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Second dose needed to kill inmate

CHRIS TISCH and CURTIS KRUEGER

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STARKE - A death row inmate who argued that Florida's execution procedures were cruel punishment needed 34 minutes and two drug doses to die by lethal injection Wednesday evening.

The scene of a grimacing Angel Diaz once again called into question the way the state kills condemned prisoners. Diaz winced, his body shuddered and he remained alive nearly three times as long as the state's two most recent executions.

Department of Corrections officials said they had to take the rare step of giving Diaz a second dose of drugs to kill him. A second dose is part of their protocol and was anticipated because Diaz had liver disease, which they said can slow the time it takes the drugs to metabolize.

But defense lawyers said Diaz's execution was so unusual it could once again disrupt executions in Florida.

"Obviously there was something very wrong here," said Neal Dupree, supervisor of the Capital Collateral Regional Counsel office for South Florida, which represented Diaz in his appeals.

Dupree, who sat in the front row while Diaz was executed, said the procedure appeared botched, particularly when Diaz squinted his eyes and tightened his jaw as if in pain. Twenty-six minutes into the procedure, Diaz's body suddenly jolted.

"It looked like Mr. Diaz was in a lot of pain," Dupree said. "He was gasping for air for 11 minutes. This is a big deal. This is a problem."

Corrections officials acknowledged that 34 minutes was an unusually long time but said no records are kept that would tell if it's the longest in state history. They said they were not sure how many times a second dose has been needed.

Gretl Plessinger, a Department of Corrections spokeswoman, said it's unknown at what times the first and second doses were given because those records are not kept.

The execution team called for the second dose after noticing on heart monitors that Diaz was not dying, she said.

Diaz's cousin Maria Otero said the family had no knowledge of any liver disease.

"Who came down to Earth and gave you the right to kill somebody?" Otero said, referring to Gov. Jeb Bush. "Why a stupid second dose?"

Bush said in a written statement that the Department of Corrections followed all protocols.

"As announced earlier this evening by the department, a preexisting medical condition of the inmate was the reason tonight's procedure took longer than recent procedures carried out this year," the statement said.

Florida voluntarily began using lethal injection in 2000 after a number of gruesome executions in the electric chair put electrocutions at risk of being declared unconstitutionally cruel and unusual punishment.

But capital defense lawyers have contended that lethal injection, which in Florida and most states is given with a three-drug cocktail, has its own cruelty problems.

They cite a recent study that suggests a painkiller administered first wears off before the third and fatal drug kills the person. That third drug can

cause excruciating pain, the study said, but no one would know because the second drug in the cocktail paralyzes the person.

Earlier this year, executions in Florida were halted while the Supreme Court considered the case of Clarence Hill, condemned for the 1982 shooting death of a Pensacola police officer. Hill's lawyers argued that lethal injection was cruel and unusual, but the court's ultimately rejected his argument and Hill was executed this fall.

Martin McClain, a lawyer who has represented more than 100 death row inmates, called for an investigation into Diaz's execution.

McClain said the state should have disclosed any liver problems in advance and explained its plans for dealing with them.

McClain said he questions if Diaz was given the pain-inducing drug potassium chloride before the anesthetic started working.

Lethal injection had been a subject of legal challenges, including one to the U.S. Supreme Court, which put executions in Florida on hold for much of this year. When those legal maneuvers failed, Gov. Bush began signing death warrants.

Diaz, 55, was the fourth person to be executed this year, the most the state has put to death since six were executed in 2000.

Diaz was condemned for the 1979 shooting death of Joseph Nagy, a topless bar manager in Miami. Nagy was killed during a robbery by three men. The case was unsolved for four years before a girlfriend of Diaz's called police to say he was involved.

Diaz had been sentenced to life in prison in Puerto Rico for another murder but escaped and came to the United States. He also escaped from a prison in Connecticut and tried to arrange an escape from jail in Miami.

Though no one witnessed Diaz pull the trigger, a jury convicted him of Nagy's murder and sentenced him to death.

His defense lawyers challenged his conviction and death sentence, especially after a jailhouse snitch who said Diaz confessed to him recanted his testimony. But courts let the death sentence stand.

Time line

Diaz's death

What happened in the execution chamber as Angel Diaz was put to death Wednesday night:

6:00 p.m.: The curtain opens. Angel Diaz gives a short last statement claiming he is innocent.

6:02: Diaz begins grimacing and seems to speak, though a microphone is off and none of the witnesses can hear him.

6:06: Diaz squints his eyes and juts his chin as if in pain. He continues this for several minutes.

6:12: Diaz's head slips to the right. He coughs several times and appears to shudder.

6:15: His mouth has appeared to widen and his breathing is deep.

6:18: A member of the execution team hands a phone to another member of the team. What they say on the phone is not revealed. Diaz's mouth and chin move as he breathes deeply.

6:24: Diaz's mouth and chin slowly stop moving. His eyes appear fixed.

6:26: His body suddenly jolts. His eyes appear to be opening more widely. Again, a member of the execution team gets on the phone.

6:34: A doctor wearing a blue hood that covers his face enters the execution chamber and checks Diaz's vital signs. The doctor returns a minute later, checks the vital signs again and nods to a member of the execution team.

6:38: A member of the execution team announces that the sentence of Angel Diaz has been carried out. The curtain closes.

Past controversies

May 4, 1990: Smoke, sparks and flames shoot from behind his mask as Jessie Tafero is executed in the electric chair. A synthetic sponge used to conduct electricity into the brain caught fire.

March 25, 1997: Pedro Medina's head catches fire as he is electrocuted. The leather skullcap burned because copper wiring inside it had not been cleaned.

July 8, 1999: Blood appears on the face and shirt front of 344-pound Allen Lee Davis, for whom a larger electric chair was specially built. Photos later show Davis bleeding from the nose and grimacing.

June 8, 2000: The lethal injection of Bennie Demps is delayed 33 minutes while technicians cut his groin and leg searching for a second injection spot. In his final statement he says, "They butchered me back there."

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