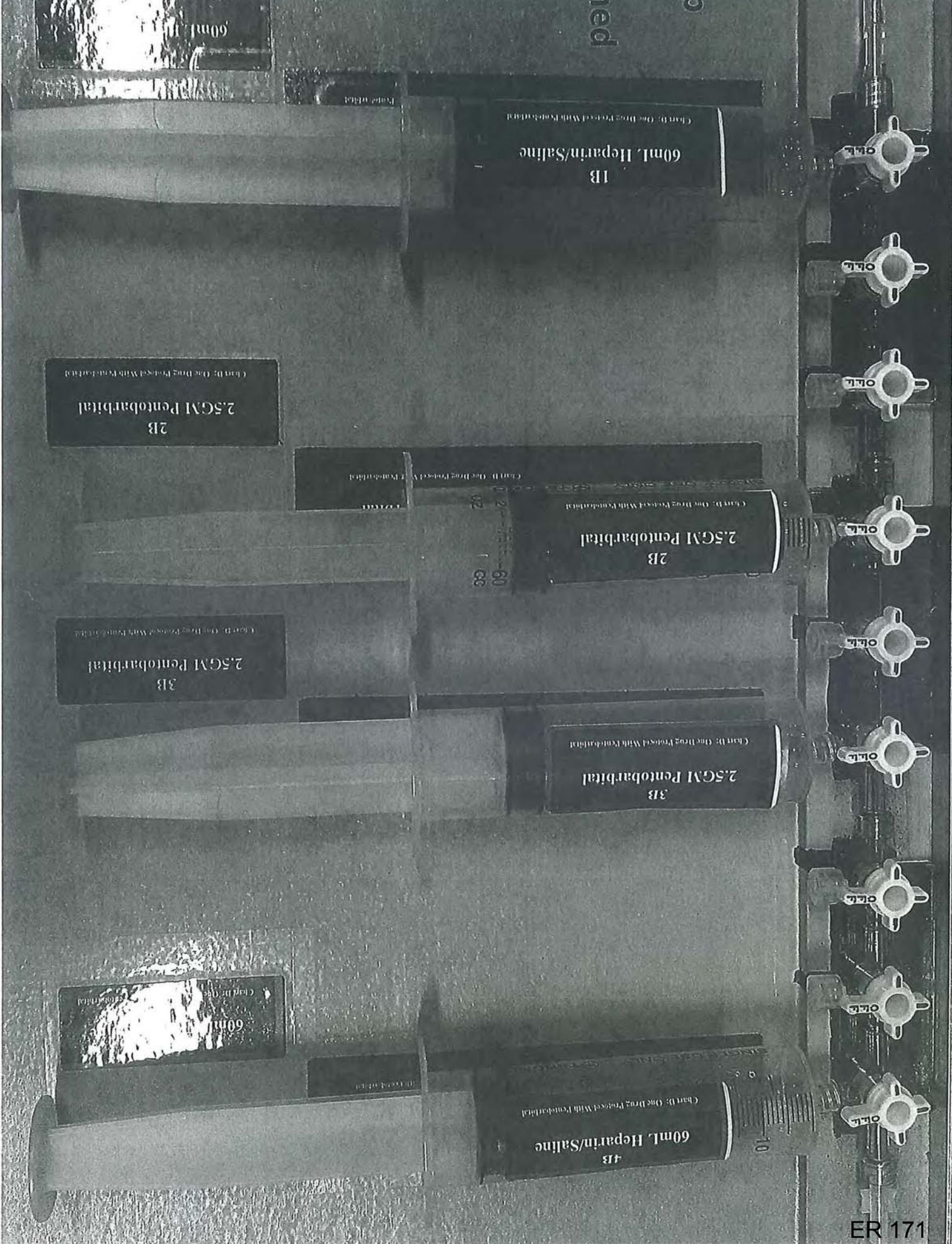
2B  
2.5GM Pentobarbital  
Chart D: One Drug Protocol With Pentobarbital

