

Failed execution of Romell Broom prompts efforts to block 2nd attempt

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Tony Dejak/Associated

PressBessye Middleton holds a painting of her daughter, Tryna, in Cleveland Heights on Sept. 8. Romell Broom was to be executed Tuesday for raping and murdering Tryna in 1984, but the fatal drugs could not be administered.

LUCASVILLE, Ohio — Ohio has less than a week to figure out how to execute Romell Broom after efforts to kill him by lethal injection failed Tuesday.

- [Ohio must fix its state execution process or end it: Phillip Morris](#)

Previous coverage:

- [Gov. Ted Strickland orders a temporary halt to the planned execution of Romell Broom.](#)
- [Court reject killer's lethal-injection challenge in East Cleveland murder.](#)

But others wonder if Broom's execution will ever go forward. Attempts are under way to stop the execution on grounds that it will violate Broom's constitutional right against cruel and unusual punishment.

Some observers believe either a judge or Gov. Ted Strickland is likely to halt the process again, at least temporarily, because the risks are too great that the execution attempt would again fail.

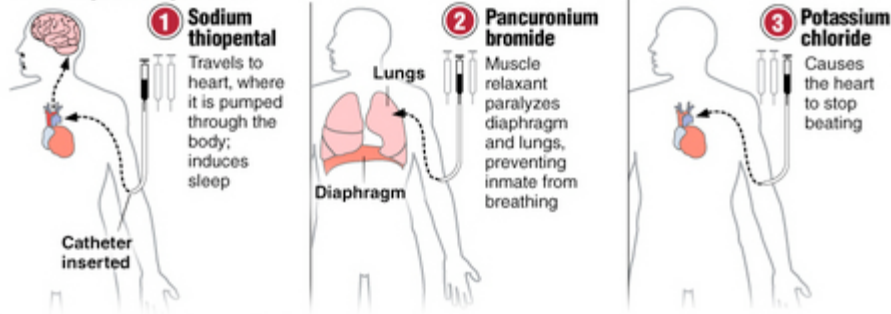
Strickland ordered a temporary reprieve for Broom at the recommendation of Terry Collins, director of the Department of Rehabilitation and Correction, after the execution team failed to find usable veins for the lethal injection. It was the first time an execution in the process of being carried out was unable to go forward since Ohio reinstated the death penalty in 1999.

Broom's lawyers are preparing another wave of appeals.

Lethal injection

The drugs used in lethal injection stop blood circulation to the person's brain, and the person is "brain dead" within minutes. Here is what happens as the drugs are administered through an intravenous line:

Three injection process



Source: The Lancet, Death Penalty Information Center
Graphic: Chicago Tribune

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Associated Press

Adele Shank, an attorney who witnessed a portion of the failed execution attempt, hopes prohibition against cruel and unusual punishment will ultimately spare her client's life.

Shank visited Broom after the execution was halted and said he was traumatized.

"It really hurt him, I mean physically hurt him," she said.

Others have no sympathy for Broom.

Bessye Middleton is preparing to make another trip to Lucasville next week to witness the execution of the man convicted of raping and murdering her 14-year-old daughter in 1984. She doesn't buy the argument that Broom's two-hour ordeal amounted to cruel and unusual punishment.

"Look what happened to my daughter," she said. "Was that cruel for him to take a knife and stab her all up?"

State prison officials believe dehydration and possible past intravenous drug use may have contributed to the difficulty in executing Broom.

Death penalty

Authorized methods of execution by state:

States with death penalty

States with death penalty

D.C.

Lethal injection sole method

R.I.
D.C.
Conn.
Del.
N.J.

Option of lethal injection or

Electrocution
Gas chamber
Firing squad
Hanging

*New Mexico voted to abolish the death penalty, March 2009; repeal not retroactive and two people remain on death row

NOTE: Choice of method may not be available to all inmates depending on date of sentencing or if ruled unconstitutional

Source: Death Penalty Information Center

Graphic: Melina Yingling

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Julie Walburn, spokeswoman for the corrections department, said the state will make drinking water available to Broom between now and his execution date, although he cannot be forced to drink.

Broom was compliant and cooperative throughout the procedure, even pointing out usable veins to the execution team. One member of the team recalled Broom saying he used to shoot heroin, Walburn said, although Broom previously denied using intravenous drugs.

Drug use could have compromised certain veins, although other undamaged veins could be located by Sept. 22, Walburn said.

The American Civil Liberties Union on Wednesday [issued a call](#) for Ohio to stop all executions indefinitely, citing problems with Broom's failed execution and two previous executions that succeeded only after technicians had trouble finding veins.

"The system used to carry out executions has been shown to be faulty and dangerous," Carrie Davis, lawyer for the ACLU of Ohio, said in a written statement. "Given these troubling facts, it would be irresponsible to continue the execution only one week later."

