

would ever face such a situation again. Nonetheless, and although not legally or constitutionally required to do so, since September 15, the Department has been working to establish a back-up or alternative lethal injection protocol that would be available should those responsible for carrying out executions for the State ever again be unable to access a sustainable vein at the time of an execution.

4. Today, the United States Court of Appeals for the Sixth Circuit issued a stay of execution with respect to Mr. Reynolds. The Court's majority determined that Ohio's administration of its current lethal injection protocol should be reviewed by the United States District Court for the Southern District of Ohio. Even the judge dissenting from that decision broadly suggested that further scrutiny of Ohio's administration of its lethal injection would be appropriate, even if not constitutionally required.
5. Since September 15, Department personnel have diligently researched a range of potential back-up or alternative procedures for lethal injection that would comply with Ohio law. Although they have made substantial progress in this regard, more research and evaluation of back-up or alternative procedures is necessary before one or more can be selected. In addition, the selection of a back-up or alternative procedure will require training and other preparation by the Department in order to incorporate it fully into the Department's lethal injection protocol.
6. Accordingly, in order to provide the Department of Rehabilitation and Correction the time it needs to finalize a back-up or alternative lethal injection protocol and prepare fully for its primary or secondary use, I direct that the sentences of death in the following cases be reprieved until after the Biros, Smith and Brown executions, as follows:
 - a. Lawrence Reynolds until March 9, 2010.
 - b. Darryl Durr until April 20, 2010.
7. While I believe that the Department will be able to complete its research and evaluation, select an appropriate back-up or alternative lethal injection procedure, and conduct any training or other preparation necessitated by that selection by the time of Mr. Biros' scheduled execution in December, I will issue any additional reprieves I deem necessary to the appropriate administration of executions under Ohio law.

8. Mr. Reynolds and Mr. Durr should remain incarcerated in the custody of the Ohio Department of Rehabilitation and Correction. The Department should carry out their sentences on the last date of their respective reprieves at a time established on that day by the Department.
9. I signed these Warrants of Reprieve on October 5, 2009.


Ted Strickland, Governor

Filed the 6th day of October, 2009 with the Summit County Common Pleas Clerk of Court (regarding Mr. Reynolds) and the Cuyahoga County Common Pleas Court (regarding Mr. Durr) by Kent Markus.