



EXECUTION ALERT
Help Save Earl Forrest
Execution Date: May 11, 2016

Missouri plans to execute Earl Forrest on May 11, 2016. Earl was sentenced to death for killing Michael Wells, Harriet Smith, and Deputy Sharon Joann Barnes in December 2002. Post conviction appeals, and testimony from Dr. Michael Gelbort, a neuropsychologist, indicated that impairments to the frontal portion of Earl's brain, together with his history of substance abuse, eroded the cognitive tissue devoted to impulse control. Dr. Roswell Lee Evans, a psychiatric pharmacist, also testified that Forrest was in an alcoholic blackout at the time of the crimes.

Further, in light of recent news, demonstrating Missouri's deliberate violation of IRS and audit controls, there are additional grounds to doubt the legality of Earl Forrest's pending execution. For these reasons, it should be stayed.

Since November 2013, Missouri's Director of Adult Institutions, David Dormire, has handed out \$284,551.84 in cash to the small group of individuals who carry out the death penalty. The Internal Revenue Service requires those who pay contractors \$600 or more to file a disclosure, a 1099, with the agency, as well as with the person receiving the money. The disclosures notify the IRS that the agency should be checking to make sure the recipient is paying taxes on those payments. However, the Department of Corrections said it had no records on 1099s for the executioners. The department's internal procedures make no mention of 1099s or any other notice to the IRS. In recent legislative hearings, Missouri officials have supported the establishment of a new budget line item to pay anticipated IRS fines and penalties.

Missouri Illegally Supplies Cash for Execution Drugs

After a state audit criticized the record-keeping practices of using cash fund to pay Missouri executioners, the Department of Corrections reacted by making its policies more lax.

According to the 2015 audit, "The DOC did not record the amount of the cash payments on receipt forms signed by execution team members and did not always require the exchange of the cash payments to be acknowledged by a witness signature, as required by DOC procedures." Audit rules require that cash payments take place in front of a witness, who can verify the appropriate transaction took place. The rule is meant to

avoid fraud, theft and the potential for fiscal abuse associated with unmonitored disbursements.

Instead, the head of the department, George Lombardi, changed the policy, allowing for cash payments to be handed out to the execution drug supplier without a witness to attest to it. The auditor's office told BuzzFeed News in a statement that "it is the expectation of this office that audit recommendations are implemented."

Read Full Story and Associated Documents Here:<http://madpmo.hoster904.com/wp-content/plugins/civicrm/civicrm/extern/url.php?u=2481&qid=669381>

Additional News:

The Missouri DOC has been ordered to release two pharmacy names from where it purchases the lethal drugs used in execution. Final judgments laid down by the circuit court of Cole County criticize Missouri prisons for not rightfully informing the public about their way of conducting the death penalty. According to the Death Penalty Information Center, Missouri has executed 18 men since 2013 using the drug pentobarbital through an unknown source. Without providing the public with information on both the source and methods utilized in execution, the risks of "failed" executions remain.

Actions Needed Immediately

- **Contact Governor Nixon** to urge that he stay Earl Forrest's execution until the issues of cash payment, lack of documentation regarding the use of tax dollars, and violation of audit recommendations can sufficiently be addressed. Call [573-751-3222](tel:573-751-3222); write a letter, mailing it to **Rm 216, State Capitol, Jefferson City MO 65101**/faxing it to [573-751-1495](tel:573-751-1495); e-mail via <http://madpmo.hoster904.com/wp-content/plugins/civicrm/civicrm/extern/url.php?u=2482&qid=669381>.
- **Contact Attorney General Chris Koster** to urge that he ensure justice by facilitating the stay. Call [573-751-3321](tel:573-751-3321); write: **PO Box 899, Jefferson City MO 652101**; e-mail <http://madpmo.hoster904.com/wp-content/plugins/civicrm/civicrm/extern/url.php?u=2483&qid=669381>.
- **Contact your Missouri Senator and Representative** to urge them to ensure the establishment of transparency around the government's use of our tax

dollars. To find your legislator: <http://madpmo.hoster904.com/wp-content/plugins/civicrm/civicrm/extern/url.php?u=2484&qid=669381>

- **Attend the execution watch May 11, 2016.**
- **Look for updates on vigil information, which will be sent closer to the anticipated execution date.**