

Roderick & Solange
MacArthur Justice Center
NEW ORLEANS

January 3, 2017

Attn: Darrell Baughn or Custodian of Records
Mississippi Department of Corrections
633 North State Street
Jackson, MA 39202
dbaughn@mdoc.state.ms.us

Via First Class Mail and Electronic Mail

Dear Mr. Baughn or Custodian of Records:

On behalf of the Roderick & Solange MacArthur Justice Center and our clients, Richard Jordan and Ricky Chase, both Mississippi prisoners under sentence of death, I request a copy of the following records and documents in the custody or control of the Mississippi Department of Corrections (MDOC), pursuant to the Mississippi Public Records Act, Mississippi Code Ann. § 25-61-1 et seq.:

1. Any records, documents, memoranda, notes, or communications (electronic or otherwise) regarding any and all drugs (including but not limited to pentobarbital and midazolam) which MDOC has purchased or intends to purchase for use as the “ultra short-acting barbiturate or other similar drug” in Miss. Code Ann. § 99-19-51, including raw ingredients or active pharmaceutical ingredients (API). This request seeks responsive documents that entered the custody or control of MDOC from March 1, 2016 to the date of MDOC response to this request (regardless of the date of creation or the identity of the creator of such documents). The records requested include but are not limited to purchase orders, invoices, checks, money orders, receipts, notes, letters, and electronic mail.

2. Any records, documents, memoranda, notes, or communications (electronic or otherwise) regarding any and all drugs (including but not limited to pentobarbital and midazolam) which MDOC has contemplated for use as the “ultra short-acting barbiturate or other similar drug” in Miss. Code Ann. § 99-19-51, including raw ingredients or active pharmaceutical ingredients (API). This request seeks responsive documents that entered the custody or control of MDOC from March 1, 2016 to the date of MDOC response to this request (regardless of the date of creation or the identity of the creator of such documents).

3. Any records, documents, memoranda, notes, or communications (electronic or otherwise) regarding whether pentobarbital and/or midazolam are “ultra short-acting barbiturate[s] or other similar drug[s]” under Miss. Code Ann. § 99-19-51. This request seeks responsive documents that entered the custody or control of MDOC from March 1, 2016 to the date of MDOC response to this request (regardless of the date of creation or the identity of the creator of such documents).

4. Any records, documents, memoranda, notes, or communications (electronic or otherwise) regarding any and all efforts or attempts made by MDOC to obtain or acquire any drug(s) (including but not limited to pentobarbital and midazolam, and including but not limited to raw ingredients or active pharmaceutical ingredients (API)) which MDOC has contemplated for use as the “ultra short-acting barbiturate or other similar drug” in Miss. Code Ann. § 99-19-51. This request seeks responsive documents that entered the custody or control of MDOC from March 1, 2016 to the date of MDOC response to this request (regardless of the date of creation or the identity of the creator of such documents).

5. Any records, documents, memoranda, notes, or communications (electronic or otherwise), drug inventory logs, drug chain of custody forms, purchase orders, invoices, or receipts regarding any and all drugs, including raw ingredients or active pharmaceutical ingredients (API), which MDOC has purchased, acquired, destroyed, transferred, sold, intends to use, or has considered for use in executions. This request seeks responsive documents that entered the custody or control of MDOC from September 1, 2016 to the date of MDOC response to this request (regardless of the date of creation or the identity of the creator of such documents).

6. Any records, documents, memoranda, notes, or communications (electronic or otherwise), inventory logs or checklists, chain of custody forms, purchase orders, invoices, or receipts regarding any and all equipment and supplies (excluding drugs and/or active pharmaceutical ingredients) which MDOC has purchased, acquired, destroyed, transferred, sold, intends to use, or has considered for use in executions. This request seeks responsive documents that entered the custody or control of MDOC from March 1, 2016 to the date of MDOC response to this request (regardless of the date of creation or the identity of the creator of such documents).

7. Any records, documents, regulations, protocols, policies, operating procedures, memoranda, correspondence, or guidelines that direct or discuss how MDOC will carry out executions or has contemplated carrying out executions (including but not limited to by lethal injection, by electrocution, by firing squad, and by nitrogen gas), including drafts, letters, electronic mail, notes, or other communication regarding the execution protocol and any changes to be made to the protocol. This request seeks responsive documents that entered the custody or control

of MDOC from March 1, 2016 to the date of MDOC response to this request (regardless of the date of creation or the identity of the creator of such documents).