2B  
2.5GM Pentobarbital  
Chart D: One Drug Protocol With Pentobarbital

1B  
60mL Heparin/Saline  
Chart D: One Drug Protocol With Pentobarbital

60mL  
Chart D: One Drug Protocol With Pentobarbital





60mL  
Heparin/Saline

60mL

Chart By: One Drug Process With Pentobarbital  
1B  
60mL Heparin/Saline

Chart By: One Drug Process With Pentobarbital  
2B  
2.5GM Pentobarbital

Chart By: One Drug Process With Pentobarbital  
2.5GM

Chart By: One Drug Process With Pentobarbital  
2B  
2.5GM Pentobarbital

Chart By: One Drug Process With Pentobarbital  
3B  
2.5GM Pentobarbital

Chart By: One Drug Process With Pentobarbital  
3B  
2.5GM Pentobarbital

60mL  
Heparin/Saline

60mL

Chart By: One Drug Process With Pentobarbital  
4B  
60mL Heparin/Saline

CLL

CLL

CLL

CLL

CLL

CLL

CLL

CLL

CLL

(p Bank)  
Labels

60ml Heparin  
1B

60ml Heparin/Saline  
1B

2.5GM Pentobarbital  
2B

2.5GM Pentobarbital  
2B

2.5GM Pentobarbital  
3B

2.5GM Pentobarbital  
3B

60ml Heparin/Saline  
4B

60ml Heparin/Saline  
4B

G-3-2

# Arizona Department of Corrections



JANICE K. BREWER  
GOVERNOR

1601 WEST JEFFERSON  
PHOENIX, ARIZONA 85007  
(602) 542-5487  
www.azcorrections.gov



CHARLES L. RYAN  
DIRECTOR

May 6, 2014

Dale Baich, Supervisor  
Capital Habeas Unit  
Office of the Federal Public Defender  
850 W. Adams St., Suite 201  
Phoenix, AZ 85007

Dear Mr. Baich:

In response to your letter of April 30, 2014, I reiterate that the Arizona Department of Corrections ("ADC") will use Midazolam and Hydromorphone in a two-drug protocol in the event a warrant of execution is issued for inmate Joseph Wood (#086279). Your suggestion that ADC is not "fully committed" to that course is misplaced. With regard to your request for documents relating to "how ADC chose the amounts of midazolam and hydromorphone," the ADC relied on declarations and sworn testimony provided in the Ohio Execution Protocol litigation (Case No 2:11-CV-1016) out of the Southern District of Ohio.

ADC's position that A.R.S. § 13-757(C) protects the identity of the source of the drugs has not changed. I can tell you, however, that the drugs the ADC intends to use in the event a warrant of execution is issued for Inmate Wood have been domestically obtained and are FDA approved. Similarly, the qualifications of the IV team as set forth in Department Order 710.02-1.2.5 have not changed since the ADC amended the protocol in September, 2012, to include assurances of the IV team's qualifications. Based in significant part on these additions, as well as other changes that demonstrate ADC's commitment to transparency in the process, you dismissed the constitutional challenge to ADC's execution protocol in *Towery v. Brewer*, 2:12-CV-00245-NVW.

ADC will continue to look for a source of pentobarbital indefinitely. If successful, you will be notified in accordance with the protocol (See Attachment D, Subsection (C)(2)).

Regards,

Charles L. Ryan  
Director

- cc: Jeffrey Zick, Chief Counsel, Capital Litigation Section
- Jeff Hood, Deputy Director
- Carson McWilliams, Interim Division Director, Offender Operations
- Dawn Northup, General Counsel
- Julie Hall-Counsel for inmate Wood

CLR 5547 5538

# Arizona Department of Corrections



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PHOENIX, ARIZONA 85007  
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JANICE K. BREWER  
GOVERNOR

CHARLES L. RYAN  
DIRECTOR

September 20, 2013

Kelly Flood  
Staff Attorney  
ACLU of Arizona  
P.O. Box 17148  
Phoenix, AZ 85011

Re: Public Records Request

Dear Ms. Flood:

This letter is in response to your letter of September 17, 2013, addressed to Director Ryan and copied to me, requesting records under Arizona's public records law "concerning the lethal-injection drugs ADC plans to administer to Edward Harold Schad, Jr., #070566, . . . and Robert Glen Jones, Jr., #040496 . . ." Records responsive to your request are attached. The remaining information you seek, to the extent ADC has such records, is confidential and not subject to disclosure pursuant to A.R.S. § 13-757(C).

Your contention that the Federal District Court's opinion in *Landrigan v. Brewer*, 2010 WL 4269559, D. Ariz. (2010), compels the disclosure of the "identity of manufacturers, pharmacies, and distributors from whom ADC procured lethal injection drugs" is misplaced. The United States Supreme Court vacated that decision in *Brewer v. Landrigan* \_\_\_ U.S. \_\_\_, 131 S. Ct. 445 (2010). Thus, it is not controlling here.

