THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI CENTRAL DIVISION

MICHAEL ANTHONY TAYLOR,)	
Plaintiff,)	
v.)	Case No. 05-4173-CV-C-FJG
LARRY CRAWFORD, et al.,)	
Defendants.)	

DEFENDANT CORRECTIONAL OFFICIALS' RESPONSE TO COURT ORDER OF SEPTEMBER 12, 2006

On July 14, 2006, the defendant Corrections officials submitted an execution protocol to the Court for its review. Following an appeal to the Eighth Circuit and remand, this Court, on September 12, 2006, held that the protocol was not consistent with the Eighth Amendment and ordered defendants to submit a revised protocol for review by October 27, 2006.

Defendants respectfully maintain that the protocol submitted by the Department of Corrections on July 14 does comply with the broad bounds of the Eighth Amendment. For the reasons set out in the Cover Memorandum filed with the protocol on July 14, 2006, and in their reply to plaintiff's opposition to the protocol filed on August 29, 2006, the defendant Corrections officials have established that their protocol provides a means (among many) of lethal injection that does not subject condemned prisoners to unnecessary and wanton pain. Defendants respectfully disagree that they are constitutionally obligated to meet the additional criteria set out by the Court in the September 12 Order.

The defendant Corrections officials resubmit the protocol they initially submitted on

July 14, copy attached to this response as Exhibit A, and ask the Court to reconsider its conclusion that this protocol is not constitutionally sufficient. Whatever the Court's final conclusion, defendants ask the Court to enter its judgment so that any appeals may proceed expeditiously.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on October 6, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

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