

# URGENT ACTION

## STAY EXTENDED FOLLOWING FAILED EXECUTION

**A US federal judge has extended a stay of execution in the case of Romell Broom by two months. Romell Broom, a 53-year-old male African American death row prisoner, was subjected to a failed attempt by the State of Ohio to kill him by lethal injection on 15 September.**

Judge Gregory Frost on the US District Court for the Southern District of Ohio issued a temporary restraining order on 18 September, staying Romell Broom's execution until 28 September. In an order on 22 September, Judge Frost extended this restraining order by two months. This order currently expires at 11.59 pm on 30 November 2009.

On 18 September, Romell Broom's lawyers filed a lawsuit in the District Court aimed at preventing the State of Ohio from ever trying to execute him again, or at least "from trying again using the same flawed and unconstitutional procedures and protocols they used on September 15, 2009." They argued that the failed attempt, in which the execution team repeatedly tried and failed to find a useable vein through which to lethally inject the prisoner, "was a form of torture that exposed Broom to the prospect of a slow, lingering death". Among other things, the lawsuit also argues that prior to the execution attempt, "Broom was denied the right to consult with his counsel privately" and that after it became apparent that the execution process was going awry, his lawyer was denied access to her client and he was denied access to her. Romell Broom has signed an affidavit recalling the state's attempt to execute him (see overleaf).

Romell Broom has been on death row for nearly a quarter of a century. He was sentenced to death in 1985 for the rape and murder of 14-year-old Tryna Middleton in September 1984. After the death sentence was upheld on appeal, Romell Broom sought to join an ongoing lawsuit challenging the constitutionality of Ohio's lethal injection process. However, the courts dismissed his attempt, ruling that the challenge should have been made earlier.

**NO FURTHER APPEALS ARE REQUESTED AT THIS STAGE. MANY THANKS TO ALL WHO SENT APPEALS.**

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### ADDITIONAL INFORMATION

In an affidavit on 17 September, Romell Broom described what happened to him two days earlier as the state prepared to kill him. He recalls that after his final federal appeal had been denied, the warden of the prison had come to his cell and “read the death warrant to me”. After this, two nurses had proceeded to try to find useable veins: “The female nurse tried three separate times to access veins in the middle of my left arm. The male nurse tried three separate times to access veins three times in the middle of my right arm. After those six attempts, the nurses told me to take a break”.

After a break of about two and a half minutes, the female nurse again tried to access a vein in Broom’s left arm. He recalls that “she must have hit a muscle because the pain made me scream out loud”. The male nurse then again turned to the right arm. At first he was able to access a vein, but when he attempted to insert the intravenous (IV) line, “but he lost it and blood started to run down my arm”. The team then took another break, by which point, Romell Broom says he “was in a great deal of pain”.

After applying hot towels to and massaging Romell Broom’s left arm, the male nurse “attempted to access my veins once in the middle of my left arm, and three more times in my left hand”. Romell Broom recalls that the nurse commented that “heroin use affected my veins”: “I was upset with this comment because I never used heroin or any intravenous drugs”.

Romell Broom’s affidavit continues by stating that he had tried to assist the execution team “by helping to tie my own arm”, and “a correction officer came over, tapped on my hand to indicate that he also saw the vein and attempted to help the nurse locate the vein”. The affidavit recalls that then “the death squad leader advised me that we were going to take another break and again told me to relax”, at which point “I became very upset. I began to cry because I was in pain and my arms were swelling. The nurses were placing needles in areas that were already bruised and swollen.” Romell Broom asked to be allowed to speak to his lawyer, but this request was denied.

Romell Broom states that the “head nurse” then came into the room and “attempted to access veins in my right ankle”. The needle apparently hit a bone and “was very painful”. The head nurse then attempted to access a vein in the lower part of Broom’s left leg, at the same time as the male nurse tried to access on in Broom’s right ankle. After these attempts failed, the head nurse left the room, taking a needle with her. The male nurse then twice attempted to locate access veins in Broom’s right hand. At this stage, according to Romell Broom, “it appeared as though they had given up on the left arm because at that point it was bruised and swollen.” The level of pain, he requires, “was at its maximum” at this stage: “I had been poked at least 18 times in multiple areas”. The execution attempt was then discontinued.

At that point, Romell Broom was facing an execution date of 22 September. His affidavit states: “Waiting to be executed again is anguishing. It is very stressful to think about the fact that the State of Ohio intends to cause me the same physical pain next week. I am constantly reminded of the fact that next week I will have to undergo the same torture that the State of Ohio exacted on me on Tuesday, September 15, 2009 because there has been no change to Ohio’s execution protocol, and there has been no change to my veins”.

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