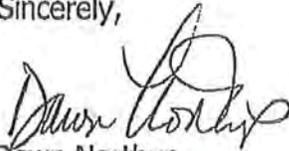
With regard to your request that the Arizona Department of Corrections ("ADC") reproduce documents provided to the Office of the Public Defender during the discovery process in *West v. Brewer*, the ADC is not required to reproduce documents provided through the formal discovery process in response to a public records request. As stated in your letter, the Office of the Federal Public Defender received the documents produced by the ADC's counsel in *West v. Brewer*, and presumably the Office of the Federal Public Defender, which currently represents inmates Schad and Jones, has those documents and must comply with any restrictions relating to their dissemination. ~~The public records statute is not an appropriate means by which to seek information produced in prior litigation under the federal discovery rules.~~

Finally, the ADC is under no obligation to reproduce documents already provided in response to a prior public records request. If you could provide the 2011 public records

Kelly Flood  
September 20, 2013  
Page Two

request you reference, it would facilitate our review of that request, as well as the response provided. Based on the general nature of your request, it is virtually impossible to comply with, and certainly not within your 3-day deadline.

Sincerely,



Dawn Northup  
General Counsel

cc: Director Charles Ryan  
Jeff Hood, Deputy Director  
Robert Patton, Division Director, Prison Operations  
Jeff Zick, Assistant Attorney General  
Jon Anderson, Assistant Attorney General

# Arizona Department of Corrections



1601 WEST JEFFERSON  
PHOENIX, ARIZONA 85007  
(602) 542-5497  
www.azcorrections.gov



JANICE K. BREWER  
GOVERNOR

CHARLES L. RYAN  
DIRECTOR

Sent Via E-mail

September 25, 2013

Kelly Flood  
Staff Attorney  
ACLU of Arizona  
P.O. Box 17148  
Phoenix, AZ 85011

Re: Public Records Request

Dear Ms. Flood:

Thank you for clarifying your September 17, 2013 public records request. ADC disagrees with your assertion that any portion of the Federal District Court's decision in *Landrigan v. Brewer*, 2010 WL 4269559, D. Ariz. (2010), remains intact following the United States Supreme Court's decision in *Brewer v. Landrigan* \_\_\_ U.S. \_\_\_, 131 S. Ct. 445 (2010), vacating that decision. Federal law does not compel the ADC to disclose information that is deemed confidential by state statute.

Attached is an additional, redacted record responsive to your request. The information that has been redacted is confidential pursuant to A.R.S. § 13-757(C). The attached record, together with the records previously sent on September 20, 2013, are the complete records in ADC's possession that are responsive to your public records request.

Sincerely,

Dawn Northup  
General Counsel

cc: Director Charles Ryan  
Jeff Hood, Deputy Director  
Robert Patton, Division Director, Prison Operations  
Jeff Zick, Assistant Attorney General  
Jon Anderson, Assistant Attorney General

# Exhibit M

# Arizona Department of Corrections



JANICE K. BREWER  
GOVERNOR

1601 WEST JEFFERSON  
PHOENIX, ARIZONA 85007  
(602) 542-5497  
www.azcorrections.gov



CHARLES L. RYAN  
DIRECTOR

RECEIVED

JUN 28 2014

June 25, 2014

Inmate Joseph Rudolph Wood  
ADC #086279  
ASPC-Eyman/Browning Unit  
P.O. Box 3500  
Florence, AZ 85132-3500

Mr. Wood:

The purpose of this correspondence is to notify you that the two-drug protocol using Midazolam and Hydromorphone will be used to carry out the execution scheduled for July 23, 2014. The two-drug protocol is outlined in Department Order 710 Attachment D, Chemical Chart C.

I also want to confirm that visitation with two of your attorneys of record may occur between 7:00 a.m. and 9:00 a.m. on the morning of the execution.

Additionally, you may choose to make a final statement that is reasonable in length and does not contain vulgar language or intentionally offensive statements directed at the witnesses. The microphone will remain on during your statement. It will be turned off, however, in the event you use vulgarity or make intentionally offensive statements.