8. From March 1, 2016 to the date of MDOC response to this request, all correspondence (including electronic correspondence) between MDOC and any member or employee of the legislature of the State of Mississippi regarding the state's method(s) of execution.

9. Any correspondence (including electronic correspondence) between MDOC (and/or its attorneys) and the Mississippi Board of Pharmacy (or the state boards of pharmacy in any other state) from March 1, 2016 to date of MDOC response to this request regarding drugs intended or considered for use in executions.

10. From March 1, 2016 to the date of MDOC response to this request, any correspondence (including but not limited to electronic correspondence, and records of sale or transfer) between MDOC (and/or its attorneys) and any party, including other state departments of corrections, other state offices of attorney general, hospitals, pharmacies, and state and federal agencies regarding drugs, including raw ingredients or active pharmaceutical ingredients (API), intended or considered for use in executions.

11. All requests from MDOC to the Mississippi Bureau of Narcotics (or any other state agency or private entity) for the destruction of lethal injection drugs from March 1, 2016 to the date of MDOC response to this request, including all related letters or electronic correspondence, all final disposition authority and witness to destruction forms, and all drug disposal inventories.

For the purposes of this request, the terms "records" and "documents" are intended to include, without limitation, any and all written, typed, printed, recorded, graphic, computer-generated or other matter of any kind from which information can be derived, whether produced, reproduced, or stored on paper, cards, tapes, films, electronic facsimiles, computer storage devices, or any other medium. They include, without limitation, letters, memoranda (including internal memoranda), calendars, schedules, books, indices, notes, printed forms, publications, press releases, notices, minutes, summaries or abstracts, reports, files, transcripts, computer tapes, printouts, drawings, photographs, recordings (including both videotapes and audiotapes), telegrams, and telex messages, as well as any reproductions thereof that differ in any way from any other reproduction, such as copies containing marginal notations.

If different divisions or departments of your agency maintain separate custody of records or documents, I request that you direct each division or department that may have records responsive to this request to make those items available to me within the time provided for by the Public Records Act.

I would ask that you provide an itemized invoice containing the number of pages of responsive records to be provided, the paragraph(s) of the request the records are responsive to, and the cost(s) for each charge associated with provision of the records. I would direct your attention to § 25-61-7 of the Act which provides that any staff time charged for the provision of public records “shall be at the pay scale of the lowest level employee or contractor competent to response to the request.” Please provide the invoice in advance of the date required for production of the records.

Under the Public Records Act your office has no more than seven (7) working days from the date of this request to produce the responsive records. § 25-61-5(1)(a). Should you wish to raise any question as to whether the requested material is a public record subject to disclosure, you must notify me in writing and provide a statement of the specific exemption relied upon for the denial. § 25-61-5(3). However, if any public record contains materials which is not exempted under the Act, your office shall redact the exempted material and make the nonexempt material available. § 25-61-5(2); see also § 25-61-9(2).

Please contact me at (504) 620-2259 or emily.washington@macarthurjustice.org with any questions or concerns regarding my request.

Sincerely,



Emily Washington
Attorney
Roderick & Solange MacArthur Justice Center



STATE OF MISSISSIPPI
DEPARTMENT OF CORRECTIONS
Marshall Fisher
COMMISSIONER

FAX TRANSMISSION COVER SHEET

MISSISSIPPI DEPARTMENT OF CORRECTIONS
633 North State Street
Jackson, MS 39202

TO:	Emily Washington, Esq. Roderick & Solange MacArthur Justice Center	FROM:	Darrell C. Baughn MDOC/Special Assistant Attorney General
FAX:		EMAIL:	
PHONE:		PAGES: W/COVER	6
RE:		DATE:	1/26/17



STATE OF MISSISSIPPI
DEPARTMENT OF CORRECTIONS
MARSHALL L. FISHER
COMMISSIONER

Darrell C. Baughn
Special Assistant Attorney General

Counsel
(601) 359-5304

January 2017

Emily Washington, Esq.
Roderick & Solange MacArthur Justice Center
4400 S. Carrollton Avenue
New Orleans, LA 70119

VIA CERTIFIED MAIL

Re: Public Records Request

Dear Ms. Washington:

Please find the attached in response to your public records request.

