

Criminal Justice Issues and Prisoners' Rights

<https://www.acluohio.org/en/news/ohios-death-penalty-its-last-throes>

Public Facing Advocacy Writing

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It shouldn't be news to anyone who has read a paper or watched television that there are significant problems with lethal injection. This year, Ohio, Oklahoma and Arizona have all had executions that left witnesses with little doubt that they were botched. In Ohio, after the prolonged execution of Dennis McGuire where he was seen gulping and gasping for air, Federal District Court Judge Gregory L. Frost paused all executions through August 2014 to give the state more time to study what went wrong.

This week, Judge Frost extended the moratorium through January 2015 so that the state could devise protocols that may adhere to constitutional requirements for humane and painless executions.

Judge Frost's decision came one day before an announcement from lawyers representing the family of Dennis McGuire that a respected anesthesiologist has determined with medical certainty that McGuire's execution was [not humane](#). Dr. Kent Dively of Scripps Mercy Hospital in San Diego, CA said of McGuire's gasping and straining, "They exemplify true pain and suffering in the several minutes before he lost consciousness."

Botched executions in Oklahoma and Arizona used similar drugs as Ohio, and were shrouded in secrecy over where lethal injection drugs were obtained.

It has become clear that lethal injection has reached a crisis in the U.S. as traditionally used drugs have become scarce and states have begun to scramble for new protocols. Unfortunately, these new and increasingly bizarre lethal injection protocols have been tantamount to human experimentation, where states gamble whether or not the execution will be successful.

While the moratorium on executions through January 2015 is appropriate, the ACLU continues to urge Governor John Kasich to pause executions through the end of 2015. Without the specter of new executions, the courts and experts can take the time needed to ensure that lethal injections are carried out humanely and in compliance with our Constitution.

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