



National Lawyers Guild

"..in the service of the people, to the end that human rights shall be regarded as more sacred than property interests." - Preamble to the NLG Constitution

www.NLG.org

Friday, March 7, 2014

FOR IMMEDIATE RELEASE

**THE DEPAUL UNIVERSITY COLLEGE OF LAW NATIONAL LAWYERS GUILD
CALLS ON FLORIDA GOV. RICK SCOTT:**

STAY THE EXECUTION OF ROBERT HENRY!

Florida Governor Rick Scott wants Robert Henry strapped to a gurney on March 20, 2014, so that dangerous, untested sedatives, not approved by the FDA, can be pumped into Robert Henry's veins.

People of Florida, the United States, and the whole world have until then to voice their opposition and put a stop to this barbarism.

Citizens of conscience are encouraged to call Gov. Scott at 850-488-7146, email him at Rick.Scott@eog.myflorida.com, contact him on Twitter via [@FLGovScott](https://twitter.com/FLGovScott), and reach out to him on Facebook via facebook.com/scottforflorida, to demand that he stay Robert Henry's execution. Please also sign the petition at bit.ly/RobertHenry.

The barbiturates used in the past to induce coma during execution are being pulled from the shelves due to ethical concerns in the medical profession and resulting negative publicity for pharmaceutical companies. As a quick and sloppy solution to the drug shortage, Florida now kills its death row inmates using Midazolam, a drug not approved by the FDA for executions.¹ No studies verify the efficacy of Florida's use of Midazolam for this purpose.

If the recent botched and brutal execution in Ohio is any indication – and we have every reason to believe that it is – Robert Henry will endure excruciating pain and suffering, a sensation of suffocation, until he finally succumbs to the poisons introduced into his body by the state. The Ohio execution of Denis McGuire just last month was exceptionally horrific. He *choked, snorted, gasped, and struggled* until finally succumbing to the poisons introduced into his body by the state *nearly 25 minutes after the initial injection*.² Additionally, William Happ, the last prisoner executed in Florida remained conscious for longer than usual after the initial injection, and made more body movements after losing consciousness.³ Even those who support the death penalty can, and indeed should, be outraged that the state would even consider treating citizens in such a manner.

The DePaul National Lawyers Guild eagerly awaits and works for the day when our government leaves the company of authoritarian regimes that kill their citizens. For as long as the state decides to exercise this terrible power, we will do all we can to make sure that the process comports entirely and unambiguously with the law. According to a 2011 Supreme Court of Florida case, “the condemned inmate’s lack of consciousness is the focus of the constitutional inquiry” as to whether an execution is legal.⁴ Robert Henry’s execution will not meet this standard.

While the DePaul NLG opposes the death penalty under any circumstance whatsoever, we are particularly disturbed by this particular pending execution. We call on Gov. Scott to use his authority to stay the execution of Robert Henry and issue an executive order imposing a moratorium on capital punishment in Florida.

If Robert Henry’s execution is carried out, he will very likely suffer terribly in his last moments. Have no doubt: This is state-sanctioned torture. This execution will further erode our constitutionally guaranteed protections and make a mockery of our already tawdry, racist, and classist criminal justice system.

The decision is in Gov. Scott’s hands. American history has shown that those in power cannot be depended upon to do the right thing unless the people take it upon themselves to pressure them.

Tell Gov. Scott where you stand!

Connect with the Campaign to Stop Robert Henry’s Execution:

- Phone: 561-325-9317
- Email: NoCruelCocktail@gmail.com
- Twitter: [@SaveRobertHenry](https://twitter.com/SaveRobertHenry)
- Facebook: facebook.com/SaveRobertHenryFL
- Petition: bit.ly/RobertHenry

Contact Gov. Rick Scott:

- Phone: 850-488-7146
- Email: Rick.Scott@eog.myflorida.com
- Twitter: [@FLGovScott](https://twitter.com/FLGovScott)
- Facebook: facebook.com/scottforflorida

¹ Kristina Fiore, *Viewpoint: Cruel and Unusual Punishment*, MEDPAGE TODAY (Jan. 19, 2014), <http://www.medpagetoday.com/PublicHealthPolicy/Ethics/43878>.

² Ed Pilkington, *Ohio executes inmate using untried, untested lethal injection method*, THE GUARDIAN (Jan. 16, 2014), <http://www.theguardian.com/world/2014/jan/16/ohio-executes-inmate-untried-untested-lethal-injection-method>.

³ Tamara Lush, *Testimony Gives Rare Details of Fla. Executions*, ASSOCIATED PRESS: THE BIG STORY (Feb. 19, 2014), <http://bigstory.ap.org/article/testimony-gives-rare-details-fla-executions-0>.

⁴ *Valle v. State*, 70 So. 3d 530, 539-40 (Fla. 2011).