As a final matter, I want to inform you that closed-circuit monitors in the designated witness room will allow witnesses to observe the IV team's assessment of the IV sites and the insertion of the primary and the secondary IV catheters. A microphone will also be turned on during this process. After the IV catheters have been inserted, the microphone will be turned off. When the execution is ordered to proceed, the microphone will be turned on, the curtain will be opened, and the closed-circuit monitors will be turned off. The Warden will read the Warrant of Execution and you will have an opportunity to make a final statement before the execution is completed.

Regards,

A handwritten signature in black ink, appearing to be "CLR", written over a horizontal line.

Charles L. Ryan  
Director

CLR/dn/hp

Inmate Joseph Wood, ADC #086279

June 25, 2014

Page Two

cc: ✓ Julie Hall, Attorney for Inmate Joseph Wood  
Jeff Zick, Division Chief, Capital Appeals, Attorney General's Office  
Matthew Binford, Assistant Attorney General  
Joe Sciarrotta, General Counsel, Office of the Governor  
Jeff Hood, Deputy Director  
Dawn Northup, General Counsel  
Carson McWilliams, Interim Division Director, Offender Operations  
Ron Credio, Warden, ASPC-Eyman  
Lance Hetmer, Warden, ASPC-Florence  
Donna Hallam, Arizona Supreme Court  
Kristine Fox, Capital Case Staff Attorney, U.S. District Court

APPEAL,CASREF,PPS

**U.S. District Court  
DISTRICT OF ARIZONA (Phoenix Division)  
CIVIL DOCKET FOR CASE #: 2:14-cv-01447-NVW--JFM**

Wood et al v. Ryan et al  
Assigned to: Judge Neil V Wake  
Referred to: Magistrate Judge James F Metcalf (PS)  
Related Case: [2:11-cv-01409-NVW](#)  
Case in other court: Ninth Circuit Court of Appeals, 14-16319  
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 06/26/2014  
Jury Demand: None  
Nature of Suit: 550 Prisoner: Civil Rights  
Jurisdiction: Federal Question

**Plaintiff****Joseph Rudolph Wood, III**

represented by **Dale A Baich**  
Federal Public Defenders Office  
850 W Adams St  
Ste 201  
Phoenix, AZ 85007  
602-382-2816  
Fax: 602-889-3960  
Email: dale\_baich@fd.org  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Robin C Konrad**  
Federal Public Defenders Office  
850 W Adams St  
Ste 201  
Phoenix, AZ 85007  
602-382-2700  
Fax: 602-382-2800  
Email: robin\_konrad@fd.org  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff****Graham S Henry**

represented by **Dale A Baich**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Robin C Konrad**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff****David Gulbrandson**

represented by **Dale A Baich**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Robin C Konrad**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff****Todd Smith**

represented by **Dale A Baich**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Robin C Konrad**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff****Charles M Hedlund**

represented by **Dale A Baich**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Robin C Konrad**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff****Eldon Schurz**  
*named as: Eldon Schurz*

represented by **Dale A Baich**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Robin C Konrad**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Charles L Ryan**

*Director of the Arizona Department of  
Corrections*

represented by **Jeffrey Lee Sparks**

Office of the Attorney General  
1275 W Washington St.

Phoenix, AZ 85007

602-542-4686

Email: jeffrey.sparks@azag.gov

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Jeffrey Alan Zick**

Office of the Attorney General

1275 W Washington St

Phoenix, AZ 85007

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Fax: 602-542-4849

Email: cadocket@azag.gov

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**John Pressley Todd**

Office of the Attorney General

Capital Litigation Section

1275 W Washington St

Capital Litigation Section, Criminal  
Division

Phoenix, AZ 85007-2997

602-542-8590

Fax: 602-542-4849

Email: john.todd@azag.gov

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Lacey Stover Gard**

Office of the Attorney General

Capital Litigation Section

400 W Congress St., Ste. S315

Tucson, AZ 85701-1367

520-628-6520

Email: lacey.gard@azag.gov

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Matthew H Binford**

Office of the Attorney General -

Phoenix

1275 W Washington St.

Phoenix, AZ 85007-2997

602-542-4686

Email: matthew.binford@azag.gov

*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Defendant**

**Ron Credio**  
*Warden, ASPC - Eyman*

represented by **Jeffrey Lee Sparks**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Jeffrey Alan Zick**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**John Pressley Todd**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Lacey Stover Gard**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Matthew H Binford**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Defendant**

