

**IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE**

**IN RE EDWARD JEROME HARBISON**    )   HAMILTON COUNTY  
  )   No. M1986-00093-SC-OT-DD  
  )   *Oral Argument Requested*

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**SUPPLEMENTAL AUTHORITY FOR PETITION FOR REHEARING  
ON ORDER SETTING EXECUTION DATE**

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Comes now Edward Jerome Harbison, through undersigned counsel, and respectfully gives notice to the Court of supplemental authority for numbered paragraph 27 on page 9 of his petition to rehear this case which was filed on September 22, 2010. That paragraph describes the factual basis as to why the use of the drugs in Tennessee’s lethal injection procedure will result in a violation of federal law. Mr. Harbison would supplement the record by providing the Court with a copy of a letter from KeeS Gioenhout, M.D., Vice President, Clinical Research and Development, Hospira, Inc. dated March 31, 2010, directed to the Ohio Department of Rehabilitation and Corrections in which he advises the Ohio DRC that “Hospira manufactures this product because it improves or saves lives, and the company markets it solely for use as indicated on the product labeling. The drug is not indicated for capital punishment, and Hospira does not support its use in this procedure.” (Attached) Upon information and belief, Hospira sent identical letters to all the departments of correction in all states that utilize lethal injection as a method of execution.

Respectfully submitted,

FEDERAL DEFENDER SERVICES  
OF EASTERN TENNESSEE, INC.

By:

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Dana C. Hansen Chavis, BPR # 19098  
Assistant Federal Community Defender  
Attorney of Record<sup>1</sup>  
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### CERTIFICATE OF SERVICE

I, Dana C. Hansen Chavis, hereby certify that a true and correct copy of the foregoing was sent via facsimile and overnight mail to:

Jennifer L. Smith  
Associate Deputy Attorney General  
Office of the Attorney General  
425 Fifth Avenue North  
Nashville, TN 37243  
E-mail: [Jennifer.Smith@ag.tn.gov](mailto:Jennifer.Smith@ag.tn.gov)  
Fax: (615) 532-7791

on this the 24th day of September, 2010.

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Dana C. Hansen Chavis  
Assistant Federal Community Defender

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<sup>1</sup>Pursuant to TENN. SUP. CT. R. 12.4(B), Dana C. Hansen Chavis, as attorney of record, requests notification of orders or opinions of the Court by facsimile at (865) 637-7999.