Should you have questions concerning this matter, please do not hesitate to contact me.

Sincerely,

Darrell C. Baughn
Special Assistant Attorney General
Mississippi Department of Corrections

MISSISSIPPI STATE PENITENTIARY FTC/SUPPLY INVENTORY FORM

Product Name: Midazolam Injection Location: Mississippi State Penitentiary

10 Vials Per Box @10ml per vial

MSDS Sheet: Yes No

DATE	BEGIN BALANCE	AMOUNT ISSUED	AMOUNT RECEIVED	END BALANCE	ISSUED TO (Print Name)	ISSUED BY (Print Name)
1-7-16	290	0	0	290	Inventory	
2/17/16	290	0	0	290	Inventory	
3/1/16	290	0	0	290	Inventory	
4/1/16	290	0	0	290	Inventory	
5-3-16	290	0	0	290	Inventory	
6-3-16	290	0	0	290	Inventory	
7-5-16	290	0	0	290	Inventory	
8/1/16	290	0	0	290	Inventory	
9-1-16	290	0	0	290	Inventory	
10-5-16	290	0	0	290	Inventory	
11-2-16	290	0	0	290	Inventory	
12/2/16	290	0	0	290	Inventory	
1/3/2017	290	0	0	290	Inventory	

CONFIDENTIAL

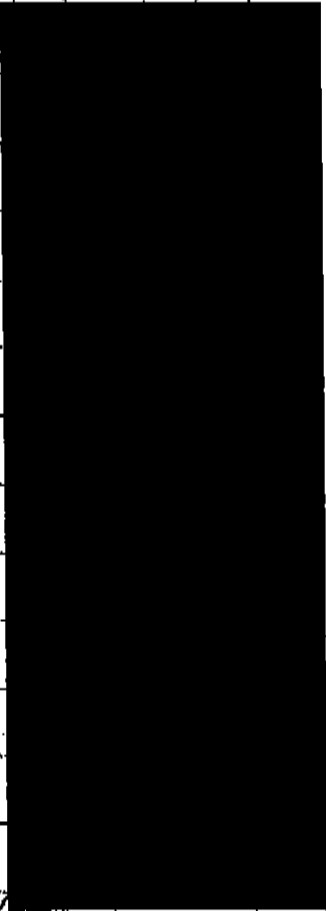
MISSISSIPPI STATE PENITENTIARY FTC/SUPPLY INVENTORY FORM

Product Name: Vecuronium Bromide for Injection Location: Mississippi State Penitentiary

10mg

MSDS Sheet: Yes No

DATE	BEGIN BALANCE	AMOUNT ISSUED	AMOUNT RECEIVED	END BALANCE	ISSUED TO (Print Name)	ISSUED BY (Print Name)
1/7/14	0	0	0	0	Inventory	
2/17/14	0	0	0	0	Inventory	
3/1/14	0	0	0	0	Inventory	
4/1/2014	0	0	0	0	Inventory	
5-3-14	0	0	0	0	Inventory	
6-3-14	0	0	0	0	Inventory	
7-5-14	0	0	0	0	Inventory	
8-1-14	0	0	0	0	Inventory	
9-1-14	0	0	0	0	Inventory	
10-5-14	0	0	0	0	Inventory	
11-2-14	0	0	0	0	Inventory	
12-2-14	0	0	0	0	Inventory	
1-3-17	0	0	0	0	Inventory	



MISSISSIPPI STATE PENITENTIARY FTC/SUPPLY INVENTORY FORM

Product Name: Potassium Chloride Location: Mississippi State Penitentiary

20mEq, 10 mL

MSDS Sheet: Yes No

DATE	BEGIN BALANCE	AMOUNT ISSUED	AMOUNT RECEIVED	END BALANCE	ISSUED TO (Print Name)	ISSUED BY (Print Name)
1/7/14	0	0	0	0	Dunbar	
2/17/14	0	0	0	0	Dunbar	
3/1/14	0	0	0	0	Dunbar	
4/1/14	0	0	0	0	Dunbar	
5-3-16	0	0	0	0	Inventory	
6-3-16	0	0	0	0	Inventory	
7-5-16	0	0	0	0	Inventory	
8/4/16	0	0	0	0	Inventory	
9-1-16	0	0	0	0	Inventory	
10-5-16	0	0	0	0	Inventory	
11-2-16	0	0	0	0	Inventory	
12-2-16	0	0	0	0	Inventory	
1-3-17	0	0	0	0	Inventory	
1/3/17	0	0	0	0	Make	

