

For Immediate Release  
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**U.S. Attorney General Asked to Investigate Potential Violations of Federal Law by  
Texas Department of Criminal Justice**

***New Documents Show Execution Drugs Registered to Prison Hospital that has  
been Closed Since 1983***

(Austin, TX; March 30, 2011) The Texas Department of Criminal Justice (TDCJ) has likely violated federal law by failing to notify the Drug Enforcement Agency (DEA) for over twenty-five years that the DEA registration number used to purchase the drugs used in executions is registered to a nonexistent hospital, according to attorneys for death row prisoners Cleve Foster and Humberto Leal. In a letter delivered today to Attorney General Eric Holder and Texas Department of Public Safety (DPS) Director Steve McCraw, attorneys present new information showing that "the DEA registration number used by TDCJ was...obtained and / or retained through false pretenses," because it is registered to the Huntsville Unit Hospital, which has been closed since approximately 1983.

The attorneys ask the Department of Justice and DPS to investigate TDCJ's potential violations and "take appropriate steps if TDCJ has violated federal [or state] law."

The letter to Attorney General Holder (attached) further states that the controlled substances used by TDCJ to carry out executions "are neither kept by a pharmacy, hospital, or clinic, nor dispensed by an authorized practitioner through a prescription." Instead, the drugs are kept by TDCJ staff, including unnamed executioners, who are not authorized by law to possess or distribute controlled substances.

"Federal and state laws governing the purchase, possession and transfer of controlled substances exist to guard against diversion, and ensure the efficacy and lawful use of these drugs. For TDCJ to have misrepresented for 25 years the information the DEA relies upon to assess the legitimacy of these drugs reflects a profound disregard for protocol and the law," said Maurie Levin, counsel for Cleve Foster.

If an investigation confirms that TDCJ has violated the law, DEA may revoke or suspend the violator's registration to possess controlled substances and require that all controlled substances in the violator's possession be delivered to the DEA.

"The fact that it is a law enforcement institution that is breaking the law should not shield them from the consequences. To the contrary – an institution charged with keeping the law should be held, at least, to the same standard as every other entity or individual, especially when the process involves the taking of a life. Any indication that they are violating the law is cause for alarm and immediate action," said Levin.

Mr. Foster is scheduled for execution on Tuesday, April 5. Mr. Leal, a Mexican national, is scheduled for execution on July 7.

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For more information please contact: Maurie Levin, Co-Counsel for Cleve Foster, and Adjunct Professor, U.T. Capital Punishment Center at 512-232-7795 (o); 512-294-1540 (c).

Brief background on Cleve Foster case:

Cleve Foster was convicted and sentenced to death under Texas' law of parties for the 2003 murder of Nyanuer "Mary" Pal. His codefendant, Sheldon Ward, was convicted and sentenced to death as the triggerman. Mr. Ward, who died on death row of natural causes, gave four statements asserting that Mr. Foster was not involved in Ms. Pal's murder. Mr. Foster was scheduled to be executed on January 11, 2011, but received a stay from the United States Supreme Court as the result of litigation raising questions about his innocence, and the ineffectiveness of appointed counsel in failing to adequately raise that issue. The Supreme Court subsequently lifted that stay without comment on the merits and Mr. Foster is now scheduled for execution on April 5, 2011.