

CONDEMNED KILLER

Court: Inmate who survived '09 execution can be put to death

By Andrew Welsh-Huggins
The Associated Press

COLUMBUS, OHIO » The state can try again to put to death a condemned killer whose 2009 botched execution was called off after two hours, the Ohio Supreme Court said Wednesday.

The court by a 4-3 vote rejected arguments by death row inmate Romell Broom, whose attorneys said giving the state prisons agency a second chance would amount to cruel and unusual punishment and double jeopardy.

Prosecutors had argued double jeopardy doesn't apply because lethal drugs never entered Broom's veins while executioners unsuccessfully tried to hook up an IV. They also said a previously unsuccessful execution attempt doesn't affect the constitutionality of his death sentence.

With a federal appeal of the ruling likely, a second execution is years away. In addition, Ohio already has more than two dozen death row inmates with firm execution dates but no lethal drugs to put them to death with.

Justice Judith Ann Lanzinger sided with the state in the case, saying the execution never began because the drugs were never administered.

"Because Broom's life was never at risk since the drugs were not introduced, and because the state is committed to carrying out executions in a constitutional manner, we do not believe that it would shock the public's conscience to allow the state to carry out Broom's execution," Lanzinger wrote.

The majority opinion said it was unclear why Broom's veins couldn't be accessed, a fact that brings the rejection of his appeal into question, Justice Judi French wrote in a dissent.

"If the state cannot explain why the Broom execution went wrong, then the state cannot guarantee that the outcome will

be different next time," French said.

Broom was sentenced to die for raping and killing 14-year-old Tryna Middleton after abducting her in Cleveland in 1984 as she walked home from a football game with two friends.

His 2009 execution was stopped by then-Gov. Ted Strickland after an execution team tried for two hours to find a suitable vein. Broom has said he was stuck with needles at least 18 times, with pain so intense he cried and screamed.

An hour into the execution, the Department of Rehabilitation and Correction recruited a part-time prison doctor with no experience or training with executions to try — again, unsuccessfully — to find a vein.

Broom's appeals in federal court were on hold while the state court heard the constitutional arguments.

Broom, 59, has been back on death row since. No new execution date has been set.

A message was left with Broom's attorneys seeking comment. The state's top public defender said it's long been understood that the government gets one attempt at an execution.

"Whether you believe it's the hand of God or just basic government failure, as happened in this case, they don't get to do this again," Tim Young, head of the Ohio Public Defender's Office, said Wednesday.

Ohioans to Stop Executions, the state's leading anti-death penalty group, criticized the ruling, saying the 18 times Broom was stuck with needles as he lay strapped to a gurney demonstrate the execution had begun.

Requiring Broom to endure another execution attempt would double up his punishment by forcing him to relive the pain he's already been through, his attorneys, Adele Shank and Timothy Sweeney, argued in a court filing last year.

During a June hearing, Chief Justice Maureen O'Connor asked Shank about a prison official's testimony that Broom may have caused the problems with his veins by ingesting an entire box of antihistamines the day before to dehydrate himself. Shank, in seeking to rebut the state's argument about purposeful hydration, said she saw Broom drinking coffee the day of the execution. Chris Schroeder, an assistant Cuyahoga County prosecutor, said the antihistamines allegation was not part of the state's argument.

In 1947, Louisiana electrocuted 18-year-old Willie Francis by electric chair a year after an improperly prepared electric chair failed to work. The U.S. Supreme Court ruled 5-4 to allow the second execution to proceed, rejecting double jeopardy arguments.

MICHIGAN



TODD MCINTURF — DETROIT NEWS VIA AP

Environmental Protection Agency Administrator Gina McCarthy speaks as Food Bank of Eastern Michigan President and CEO Bill Kerr listens in Flint, Mich.

Emails: EPA chief warned Flint crisis could get 'very big'

By John Flesher
The Associated Press

U.S. Environmental Protection Agency chief Gina McCarthy ordered some top staff members in late September to focus on lead contamination in Flint, Michigan — after university researchers and local doctors warned that city residents were in danger — and said the matter "could get very big very quickly," according to emails released Wednesday.

"Seems like the Flint lead issue is really getting concerning," McCarthy wrote Sept. 26 in a message to other EPA officials, among 1,200 pages of emails The Associated Press obtained under a Freedom of Information Act request.

McCarthy was responding to an email the previous day from Susan Hedman, then the head of the EPA's regional office in Chicago, who resigned in January amid complaints from the public and elected officials that the agency hadn't reacted urgently enough after learning Flint's water was tainted. By then a Virginia Tech professor and local doctor had issued warnings about elevated lead levels, although an EPA staffer had raised alarms about the lead problem five months earlier.

Flint had switched its water source from the Detroit system to the Flint River as a temporary cost-saving measure in April 2014 while under state management, with plans eventually to use lake water again. The river water wasn't treated with anti-corrosion chemicals, an omission that let lead leach from old pipes into the drinking water.

McCarthy is scheduled to testify Thursday before



PAUL SANCYA FILE — THE ASSOCIATED PRESS

The Flint Water Plant tower is seen in Flint Mich.

the U.S. House Committee on Oversight and Government Reform, whose Republican majority has been sharply critical of the agency's actions. The emails released Wednesday include messages about Flint that McCarthy sent or received through Dec. 31, though others were withheld "because of attorney-client privilege," said Denise Walker of the EPA's Office of General Counsel.

