

# Tennessee uses same method of injection under fire in Florida

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Tennessee could easily botch an execution — similar to what happened in Florida this week — because it uses the same lethal injection procedure that state used when it put to death Angel Nieves Diaz, local critics of capital punishment say.

But state officials expressed confidence in the way Tennessee carries out the death penalty. The state could be carrying out a death sentence in about two months, with the scheduled Feb. 22 execution of Edward Harbison.

"The lethal injection protocol in Florida is fundamentally the same in Tennessee, so the same kinds of problems that they've experienced in Florida are the very problems that we have said are likely to occur in Tennessee as well in other states," said Nashville attorney Bradley MacLean, who has represented death-row in-mates.

State law, he said, doesn't even require medical training for the people who administer the lethal injection.

But Tennessee officials say they're still not sure what happened in Florida.

"I don't know that there's anything that we can respond to," said Lydia Lenker, a spokeswoman for Gov. Phil Bredesen.

"This is a Florida case, not a Tennessee case, and we don't even know all of the facts of the Florida case."

Bredesen, she said, has confidence in the state Department of Correction and its commissioner, George Little.

Tennessee has executed only two people since 1960. The most recent execution was in June, when convicted Memphis-area murderer Sedley Alley was put to death.

Harbison is on death row for the 1983 murder of a woman in Hamilton County. He has not made up his mind about whether he wishes to die by lethal injection or the electric chair, said Correction spokeswoman Dorinda Carter.

Members of Tennessee's Coalition to Abolish State Killing called on Bredesen to follow Jeb Bush's action.

A legal expert who supports capital punishment and who wrote Tennessee's death penalty statute said the Florida governor stepped in before the courts did so that he could keep control over the process.

"You avoid judicial intervention and judicial scrutiny by stopping it yourself, and that's exactly what (Bush) did," said Nashville attorney David Raybin.

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