CONFIDENTIAL

1/8/17

UNIT 42 MSP PHARMACY CHEMICAL ROOM ACCESS LOG

Person Entering	Date	Time In	Time Out	Purpose of Entry
	5-3-16	1442	1508	Inventory Chemicals
	5-3-16	1442	1508	Inventory Chemicals
	6-3-16	1440	1451	Inventory Chemicals
	6-3-16	1440	1451	Inventory Chemicals
	7-5-16	0917	0942	Inventory Chemicals
	7-5-16	0917	0942	Inventory Chemicals
	8-1-16	1028	1037	Drinking Change
	8-1-16	1028	1037	Drinking Change
	8-10-16	1122	1125	Check Expiration date
	8-10-16	1122	1125	Check Expiration date
	9-1-16	1452	1501	Inventory Chemicals
	9-1-16	1452	1501	Inventory Chemicals
	10-5-16	0836	0842	Inventory Chemicals
	10-5-16	0836	0842	Inventory chemicals
	11-2-16	1239	1247	Inventory chemicals
	11-2-16	1239	1247	Inventory Chemicals
	12-2-16	1546	1600	Inventory Chemicals
	12-2-16	1546	1600	Inventory Chemicals
	1-3-17	1548	1602	Inventory Chemicals
	1-3-17	1548	1602	Inventory Chemicals

Roderick & Solange
MacArthur Justice Center
NEW ORLEANS

January 31, 2017

Attn: Darrell Baughn
Mississippi Department of Corrections
633 North State Street
Jackson, MS 39202
dbaughn@mdoc.state.ms.us

Via Electronic Mail

Dear Mr. Baughn,

I am writing to follow up on the request for public records sent on January 3, 2017.

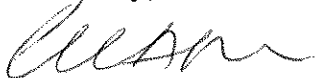
On January 26, 2017, I received 4 pages of responsive records via facsimile. I have subsequently received the same pages via certified mail. It appears that these 4 pages are only responsive to Request No. 5 of the January 3 request.

Are there additional documents responsive to the other sections of the request? The request sought 11 distinct categories of records.

If additional responsive documents exist, we would ask that those be provided immediately.

If there are no additional documents responsive to the other sections of the request, we would ask that you so indicate in writing.

Sincerely,



Emily Washington

Attorney

Roderick & Solange MacArthur Justice Center



STATE OF MISSISSIPPI
DEPARTMENT OF CORRECTIONS
MARSHALL L. FISHER
COMMISSIONER

Darrell C. Baughn
Special Assistant Attorney General

Counsel
(601) 359-5304

February 1, 2017

Emily Washington, Esq.
Roderick & Solange MacArthur Justice Center
4400 S. Carrollton Avenue
New Orleans, LA 70119

VIA CERTIFIED MAIL

Re: Public Records Request

Dear Ms. Washington:

There are no records responsive to the other sections of the request.

Should you have questions concerning this matter, please do not hesitate to contact me.

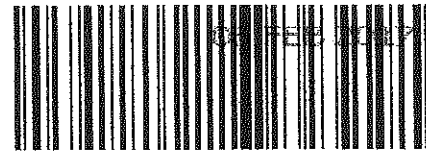
Sincerely,

A handwritten signature in dark ink, appearing to read "Darrell C. Baughn", written over a light-colored background.

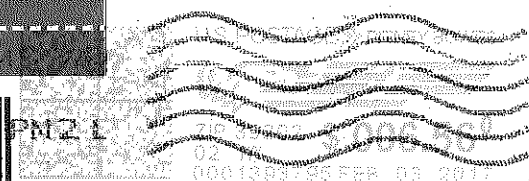
Darrell C. Baughn
Special Assistant Attorney General
Mississippi Department of Corrections

STATE OF MISSISSIPPI
MISSISSIPPI DEPARTMENT OF CORRECTIONS
633 NORTH STATE STREET
Jackson, MS 39202

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS; FOLD AT DOTTED LINE
CERTIFIED MAIL



7015 0640 0002 7761 6945



Emily Washington, Esq.
Roderick & Solange MacArthur Justice Center
4400 S. Carrollton Avenue
New Orleans, LA 70119