An EPA scientist began raising concerns about the water's lead content in April 2015, pressing the Michigan Department of Environmental Quality for information about whether the city was using anti-corrosive chemicals. In a June memo, the scientist, Miguel Del Toral, urged EPA colleagues to review whether Flint had violated federal corrosion control requirements.

Hedman wrote to McCarthy on Sept. 25: "Controversy surrounding lead levels in drinking water in Flint increased again this week, when a group of local physicians released a report suggesting that blood lead levels in a sample of

Flint children have doubled since the city started using water from the Flint River." She described actions the EPA was taking on the regional level, including meeting with city and state officials and discussing federal financial assistance with U.S. Rep. Dan Kildee, a Michigan Democrat whose district includes Flint.

"I would suggest that a meeting be scheduled ... to get everyone fully briefed and the history, where we are now and what needs to be done by whom," McCarthy responded the next day in a message to several EPA officials. "This situation has the opportunity to get very big very quickly."

Also on Sept. 26, McCarthy received an email from Peter Grevatt, director of the EPA's Office of Ground Water and Drinking Water. It included a message sent six days earlier by Marc Edwards, the Virginia Tech environmental engineer. He and colleagues had tested Flint drinking water and warned that its lead levels were dangerously high and local officials were not properly conducting sampling,

adding, "This is an unprecedented situation and EPA needs to take this seriously. Now."

McCarthy wrote to aides that the Hedman and Grevatt emails "raise my level of concern" and suggested that they "look at options to intervene" if necessary. But hours later, after an aide talked with colleagues and briefed McCarthy, both agreed that state officials needed to "step up."

Over the next two months, the EPA established a task force to help state and local agencies with corrosion control and home water sampling, while beginning an audit of the DEQ's oversight of public water supplies.

Yet it wasn't until Jan. 21 that the federal agency issued an order demanding action, saying the state and city were moving too slowly.

Despite criticism of the EPA, a task force appointed by Michigan's Republican Gov. Rick Snyder and the state's auditing office pinned most of the blame on the state DEQ, which had not ordered Flint officials to apply anti-corrosion treatments. Snyder has apologized repeatedly for the state's response.

Emails show EPA officials were surprised when DEQ Director Dan Wyant resigned Dec. 29.

"Wow," was the one-word message sent that day by McCarthy to Hedman. "Wow indeed," Hedman responded, adding, "I didn't get a heads up — so I haven't had a chance to speak with him."

Hedman, whose own departure was announced the next month, testified before the House committee Tuesday and drew stinging criticism from lawmakers for not doing more.

North 03-17-16			
♠ A K 10 9 4			
♥ 9 5			
♦ A K 6			
♣ J 8 7			
West		East	
♠ 8 6 5		♥ 7 2	
♥ Q J 3 2		♦ 8 7 4	
♦ 10 9 8		♣ 7 4 3 2	
♣ Q 10 9		♦ K 4 2	
South			
♠ Q J 3			
♥ A K 10 6			
♦ J 5			
♣ A 6 5 3			
Dealer: South			
Vulnerable: Both			
South	West	North	East
1NT	Pass	2♥	Pass
2♠	Pass	3NT	Pass
4♠	Pass	4NT	Pass
5♠	Pass	6♠	All Pass
Opening lead: ♥ Q			

The opening lead helped declarer

By Phillip Alder

Michael Morpurgo, the author of "War Horse," said, "Don't worry about writing a book or getting famous or making money. Just lead an interesting life."

At the bridge table, one tries to find successful opening leads, but it is impossible to do it on every deal. In this example from Steve Conrad of Manhasset, New York, West found the worst possible start. True, if declarer could see all 52 cards, West did not have a winning lead. But if he had selected a card from any suit but hearts, surely the contract would have failed.

How did South get home in six spades after West led the heart queen? What do you think of the bidding?

In the auction, North did a double-cross, giving his partner the choice of playing in three no-trump or at least five spades. North should have rebid four no-trump, which ought to be quantitative, not ace-asking. (To use Blackwood, North starts with a Texas transfer at the four-level, responding four hearts, then bids four no-trump.) Here, though, South would probably have rebid five spades.

In the given auction, four no-trump was Roman Key Card Blackwood. South's reply indicating two aces and the spade queen.

South realized that he needed to take these 12 tricks: five spades, three hearts, two diamonds, one club, and a diamond ruff in the short-trump hand. He won the first trick, cashed his spade queen, played off dummy's top diamonds, ruffed the diamond six high in his hand, drew trumps, ran the heart nine to West's jack, and claimed.

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BRIDGE



PHILLIP ALDER

PUBLIC MEETING
MARE ISLAND NAVAL SHIPYARD
RESTORATION ADVISORY BOARD (RAB)
MARCH 2016 MEETING

The Department of Navy (DON) invites interested members of the public to attend updates and presentations with members of the Restoration Advisory Board (RAB) made up of representatives from the local community, Navy, Federal and State regulatory agencies. The DON encourages the public to keep informed about the environmental cleanup at Former Mare Island Naval Shipyards (MINS), Vallejo, California.

March 2016 Featured Topics

Paint Waste Area and Vicinity Remedial Investigation Results
Building 866 Area Commercial to Residential Reuse
Investigation Area C2
Remaining Work to be Performed

Date: Thursday, March 24, 2016
Time: 7:00 p.m. to 9:00 p.m.
Location: Mare Island Conference Center
375 G St., Vallejo, CA

Ask questions and voice your concerns. You Can Make a Difference!
FOR MORE INFORMATION CONTACT:
Janet Lear, (616) 524-9924 or Myrna Hayes, (707) 449-9535
Navy BRAC Web Page: <http://www.brac.gov>
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