Others scoff at such complaints, including Cuyahoga County Prosecutor Bill Mason.

"It is ironic to hear a 53-year-old man and his attorney whine about being pricked with a needle when he is being executed for brutally raping and murdering a 14-year-old child by plunging a knife seven times into her chest," Mason said in prepared statement. "I am absolutely certain that it was Tryna Middleton that suffered from cruel and unusual punishment."

Lawsuits are likely to be filed in both state and federal courts in Ohio, said [Michael Benza](#), a Case Western University law professor and death-penalty expert. Broom's attorneys will probably claim Ohio has had too many problems executing inmates to allow another one to go forward at this time.

Benza also believes the state's system of lethal injection is flawed, from the people who carry it out to the drugs that are used.

"They are not the skilled professionals that need to be doing this," Benza said.

Walburn disagreed, saying the execution team is experienced and trained and was not responsible for Tuesday's failure.

"This does not reflect on their performance whatsoever," she said.

The execution team has at least a dozen members, including people trained and licensed to administer drugs, she said. They also need at least one year of experience as a certified medical assistant, phlebotomist, emergency medical technician, paramedic or military corpsman.

Strickland said Wednesday that he will review the circumstances around Broom's failed execution but that he does not think a wholesale review of the death penalty in Ohio is in order.

"We will look at this case," Strickland told the Associated Press. "That does not mean there will be a review of the larger issue of lethal injections. I think that's been settled."

Timeline for failed execution

Some events leading to Gov. Ted Strickland's decision to stop the Tuesday execution of Romell Broom because of difficulties finding a usable vein:

Monday

9:46 a.m.: Broom enters the holding cell 17 steps from the death chamber at the Southern Ohio Correctional Facility in Lucasville after being transported from the Ohio State Penitentiary in Youngstown.

11:49 a.m.: Medical staff find that Broom's veins appear to be accessible in his right arm but not as visible in his left.

12:17 p.m.: Broom learns that Gov. Ted Strickland has rejected a request for mercy.

4:01 p.m.: Broom eats a dinner of chicken stir fry, rice, butter, bread, pears and juice. Broom declined to order anything besides what other prison inmates were served.

7:12 p.m.: In a phone call to his brother, Broom says he "wants it to be over." According to guards observing him, Broom says he is "tired of being in prison and having people tell him what to do every day."

Tuesday

12:24 a.m.: Broom falls asleep after watching TV for about two hours.

5:08 a.m.: Broom awakens for the day.

5:51 a.m.: Broom is escorted to the shower.

6:27 a.m.: Broom eats breakfast of cereal.

8:07 a.m.: The chemicals used in Ohio executions -- thiopental sodium, pancuronium bromide and potassium chloride -- are delivered to the death house.

9:31 a.m.: Execution preparations put on hold while the 6th U.S. Circuit Court of Appeals weighs a last-minute appeal request.

12:28 p.m.: Broom eats a lunch of creamed chicken, biscuits, green beans, mashed potatoes, salad and grape drink.

12:48 p.m.: The 6th Circuit says it will not review the appeal. Execution scheduled to begin at 1:30 p.m.

1:24 p.m.: First round of lethal drugs is destroyed.

1:31 p.m.: Replacement drugs are delivered to the death house.

2:01 p.m.: Medical team enters holding cell and begins trying to insert IVs.

2:30 p.m.: Unable to find a usable vein, team leaves the cell to take a break.

2:42 p.m.: Team members back in cell trying again.

2:44 p.m.: Prisons director Terry Collins tells the medical team to take another break.

2:49 p.m.: Broom wipes his face with a tissue, appears to be crying.

2:57 p.m.: Broom asks that his attorney, Adele Shank, be allowed to watch.

Around 3 p.m.: Tim Sweeney, a Cleveland attorney also representing Broom, sends a letter to Ohio Supreme Court Chief Justice Thomas Moyer asking the court to stop the execution on the grounds that Broom is suffering cruel and unusual punishment.

3:04 p.m.: Shank speaks with prisons lawyer Austin Stout, who informs her execution policy doesn't allow lawyers to have contact with inmates after the execution process has started.

3:11 p.m.: Execution team members say they are having problems keeping a vein open because of Broom's past drug use.

3:33 p.m.: Shank is taken to the witness viewing area.

4:07 p.m.: Collins consults with Ohio Gov. Ted Strickland and the Ohio attorney general's office.

4:24 p.m.: Strickland issues one-week reprieve.

5:59 p.m.: Broom eats a dinner of veggie nuggets, lima beans, bread, cookies and juice.

6:44 p.m.: Broom arrives at a new cell in the prison infirmary.

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