

URGENT ACTION

NEBRASKA SUPREME COURT STAYS EXECUTION

The Supreme Court of Nebraska has issued a stay of execution in the case of Carey Dean Moore, who was scheduled to be put to death on 14 June. The execution warrant has been withdrawn.

Carey Dean Moore's lawyer filed an emergency motion in the Nebraska Supreme Court requesting a stay of execution on 17 May. He also filed a legal brief in a lower court raising certain challenges relating to the state's lethal injection protocol, including concerns surrounding the state's recent purchase of sodium thiopental from a company in India.

Nebraska was the last state in the USA to use electrocution as its sole execution method. In 2008, the Nebraska Supreme Court ruled that use of the electric chair violated the state's constitution. In 2009, a bill providing for lethal injection in Nebraska passed into law. The state's adoption of lethal injection has coincided with a national shortage of sodium thiopental – one of the three drugs used in such executions - and the decision in early 2011 by the only US manufacturer of this drug to withdraw from the market. States have been seeking alternatives and have engaged in some questionable practices in so doing, including importing sodium thiopental from foreign companies under circumstances that have been challenged under federal law. The Drug Enforcement Administration at the US Department of Justice is currently conducting an investigation into some such imports. In early January 2011, the Nebraska Department of Corrections received a shipment of sodium thiopental it had purchased from a company in India. That company has since announced that it will not sell any more drugs if they are to be used in executions.

In its order issued on 25 May, the Nebraska Supreme Court noted the legal action initiated in the lower court by Carey Dean Moore and that the court proceeding was "sufficient cause" to warrant a stay of execution. The Supreme Court ordered such a stay and withdrew the execution warrant it had issued on 21 April scheduling the execution for 14 June.

Carey Dean Moore was convicted in 1980 for the murder of two taxi drivers. He was 21 years old at the time of the crime and has been on death row for three decades.

No further action by the UA Network is requested at present. Many thanks to all who sent appeals.

This is the first update of UA 148/11. Further information: <http://www.amnesty.org/en/library/info/AMR51/043/2011/en>

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