

URGENT ACTION

ALABAMA ENDS PURSUIT OF 2ND EXECUTION ATTEMPT

An agreement signed on 27 March means that Alabama will not pursue another death warrant for Doyle Hamm, whose execution on 22 February was called off after the lethal injection team could not find an accessible vein over the course of two-and-a-half hours.

Doyle Hamm was convicted and sentenced to death in 1987 for the murder of Patrick Cunningham. Twenty-nine years old at the time of the crime, Doyle Hamm turned 61 on 14 February 2018 after 30 years on death row. His veins are compromised because of his lymphatic cancer and treatment for it, and his prior intravenous drug use.

A habeas corpus petition filed in federal court on 5 March opened with a description of what happened to Doyle Hamm during the attempted execution on 22 February: “On Thursday night, February 22, 2018, the state of Alabama strapped Doyle Lee Hamm to the lethal injection gurney in the execution chamber at Holman Correctional Facility and began to execute him. From about the time that the United States Supreme Court denied his application for a stay, at about 8.45 CST [Central Standard Time], to approximately 11.30pm CST when the execution was called off, the execution team inserted needles and catheters in his legs, ankles, and groin in an attempt to achieve venous access and end his life via lethal injection. For seven months preceding the execution, counsel for Doyle Hamm had vehemently, repeatedly, diligently, and properly warned the state of Alabama, the Governor of Alabama, the Alabama Attorney General, the Commissioner of Corrections, the Wardens of both Donaldson and Holman Correctional Facilities, the Alabama Supreme Court, the federal District Court for the Northern District of Alabama, the Eleventh Circuit Court of Appeals in Atlanta, and the United States Supreme Court in Washington, DC, that any attempt to access his veins would cause unnecessary pain and suffering in violation of the Eighth Amendment of the United States Constitution because of his medical condition.” The petition argued that a second execution attempt “by any means or methods” would violate the Constitution. A preliminary medical report by the doctor who examined Doyle Hamm after the first execution attempt was filed with the petition, and included photographs of the puncture wounds caused during this attempt on 22 February.

On 26 March attorneys for Doyle Hamm and for the State of Alabama entered into a private settlement agreement to resolve all pending litigation in federal and state court over the planned execution of Doyle Hamm. The terms of the agreement are confidential, but Doyle Hamm’s lawyer has said that Doyle Hamm, his family, and his legal team “are extremely relieved”. After signing a confidential settlement agreement, the lawyer jointly moved with the State of Alabama to dismiss a civil rights lawsuit and the federal habeas corpus petition in the Northern District of Alabama, as well as his state petition in Cullman County, Alabama. This will end the state’s efforts to set another execution date.

On 26 February, the District Court judge had issued an order setting 6 March for a “scheduling conference”. She added that “Before the conference, the parties SHALL discuss the possibility of an early settlement” [emphasis in original]. Doyle Hamm’s lawyer has said that he had been in settlement discussions with the state of Alabama since shortly after the attempted execution of Doyle Hamm on 22 February 2018.

No further action by the UA Network is requested. Doyle Hamm’s lawyer has expressed his gratitude to Amnesty International for its “help and support” on this case. Many thanks to all who sent appeals.

This is the second update of UA 29/18. Further information: www.amnesty.org/en/documents/amr51/7972/2018/en/

Further information on UA: 29/18 Index: AMR 51/8141/2018 Issue Date: 28 March 2018

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