

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND
(SOUTHERN DIVISION)

FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND

2004 JUN 17 A 9:08

STEVEN HOWARD OKEN,

Plaintiff,

v.

FRANK C. SIZER, JR., Commissioner
Maryland Division of Correction

WILLIAM WILLIAMS, Warden
Maryland Correctional Adjustment Center
Baltimore, Maryland

GARY HORNBAKER, Warden
Metropolitan Transition Center
Broad River Correctional Institution,
Columbia, South Carolina

and

UNKNOWN EXECUTIONERS,

Defendants.

)
) CLERK'S OFFICE
) AT GREENBELT
)
) BY _____ DEPUTY

) No. _____

) **DEATH WARRANT**
) **SIGNED**

) **EXECUTION**
) **IMMINENT**

) **EXECUTION**
) **SCHEDULED FOR**
) **THE WEEK OF JUNE**
) **14**

AMENDED COMPLAINT

Facts.

1. Petitioner incorporates all paragraphs contained within the "Complaint" by reference and amends his claim to add as follows:

2. Plaintiff, Steven Howard Oken was and is a drug user.

3. Defendants rely on a statement by a certified nursing assistant to claim that venous access will be unnecessary during Plaintiff's execution by lethal injection.

4. Plaintiff currently does not know the level of expertise of the certified nursing assistant who observed Mr. Oken, or does Plaintiff possess any assurances concerning her proficiency to determine venous access.

5. Certified nursing assistants in Maryland typically do not make determinations with respect to the ability to make venous access.

6. Certified nursing assistants in Maryland typically do not establish IV lines.

7. Defendants execution manual utilizes procedures that substantially increase the need for a cut down procedures including:

a. an insufficient number of angiocaths; and,

b. an unnecessary restriction on the area of the arm where an IV line may be established.

8. Defendants protocols have no provision for attempting to obtain venous access by hands, arms, or feet.

9. All of the deficiencies and statements made above substantially increase the likelihood that a cut down will be necessary to carry out Plaintiff's execution.

10. Defendants have no protocol for carrying out a cut down.

11. Defendants have no protocol with respect to percutaneous insertion of an IV line.

Claim

12. Plaintiff incorporates paragraphs 1-11 by reference.

13. Frank Sizer, William Williams, Gary Hornbaker, and Unknown Executioners in utilizing a cut down procedure during executions by lethal injection.

14. Defendants' deficient protocol increases the likelihood that a cut down procedure will be necessary.

15. Defendants' use of a cut down procedure in light of readily available and viable alternatives violates the Eighth Amendment Cruel and Unusual Punishment Clause.

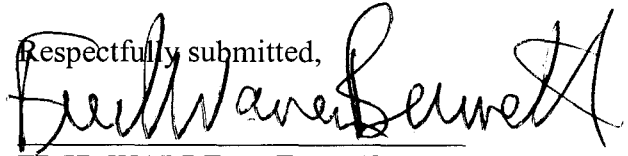
16. The deficiencies within Defendants Execution Procedures as it pertains to cut down procedures creates a risk of unnecessary infliction of pain that is more than the Eighth Amendment tolerates during an execution.

Prayer for Relief

17. Plaintiff requests that this Court grant a temporary restraining order and a preliminary injunction barring Defendants from executing Plaintiff in the manner they currently intend.

18. Plaintiff incorporates by reference and requests all relief stated in the "Complaint."

Respectfully submitted,



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June 17, 2004.

¹ Admitted *pro hac vice*.

VERIFICATION

State of Maryland

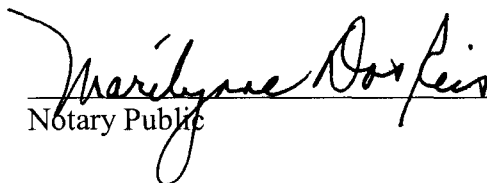
County of Prince George

I, Fred Warren Bennett, attorney for Plaintiff in the above-entitled action, being duly sworn, state that to the best of my knowledge and belief, the facts sets for in this Complaint are true and correct to the best of my knowledge.



Fred Warren Bennett

Subscribed and sworn to me this 17th day of June 2004.


Notary Public

MARILYNNE DOS REIS
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires March 15, 2005