

## 2017 Report of the Oklahoma Death Penalty Review Commission: Corrections and Clarifications

PAGE OR FOOTNOTE	ORIGINAL TEXT	REVISED TEXT
Page 192	The grand jury’s investigation uncovered that, prior to Glossip’s scheduled execution in September 2015, a deputy attorney general explicitly had informed the governor’s general counsel that potassium acetate had been used in Warner’s execution in January; that potassium acetate also would have to be used in Glossip’s execution, because potassium chloride remained unavailable; and that, as a factual matter, the two substances were not interchangeable.	The grand jury’s investigation uncovered that, prior to Glossip’s scheduled execution in September 2015, the Oklahoma Department of Corrections general counsel had informed the governor’s general counsel that he believed potassium acetate had been used in Warner’s execution in January. The governor’s general counsel planned to proceed with Glossip’s execution using potassium acetate because potassium chloride remained unavailable. A deputy attorney general explicitly informed the governor’s general counsel that the execution should not proceed using potassium acetate and that, as a factual matter, the two substances were not interchangeable.
Page 90, Footnote 9	<i>American Bar Association Guidelines</i> , FED’L CAPITAL HABEAS PROJECT, <a href="https://www.capdefnet.org/2255/pubmenu.aspx?menu_id=33&amp;id=48">https://www.capdefnet.org/2255/pubmenu.aspx?menu_id=33&amp;id=48</a> (last visited Sept. 20, 2016).	<i>American Bar Association Guidelines</i> , ABA DEATH PENALTY REPRESENTATION PROJECT, <a href="http://ambar.org/2003guidelines">http://ambar.org/2003guidelines</a> (last visited Sept. 20, 2016).
Page 163, Footnote 32	On the extra-judicial nature of mercy, see <i>Capital Clemency and Traditions of Mercy</i> , Am. Bar Ass’n, <a href="http://www.americanbar.org/groups/crsj/projects/death_penalty_due_process_review_project/capital-clemency-resource-initiative/capital-clemency-news-developments.html">http://www.americanbar.org/groups/crsj/projects/death_penalty_due_process_review_project/capital-clemency-resource-initiative/capital-clemency-news-developments.html</a> (last visited Dec. 8, 2016).	On the extra-judicial nature of mercy, see <i>Capital Clemency and Traditions of Mercy</i> , Capital Clemency Resource Clearinghouse, Am. Bar Ass’n, <a href="https://www.capitalclemency.org/capital-clemency-and-traditions-of-mercy/">https://www.capitalclemency.org/capital-clemency-and-traditions-of-mercy/</a> (last visited Dec. 8, 2016).
Page 165, Footnote 49	These eight states are Arizona, Delaware, Florida, Idaho, Louisiana, Oklahoma, Pennsylvania, and Texas. <i>Clemency</i> , Death Penalty Info.Ctr., <a href="http://www.death-penaltyinfo.org/clemency">http://www.death-penaltyinfo.org/clemency</a> (last visited Dec. 8, 2016). The Delaware Supreme Court ruled that the state’s death penalty law was unconstitutional in August 2016. <i>Rauf v. State</i> , 145 A.3d 430, 433 (Del. 2016) (per curiam). In Florida, the governor sits on the board. Email from Laura Schaefer, Counsel, Capital Clemency Resource Initiative, Death Penalty Due Process Review Project, Am. Bar Ass’n., to author (Feb. 6, 2017) (on file with author).	These eight states are Arizona, Delaware, Florida, Idaho, Louisiana, Oklahoma, Pennsylvania, and Texas. <i>Clemency</i> , Death Penalty Info.Ctr., <a href="http://www.death-penaltyinfo.org/clemency">http://www.death-penaltyinfo.org/clemency</a> (last visited Dec. 8, 2016). The Delaware Supreme Court ruled that the state’s death penalty law was unconstitutional in August 2016. <i>Rauf v. State</i> , 145 A.3d 430, 433 (Del. 2016) (per curiam). In Florida, the governor sits on the board. Email from Laura Schaefer, Capital Clemency Resource Initiative Counsel & Death Penalty Representation Project Staff Attorney, Am. Bar Ass’n., to author (Feb. 6, 2017) (on file with author).

<p>Page 165, Footnote 53</p>	<p>These four states are Georgia, Nebraska, Nevada, and Utah. <i>Clemency</i>, Death Penalty Info. Ctr., <a href="http://www.deathpenaltyinfo.org/clemency">http://www.deathpenaltyinfo.org/clemency</a> (last visited Mar. 24, 2017). In Nevada, the governor sits on the board. Email from Laura Schaefer, Counsel, Capital Clemency Resource Initiative, Death Penalty Due Process Review Project, Am. Bar Ass'n, to author (Feb. 6, 2017) (on file with author).</p>	<p>These four states are Georgia, Nebraska, Nevada, and Utah. <i>Clemency</i>, Death Penalty Info. Ctr., <a href="http://www.deathpenaltyinfo.org/clemency">http://www.deathpenaltyinfo.org/clemency</a> (last visited Mar. 24, 2017). In Nevada, the governor sits on the board. Email from Laura Schaefer, Capital Clemency Resource Initiative Counsel &amp; Death Penalty Representation Project Staff Attorney, Am. Bar Ass'n., to author (Feb. 6, 2017) (on file with author).</p>
<p>Page 169, Footnote 109</p>	<p><i>Capital Clemency Resource Initiative</i>, Am. Bar Ass'n, <a href="http://www.americanbar.org/groups/crsj/projects/death_penalty_due_process_review_project/capital-clemency-resource-initiative.html">http://www.americanbar.org/groups/crsj/projects/death_penalty_due_process_review_project/capital-clemency-resource-initiative.html</a> (last visited Dec. 8, 2016).</p>	<p><i>Capital Clemency Resource Initiative</i>, Death Penalty Due Process Review Project, Death Penalty Representation Project, Commission on Disability Rights, Am. Bar Ass'n, <a href="https://www.capitalclemency.org/about/actions-resources/">https://www.capitalclemency.org/about/actions-resources/</a> (last visited Dec. 8, 2016).</p>