**Lance Hetmer**  
*Warden, ASPC - Florence*

represented by **Jeffrey Lee Sparks**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Jeffrey Alan Zick**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**John Pressley Todd**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Lacey Stover Gard**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Matthew H Binford**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

**Defendant****Unknown Parties**

*named as: John Does - Unknown ADC  
Personnel, in their official capacities as  
Employees, Contractors, and/or Agents  
of the Arizona Department of  
Corrections*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
06/26/2014	<a href="#">1</a>	PRISONER CIVIL RIGHTS COMPLAINT. Filing fee received: \$400.00, receipt number 0970-10605488 filed by David Gulbrandson, Charles M Hedlund, Todd Smith, Eldon Schurz, Graham S Henry, Joseph Rudolph Wood, III. (submitted by Dale Baich) (Attachments: # <a href="#">1</a> Civil Cover Sheet)(REK) (Entered: 06/26/2014)
06/26/2014	<a href="#">2</a>	SUMMONS Submitted by David Gulbrandson, Charles M Hedlund, Graham S Henry, Eldon Schurz, Todd Smith, Joseph Rudolph Wood, III. (submitted by Dale Baich) (Attachments: # <a href="#">1</a> Summons, # <a href="#">2</a> Summons, # <a href="#">3</a> Summons)(REK) (Entered: 06/26/2014)
06/26/2014	<a href="#">3</a>	NOTICE OF ASSIGNMENT: (REK) (Entered: 06/26/2014)
06/26/2014	<a href="#">4</a>	Summons Issued as to Ron Credio, Lance Hetmer, Charles L Ryan. (Attachments: # <a href="#">1</a> Summons, # <a href="#">2</a> Summons)(REK). *** IMPORTANT: When printing the summons, select "Document and stamps" or "Document and comments" for the seal to appear on the document. (Entered: 06/26/2014)
06/26/2014	5	NOTICE TO FILER OF DEFICIENCY re: <a href="#">1</a> Complaint filed by Graham S Henry, Joseph Rudolph Wood, III, Charles M Hedlund, Eldon Schurz, Todd Smith, David Gulbrandson. Other: Pursuant to the Electronic Case Filing Administrative Policies and Procedures Manual Section II(B), attorneys are required to submit the automated Civil Cover Sheet when filing a new case. No further action is required. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (REK) (Entered: 06/26/2014)
07/02/2014	<a href="#">6</a>	*NOTICE of Appearance by Jeffrey Alan Zick on behalf of Charles L Ryan, Ron Credio, Lance Hetmer. (Zick, Jeffrey) *Modified filers on 7/2/2014 (LFIG). (Entered: 07/02/2014)
07/02/2014	<a href="#">7</a>	*NOTICE of Appearance by John Pressley Todd on behalf of Charles L Ryan, Ron Credio, Lance Hetmer. (Todd, John) *Modified filers on 7/2/2014 (LFIG). (Entered: 07/02/2014)
07/02/2014	<a href="#">8</a>	

