

For Immediate Release
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Georgia Department of Corrections Violates Federal Law in Desperate Effort to Get Drugs for Executions

U.S. Attorney General Asked to Investigate the Violations and, if Confirmed, Confiscate Illegal Drugs

The Georgia Department of Corrections has likely violated federal law by unlawfully importing sodium thiopental into the United States, according to new evidence uncovered by lawyers representing a death row prisoner in Georgia. The evidence, which is outlined in a letter that was delivered to Attorney General Eric Holder today, depicts a desperate attempt by the corrections agency to circumvent the law to secure new supplies of thiopental from foreign sources in the face of a shortage of the drug that is used in lethal injection executions. The letter (attached) calls on the Attorney General to investigate the apparent violations of federal law and, if violations are found, to confiscate the unlawfully imported drugs from the GDC.

Records obtained by lawyers representing Andrew Grant DeYoung from the GDC under the state's Open Records Act indicate the GDC is not registered with the DEA as an importer and did not file a declaration when it imported drugs from a distributor in the United Kingdom in July 2010. The documents also indicate that the GDC is not registered to possess Schedule III non-narcotic substances – the class of drugs that includes thiopental. Federal law imposes tight controls on the importation of controlled substances, requiring importers to obtain a registration from the U.S. Drug Enforcement Administration and to file declarations at the time of importation. If the GDC failed to obtain an import registration or other import authority, then they are in clear violation of federal law.

"The United States has strict drug import rules for a reason: to ensure drugs used for legitimate purposes are not adulterated, counterfeit, or diverted into the illicit market," said John Bentivoglio, partner, Skadden, Arps, Slate, Meagher & Flom LLP and former Associate Deputy Attorney General. "The GDC appears to have resorted to unlawful means to obtain thiopental, raising serious questions about the legality and integrity of the lethal injection procedure in Georgia," he added.

GDC's efforts to obtain thiopental directly from the UK distributor, Dream Pharma, followed problems the agency had in getting another shipment of thiopental through U.S. customs. The documents obtained by DeYoung's lawyers indicate the prior shipment was held up by Customs in Memphis, Tennessee, and that the agency considered using a contact within the Federal Bureau of Investigation to help get the

shipment through.

"These are not mere record-keeping violations. The import registration and declaration requirements are at the heart of federal controlled substance laws, and the apparent violations we have uncovered warrant a prompt and thorough investigation," said Mr. Bentivoglio.

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