

# URGENT ACTION

## OHIO PREPARES FOR ITS FIRST EXECUTION OF 2018

**Raymond Tibbetts, aged 60, is due to be executed in Ohio on 13 February. His lawyers are urging the Governor to take account of mitigating evidence they say the clemency board failed to give proper weight to, and about which the jury was not fully informed.**

On 6 November 1997, the sister of 67-year-old Fred Hicks found his body at his home in Cincinnati. Upstairs, police found the body of his 42-year-old live-in carer, Judith Crawford. **Raymond Tibbetts**, who had married Judith Crawford a few weeks earlier, was charged and brought to trial in 1998. He was convicted and sentenced to death for the murder of Fred Hicks and to life imprisonment without the possibility of parole for Judith Crawford's murder.

Raymond Tibbetts's traumatic childhood and the damage it inflicted on him remains at issue. When the US Court of Appeals upheld his death sentence in 2011, two of the three judges decided that while his trial lawyer "certainly could have conducted a more thorough investigation" into this upbringing, the facts of the crime would have "overwhelmed" any additional mitigation he might have presented. Their confidence in the sentencing verdict was not shared by the third judge. She argued that the lawyer's investigation was clearly inadequate and the fact that he presented some mitigation did not excuse his "failure to engage in basic preparation", such as interviewing relatives and properly presenting social services records. This failure left the jury without available testimony from siblings who had experienced the same abusive environment. Evidence raised on appeal "revealed a much more chaotic and abusive environment" in parental and foster care than the jurors had heard about. Such "shocking" and "utterly disturbing" details, would have given them "compelling" reasons to vote for life, she wrote. In addition to this traumatic childhood, trial attorneys also failed to adequately present evidence of Raymond Tibbetts's severe alcohol and drug addiction, which stemmed from decades of untreated mental health issues.

In January 2017, the parole board recommended by 11 votes to one that Governor Kasich deny clemency. The majority acknowledged the "traumatic" childhood that Raymond Tibbetts endured, but decided that the facts of the crime meant that "clemency would not serve the interest of justice". The board member who voted for clemency, in contrast, concluded that "Tibbetts was raised in neglectful, abusive, chaotic, unstable, and toxic environments", which created a "recipe for disaster" for him and his siblings, "who into their adulthood struggled with substance abuse, incarcerations, and mental illness, including the suicide of one of Tibbetts's brothers". She added that the response by social service agencies and others to Raymond Tibbetts's requests for help had been "inadequate". Raymond Tibbetts's lawyers are urging the Governor to reject the board's recommendation and to take full account of the impact of their client's upbringing on his adult life and psychological well-being. They have provided him with expert opinions asserting that the board's conclusion was based on a flawed assessment of the case for clemency. His execution date has been set for 13 February.

**Please write immediately in English or your own language, in your own words using any of the above:**

- Calling on Governor Kasich to stop the execution of Raymond Tibbetts and commute his death sentence;
- Urging him to take full account of his appalling childhood, including details not heard by the trial jury, and of the high mitigating impact of this upbringing recognized by experts, a federal judge and a parole board member;
- Explaining that you are not seeking to minimize the seriousness of the crimes or suffering caused.

**PLEASE SEND APPEALS BEFORE 13 FEBRUARY 2018 TO:**

Governor John Kasich, Riffe Center, 30th Floor, 77 South High Street, Columbus, OH 43215-6117, USA

Fax: +1 614 466 9354

Email (via website): <http://www.governor.ohio.gov/Contact/ContacttheGovernor.aspx>

Twitter: @JohnKasich

Salutation: Dear Governor

**Also send copies to diplomatic representatives accredited to your country.**

HIS EXCELLENCY WOODY JOHNSON, Embassy of the United States of America, 24 Grosvenor Square W1A 6AE, tel: 020 7499 9000,

**Please check with your section office if sending appeals after the above date.**

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### ADDITIONAL INFORMATION

According to Raymond Tibbetts's sister, their biological mother and father engaged in "extreme violence" towards the children, who were also often left alone without food or proper clothing. The household, she said, was a place of "constant violence". Subsequently removed from the parents and placed in foster care, the children were subjected to further abuse, including kicking, beating and burning. According to Sixth Circuit Judge Karen Moore in her 2011 dissent against the death sentence, such mitigating details were "key to understanding Tibbetts's culpability and, by extension, evidence that was instrumental to determining whether he should live or die", but the only mitigation witness presented to the jury was a psychiatrist whose testimony the prosecution sought to disparage as based on fabrication, and who himself even undermined the mitigation case by saying the defendant made him "concerned about my own safety".

In a letter to Governor Kasich in 2017, a forensic psychologist criticized the parole board's vote against clemency, particularly in relation to substance abuse issues. He challenged the board's failure to acknowledge Raymond Tibbetts's problems with drugs and alcohol, which began from an early age as a "maladaptive attempt to cope with his early traumas and mental health disturbances". The letter also draws attention to a time in the 1990s when Raymond Tibbett succeeded in achieving a "period of sobriety" which ended after he was injured at work and was "(inappropriately) prescribed narcotic pain medications, spiralling him into a relapse" of addiction, and he "ended up hospitalized just four months prior to his offenses". Two months after that, and two months before the crimes, "he was found lying on a river bank, intoxicated, homeless, depressed, anxious, hallucinating, delusional, paranoid, and suicidal. He was hospitalized again, where he attempted to hang himself." He was "discharged upon completing brief detoxification without further treatment." The crimes occurred less than a month later.

Another psychologist has criticized the board for dismissing any link between the childhood trauma and the murders on the grounds that "others with similarly traumatic backgrounds, including Tibbetts's own siblings, do not generally commit crimes of this nature". She pointed out that a high number of Adverse Childhood Experiences (Raymond Tibbett scored nine out of 10 on this measure) "cannot predict the exact poor outcomes for a certain individual; simply that the risk is higher". The board also suggested that Raymond Tibbetts's lack of history of violence was a reason to dismiss any link between his childhood and the crime and therefore to deny clemency. The psychologist also criticized this conclusion, stating that this lack of violent record "actually supports the theory that the actions on the night of the crime were so atypical from any past behaviour that they must have come from an altered state (i.e., trauma/dissociative/drug induced)." Raymond Tibbetts maintains that his memory of the murders is severely impaired, and said he does not understand how he could have reached such a state, but told the board that he has accepted full responsibility for them. If allowed to live, he told the board that he wanted to use his time to help others.

There have been 1,466 executions in the USA since they resumed in 1977 under new capital laws approved by the Supreme Court in 1976. Ohio accounts for 55 of these executions. There has been one execution in the USA so far this year. Amnesty International opposes the death penalty, unconditionally. Today 142 countries are abolitionist in law or practice.