

URGENT ACTION

CALL ON OHIO GOVERNOR TO STOP EXECUTION

Robert Van Hook is due to be executed in Ohio on 18 July. He has been on death row for 33 years for a murder committed in 1985. The parole board has voted against clemency. The governor is not bound by their recommendation and can stop this execution.

Robert Van Hook, then 25 years old, was arrested in Florida on 1 April 1985, and extradited to Ohio to face charges for the capital murder of David Self, also 25, who had been killed in his apartment in Cincinnati on 18 February 1985. He waived his right to trial by jury, and was tried before a three-judge panel which convicted him of the murder and sentenced him to death in August 1985. Three and a half months between arrest and trial is notably short in a justice system where most capital cases tend to take at least a year to come to trial given their complexity, including in relation to the requirement on defence lawyers to investigate mitigation evidence for presentation at the sentencing phase in the event their client is convicted.

In 2008, a three-judge panel of the US Court of Appeals for the Sixth Circuit found that the mitigation investigation conducted by Robert Van Hook's lawyers was "last minute", that their performance was deficient, and that the defendant was prejudiced. The trial judges were prevented "from learning fully about the two statutory mitigating factors that were the strongest in his case – his traumatic family background and his mental illness". Among other things, the lawyers failed to find and present the evidence of his repeated beatings at the hands of his parents, his witnessing of his father's attempt to kill his mother "several times", and his mother's commitment to a psychiatric facility. They also inadvertently allowed into evidence, and then did not object to, unconstitutional testimony from the victim's mother expressing her opinion that not executing the defendant would "compound" the crime, and that execution would "prevent another family from suffering" his actions. The Court of Appeals ordered the state to vacate the death sentence or hold a new sentencing. The state appealed, however, and in 2009 the US Supreme Court overturned the order on the grounds that it relied upon current professional standards for lawyers. Robert Van Hook's appeal argued that his trial lawyers were ineffective even under 1985 standards, but the Supreme Court ruled they had done enough, and that even if they had done more, it would not have altered the outcome.

The Ohio parole board held a clemency hearing on 24 May 2018, at which Robert Van Hook's lawyers gave details of his abusive and dysfunctional childhood and its impact on him. A psychiatrist/psychologist testified that he presented a classic case of post-traumatic stress disorder which, with borderline personality disorder, rose to the level of a major mental disability. The board voted against clemency, over the dissent of one of its members who wrote that "despite the heinous nature of the crime", the prisoner's childhood and its effects on him "serve to mitigate the offense". The execution is set for 18 July. The governor should reject the board's denial of clemency.

Please write immediately in English or your own language, in your own words:

- Opposing the execution of Robert Van Hook, and calling for his death sentence to be commuted;
- Noting that the trial court did not hear the full mitigating evidence of the defendant's abusive and dysfunctional upbringing and the impact that this had on his life, mental condition and conduct;
- Explaining that you are not seeking to excuse violent crime or to downplay the suffering caused.

PLEASE SEND APPEALS BEFORE 18 JULY 2018 TO:

Governor John Kasich,
Riffe Center, 30th Floor,
77 South High St, Columbus,
OH 43215-6117, USA
Fax: +1 614 466 9354
Email: 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, U.S. Embassy London, 33 Nine Elms Lane, SW11 7US, (0)20 7499-9000

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

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ADDITIONAL INFORMATION

Robert Van Hook's current lawyers relayed to the parole board what in 1985 his trial lawyers failed fully to put before the sentencing judges. They described his chaotic upbringing, and exposure to violence and substance abuse from an early age. His aunt describes his childhood as "a bad one, one that kids should never have". His father "started hitting Robert for punishment when Robert was no more than three". For example, if the father ordered his son to get him a drink, and the boy was not fast enough, the father "kicked him, hit him, or smacked him in the face". Both parents "were dependent on drugs and alcohol". When Robert was about 11, his father began sharing alcohol and drugs with him, including amphetamines, and they would get "falling down drunk" together. After the parents divorced, his mother entered a relationship with another man who was a professed neo-Nazi and, like Robert van Hook's own father, was "aggressively homophobic". This stepfather's younger brother, in his 30s, was openly gay, and subsequently had a sexual relationship with Robert who was still only 14 or 15. During this period, Robert and his father moved to Florida, but after his father physically assaulted him, he ran away, and lived on the streets for a year, eventually prostituting himself for adult men. He subsequently returned to live with his mother in Ohio.

At the age of 17, he joined the US Army, and for much of the next four years, was based in West Germany. After he returned to the USA, based in Texas, his alcohol and substance dependence re-emerged. He twice attempted suicide, after which he received an honourable discharge. His life outside the army was difficult, and his substance abuse escalated. He was unable to find employment. He made a number of suicide attempts. According to the clemency petition: "Mental health evaluations from the time leading up to Robert's arrest for the murder of David Self, and after, paint a picture of a man struggling to cope with mental illness rooted in pervasive childhood trauma including child sexual abuse in several different forms. The psychological evaluations done at the time of Robert's trial and for subsequent legal proceedings identified many of the core issues behind Robert's mental health history, including exposure to violence in the home, and unstable and addicted parents, such that his childhood home life was generously described as a combat zone. Some of the evaluations observed that Robert had been involved in sexual activity with adults starting at a very young age, but these evaluations did not recognize this as childhood sexual abuse or recognize the deep-seated trauma caused by this sexual abuse. None of them identified the full scope and depth of the child sexual abuse Robert suffered or recognized its effect on Robert's development. All of these earlier evaluations failed to connect the dots between the childhood sexual abuse and the murder of David Self..."

In custody in Florida in April 1985 after the murder, Robert Van Hook gave Cincinnati police a confession after he had requested a lawyer but before one had been provided to him. The Ohio Supreme Court upheld the conviction and death sentence in 1988, with the state maintaining that Robert Van Hook had reinitiated contact with the police through his mother. Two of the seven Justices dissented, arguing that there was no evidence that he had told his mother that he wanted to talk to police without a lawyer, and concluding that this confession was "the product of an unconstitutional interrogation, initiated by police after [Van Hook] had invoked his right to counsel". In 2006, a three-judge panel of the US Court of Appeals for the Sixth Circuit ordered the state to release or retry him, finding that the trial judges should not have allowed this confession into evidence. However, the state appealed and the full Court of Appeals overturned that ruling, by the narrowest of margins, eight to seven. In 2008, the Sixth Circuit three-judge panel found that Robert Van Hook's trial representation had been constitutionally inadequate. Again, the full Sixth Circuit overturned that and sent the case back to the panel. In 2009, the latter again found that defence counsel had been constitutionally ineffective. The US Supreme Court reversed that in 2009.

Amnesty International opposes the death penalty unconditionally. Today there are 142 countries that are abolitionist in law or practice. There have been 1,476 executions in the USA since 1976 when the US Supreme Court approved new capital statutes, 55 of them in Ohio. There have been 11 executions in the USA this year. The last execution in Ohio was in September 2017.

Name: Robert Van Hook

m/f: Male

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