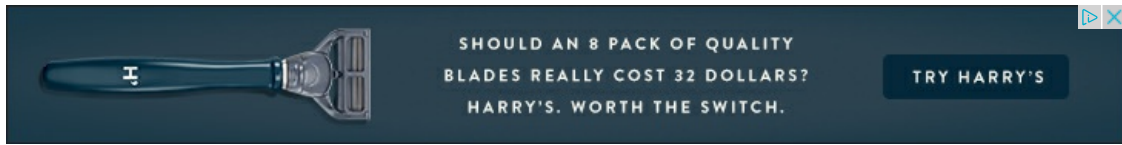


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Dennis McGuire executed in Ohio with new combination of lethal drugs



By **Max Ehrenfreund** January 16 Follow @MaxEhrenfreund

Dennis McGuire, who admitted to raping and killing a pregnant woman named Joy Stewart in 1989, was put to death in an Ohio prison Thursday morning. He was the first U.S. inmate to be executed using a new combination of drugs, midazolam and hydromorphone, which his attorneys had called an untested and inhumane method of capital punishment.

cited in Wood v. Ryan, No. 14-16310 archived on September 9, 2014

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The lethal injection execution of a convicted killer in Ohio took about 20 minutes longer than usual. Dennis McGuire was killed with a combination of drugs never previously used in the U.S. (Associated Press)

The injections took more than a quarter of an hour to end his life:

Strapped to a gurney in the execution chamber, McGuire thanked Stewart's family for their "kind words" in a letter he apparently received

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“I’m going to heaven, I’ll see you there when you come,” he said through a microphone held by the warden.

As his adult children sobbed a few feet away in a witness room, McGuire opened and shut his left hand as if waving to his daughter, son and daughter-in-law.

More than a minute later he raised himself up, looked in the direction of his family and said, “I love you. I love you” — his words audible even though the microphone had been removed.

McGuire was still for almost five minutes, then emitted a loud snort, as if snoring, and continued to make that sound over the next several minutes. He also soundlessly opened and shut his mouth several times as his stomach rose and fell.

“Oh my God,” his daughter, Amber McGuire, said as she observed her father’s final moments.

A coughing sound was Dennis McGuire’s last apparent movement at 10:43 a.m. He was pronounced dead 10 minutes later.

[Associated Press](#)

cited in Wood v. Ryan, No. 14-16310 archived on September 9, 2014

Attorneys for the state persuaded a judge that the Constitution does not entitle condemned prisoners to die painlessly, so long as the punishment is not cruel.

Previously, the state had used a lethal drug called pentobarbital. The last Ohio prisoner to die after receiving a pentobarbital injection was [Harry Mitts Jr.](#), who had killed a man and a police officer in 1994. The state exhausted its supply of pentobarbital with that execution, as the drug’s manufacturer has refused to make it available for use in capital punishment.

Elisabeth Semel argues that states’ efforts to obtain drugs for executions are legally and ethically problematic:

At a hearing on January 12 about the new execution procedure, the state’s expert, Dr. Mark Dershwitz, said, “I truly don’t know how many minutes it will take the inmate to stop breathing,” and later, “There is no

science to guide me on exactly how long this is going to take.”

This type of uncertainty is commonplace in executions today, as departments of correction scramble to find new drugs and new procedures to carry out executions in response to pharmaceutical companies taking steps to prevent the use of their products in executions.

Legal expert Deborah Denno compared the states’ process of selecting an execution method to trying to figure out what to make for dinner. “It’s like going to your kitchen cupboard trying to look for something to prepare for your next meal and just looking for anything,” she said.

Many states have grappled with sourcing execution drugs, particularly pentobarbital. Increasingly, the states are turning to compounding pharmacies, which traditionally mix small batches of drugs to meet the specific needs of patients who require special formulations of their medicines. (Think of a child’s antibiotic that tastes like a bubblegum drink, or a pet’s medication formulated to taste like a meaty treat.)

When executions are carried out using compounded drugs transparency is lost, and even the most basic questions about the drugs to be used -- including where they come from, what they are made of and whether they will work as intended -- are shrouded in secrecy.

CNN

McGuire acknowledged his guilt in a letter to Gov. John Kasich last month. Stewart was newly married and eight months pregnant when she was killed.

Max Ehrenfreund is a blogger on the Financial desk and writes for Know More and Wonkblog.

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