		*NOTICE of Appearance by Jeffrey Lee Sparks on behalf of Charles L Ryan, Ron Credio, Lance Hetmer. (Sparks, Jeffrey) *Modified filers on 7/2/2014 (LFIG). (Entered: 07/02/2014)
07/02/2014	<a href="#">9</a>	*NOTICE of Appearance by Lacey Stover Gard on behalf of Charles L Ryan, Ron Credio, Lance Hetmer. (Gard, Lacey) *Modified filers on 7/2/2014 (LFIG). (Entered: 07/02/2014)
07/02/2014	<a href="#">10</a>	*NOTICE of Appearance by Matthew H Binford on behalf of Charles L Ryan, Ron Credio, Lance Hetmer. (Binford, Matthew) *Modified filers on 7/2/2014 (LFIG). (Entered: 07/02/2014)
07/02/2014	<a href="#">11</a>	MOTION for Preliminary Injunction by Joseph Rudolph Wood, III. (Attachments: # <a href="#">1</a> Exhibit, # <a href="#">2</a> Text of Proposed Order)(Baich, Dale) (Entered: 07/02/2014)
07/02/2014	<a href="#">12</a>	ORDER that Defendants shall file a response to Plaintiff's <a href="#">11</a> Motion for Preliminary Injunction or Temporary Restraining Order no later than 5:00 PM on Monday, 07/07/14. Plaintiff may file a reply no later than 4:00 PM on Tuesday, 07/08/14. FURTHER ORDERED that oral argument on Plaintiff's <a href="#">11</a> motion will be held on Wednesday, 07/09/14, at 10:00 AM in Courtroom 504, 401 West Washington Street, Phoenix, AZ 85003 before Judge Neil V. Wake. See order for details. Signed by Judge Neil V. Wake on 7/2/14. (NKS) (Entered: 07/02/2014)
07/03/2014	<a href="#">13</a>	MOTION for Leave to Appear Videoconference ( <i>unopposed</i> ) by Joseph Rudolph Wood, III. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Baich, Dale) (Entered: 07/03/2014)
07/03/2014	<a href="#">14</a>	ORDER granting the Motion (Doc. <a href="#">13</a> ). Signed by Judge Neil V. Wake on 7/3/14. (NKS) (Entered: 07/03/2014)
07/07/2014	<a href="#">15</a>	RESPONSE in Opposition re: <a href="#">11</a> MOTION for Preliminary Injunction filed by Charles L Ryan. (Sparks, Jeffrey) (Entered: 07/07/2014)
07/08/2014	<a href="#">16</a>	REPLY to Response to Motion re: <a href="#">11</a> MOTION for Preliminary Injunction filed by Joseph Rudolph Wood, III. (Attachments: # <a href="#">1</a> Exhibit)(Baich, Dale) (Entered: 07/08/2014)
07/09/2014	<a href="#">17</a>	MINUTE ENTRY for proceedings held before Judge Neil V. Wake: Oral Argument held on 7/9/2014. Counsel argue their respective positions regarding Plaintiff Joseph Rudolph Wood III's Motion for Preliminary Injunction or Temporary Restaining Order (Doc. <a href="#">11</a> ). Motion taken under advisement. Order to follow.  APPEARANCES: Robin Konrad and Dale Baich for Plaintiff. Matthew Binford, Jeffrey Zink, Lacey Gard and Jeffrey Sparks for Defendants. (Court Reporter Laurie Adams.) Hearing held 10:06 a.m. to 10:59 a.m. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (NKS) (Entered: 07/09/2014)
07/09/2014	<a href="#">18</a>	

		TRANSCRIPT REQUEST by Joseph Rudolph Wood, III for proceedings held on 07/09/2014, Judge Neil V Wake hearing judge(s). (Baich, Dale) (Entered: 07/09/2014)
07/09/2014	<a href="#">19</a>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Preliminary Injunction Proceedings held on 7/9/2014, before Judge Wake. Court Reporter Laurie Adams. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber by filing a Transcript Order Form on the docket before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/30/2014. Redacted Transcript Deadline set for 8/11/2014. Release of Transcript Restriction set for 10/7/2014. (VPB) (Entered: 07/10/2014)
07/10/2014	<a href="#">20</a>	MOTION to Dismiss for Failure to State a Claim by Charles L Ryan. (Zick, Jeffrey) (Entered: 07/10/2014)
07/10/2014	<a href="#">21</a>	ORDER that Plaintiff Wood's Motion for Preliminary Injunction or Temporary Restraining Order (Doc. <a href="#">11</a> ) is DENIED. See order for complete details. Signed by Judge Neil V. Wake on 7/10/14. (NKS) (Entered: 07/10/2014)
07/10/2014	<a href="#">22</a>	NOTICE OF APPEAL to 9th Circuit Court of Appeals re: <a href="#">21</a> Order on Motion for Preliminary Injunction by Joseph Rudolph Wood, III. (Baich, Dale) (Entered: 07/10/2014)
07/11/2014	<a href="#">23</a>	USCA Case Number re: <a href="#">22</a> Notice of Appeal. Case number 14-16319, Ninth Circuit Court of Appeals. (LAD) (Distributed by the Ninth Circuit) (Entered: 07/11/2014)
07/11/2014	<a href="#">24</a>	TRANSCRIPT REQUEST of July 9, 2014 by Charles L Ryan for proceedings held on 7/9/2014, Judge Neil V Wake hearing judge(s). (Zick, Jeffrey) (Entered: 07/11/2014)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
07/13/2014 12:56:40			
<b>PACER Login:</b>	fp0010	<b>Client Code:</b>	wood-hanson
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	2:14-cv-01447-NVW--JFM
<b>Billable Pages:</b>	6	<b>Cost:</b>	0.60