

URGENT ACTION

OHIO GOVERNOR COMMUTES DEATH SENTENCE

On 20 July, the Governor of Ohio commuted the death sentence of Raymond Tibbetts, who was scheduled for execution on 17 October. In so doing, the governor rejected the parole board's 8-1 recommendation against clemency.

On 8 February 2018, five days before **Raymond Tibbetts** was due to be executed for the 1997 murder of Fred Hicks, the Ohio Governor issued an eight-month reprieve and sent the case back to the parole board after he received a letter in favour of clemency from a man who had served as a juror on the case and had since learned of the mitigation evidence not presented at the 1998 trial. The juror wrote that “[b]ased on what I know today I would not have recommended the death penalty.” In 2011, a federal judge described the trial lawyer’s “failure to engage in basic preparation” of evidence about Raymond Tibbetts’ traumatic upbringing, and wrote that evidence revealed since showed “a much more chaotic and abusive environment” in parental and foster care than the jurors heard about. These “shocking” and “utterly disturbing” details would have given jurors “compelling” reasons to vote for life. Under Ohio law, just one juror voting against the death penalty would have made resulted in life imprisonment.

The parole board, which had recommended against clemency in January 2017, reconsidered the case at a supplementary hearing on 14 June 2018. On 22 June, it again recommended against clemency, by eight votes to one. The majority said they doubted that the juror, who had told them it was an “almost absolute certainty” that he would have voted for life imprisonment without the possibility of parole if he had known what he knows now, would have made a different decision at the trial if the jury had been presented with the mitigation evidence in question. The juror also told the Board that he was “troubled by the prosecution’s response to the defense’s presentation and feels that it was misleading”, and that the “prosecution implied going into foster care was a good thing for Tibbetts”, even though records the defence possessed at the time showed otherwise.

On 20 July, Governor John Kasich announced that he was commuting the death sentence. He explained that “Tibbetts’s commutation is being granted as a result of fundamental flaws in sentencing phase of his trial. Specifically, the defense’s failure to present sufficient mitigating evidence, coupled with an inaccurate description of Tibbetts’s childhood by the prosecution, essentially prevented the jury from making an informed decision about whether Tibbetts deserved the death penalty.”

There have been 1,479 executions in the USA since they resumed in 1977 under new capital laws approved by the Supreme Court in 1976. Ohio accounts for 56 of these executions. There have been 14 executions in the USA this year. Amnesty International opposes the death penalty, unconditionally. Today 142 countries are abolitionist in law or practice.

No further action by the UA Network is requested. Many thanks to all who sent appeals.

This is the first update to UA: 123/18. Further Information: <https://www.amnesty.org/en/documents/amr51/8688/2018/en/>

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