



E. SCOTT PRUITT  
ATTORNEY GENERAL OF OKLAHOMA

April 21, 2014

**Sent via email and regular mail:**

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Madeline Cohen  
Dean Sanderford  
Assistant Federal Public Defender  
633 17<sup>th</sup> Street, Suite 1000  
Denver, CO 80202

Dear Counsel:

You were quoted in press articles over the weekend as saying, "The extreme secrecy surrounding lethal injection in Oklahoma makes it impossible to know whether executions would be carried out in a humane and legal manner." You were further quoted as saying, "It would be unthinkable to move forward with the executions of Mr. Lockett and Mr. Warner before the Oklahoma Supreme Court has a chance to consider the substantive issues at stake." Frankly, if you have concerns about the Department of Corrections' (DOC) execution protocol, I find it unthinkable that you would allow the executions to proceed without seeking relief for your clients from the courts that actually have the jurisdiction to review the adequacy of the protocol. In fact, you have gone to great lengths to stay out of the Federal Court and the Oklahoma Court of Criminal Appeals (OCCA).

Lockett, Warner Counsel  
April 21, 2014  
Page 2

Since District Court Judge Patricia Parrish's ruling, we have provided you all conceivable information about the DOC's new execution protocol, except the identity of the manufacturers of the drugs that will be used, as required by law. As you know, we were required to change our protocol when disclosures were made in other states that rendered it impossible to carry out executions under our former protocol. Our commitment to transparency is evidenced by the numerous communications from my office which are enclosed again for your review.

You have been given all the information necessary to mount an Eighth Amendment challenge in an appropriate court. The name of the manufacturer and the distributor of the drugs are completely irrelevant to such a challenge. **I can only conclude by your failure to file an Eighth Amendment challenge that you doubt it would be successful and acknowledge that the DOC protocol passes constitutional muster.** You have, instead, settled on a strategy focused on creating tension between our state's highest courts and using the media to create public doubts about the integrity of the execution process. At this point, I must say I wonder if your ultimate objective is not to zealously represent your clients but to simply garner sympathy for the anti-death penalty cause by casting a shadow on the process and making a spectacle on Tuesday of what should be the most solemn of occasions.

Let me be clear, the OCCA has ordered these lawfully imposed sentences to be carried out on April 22 and April 29. Any decision in the pending appeals before the Supreme Court would not result in changes to the execution protocol for Lockett or Warner. The state stands ready to carry out the court's order. The state also stands ready to defend its execution protocol before an appropriate court.

Sincerely,

A handwritten signature in dark ink, appearing to read "E. Scott Pruitt", with a long horizontal line extending to the right.

E. Scott Pruitt  
Attorney General of Oklahoma

ESP/ac

Enclosure sent via email only

cc: The Honorable Chief Justice Tom Colbert  
Oklahoma Supreme Court  
2100 N. Lincoln Blvd.  
Oklahoma City, OK 73105-4907

Lockett, Warner Counsel

April 21, 2014

Page 3

The Honorable Presiding Judge David Lewis  
Oklahoma Court of Criminal Appeals  
2100 N. Lincoln Blvd.  
Oklahoma City, OK 73105-4907

The Honorable Robin J. Cauthron  
United States District Judge  
Western District of Oklahoma  
200 NW 4<sup>th</sup> Street, Rm 4001  
Oklahoma City, OK 73102

The Honorable Stephen P. Friot  
United States District Judge  
Western District of Oklahoma  
200 NW 4<sup>th</sup> Street, Rm 3102  
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