

URGENT ACTION

EXECUTION IN OHIO AS GOVERNOR DENIES MERCY

Mark Wiles was executed by lethal injection in the US state of Ohio on 18 April for a murder committed in 1985. The governor denied clemency on 11 April. Mark Wiles had been on death row for more than a quarter of a century.

Mark Wiles was sentenced to death for the murder of 15-year-old Mark Klima on 7 August 1985. Following a clemency hearing on 15 March 2012, at which the information presented included statements from mental health professionals of Mark Wiles' possible brain damage and from his various lawyers about their client's long-held remorse, and information about his good conduct in prison, the parole board voted unanimously against clemency, saying that "remorse, acceptance of responsibility and good institutional conduct" was not enough to warrant commutation of a death sentence. On 11 April, the Assistant Chief Counsel to Governor John Kasich wrote to Mark Wiles to report that the governor agreed with the board's recommendation and had decided to deny clemency.

This is the first execution in Ohio since Reginald Brooks was put to death in the state on 15 November 2011 (see <http://www.amnesty.org/en/library/info/AMR51/091/2011/en>). The Brooks execution was itself the first execution in the state for six months. The breaks in executions were a result of litigation which began in 2004 in federal court over the state's lethal injection protocol. In July 2011, the US District Court blocked executions pending revision of the protocol. The revised protocol came into effect on 18 September 2011, and Ohio moved to resume executions. After finding that the state had not adhered to its revised protocol in the Brooks execution, the District Court again stayed executions, noting that the state had been in a "dubious cycle of defending often indefensible conduct, subsequently reforming its protocol when called on that conduct, and then failing to follow through on its reforms".

In February 2012, lawyers for Mark Wiles filed a motion for a stay of execution as a part of the litigation on the lethal injection issue. On 4 April, the District Court denied the motion, saying that Wiles had "fallen just short" of meeting his burden to show he was entitled to a stay. The judge wrote that Ohio had "routinely offended" constitutional protections in carrying out lethal injections and had "time and again failed to follow through on its own execution protocol", and that while the written protocol itself was lawful, "the problem has been Ohio's repeated inability to do what it says it will do". The question for the court, he continued, was "can Ohio now be trusted?" He said that while he was "sceptical about Ohio's ability to follow through on its latest reforms", which consisted primarily of "newly implemented chain-of-command and documenting procedures", he was "willing to trust Ohio, just enough to permit the scheduled execution". He said that he reached this conclusion "with some trepidation" given the state's prior history on the issue.

Mark Wiles decided not to appeal against the District Court's denial of a stay of execution, and the lethal injection went ahead shortly after 10am local time at the Southern Ohio Correctional Facility near Lucasville.

There have been 1,291 executions in the USA since judicial killing resumed there in 1977, including 47 in Ohio (which resumed executions in 1999). There have been 14 executions in the USA so far in 2012, carried out in Arizona, Florida, Mississippi, Ohio, Oklahoma, and Texas.

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

This is the first update of UA 93/12. Further information: <http://www.amnesty.org/en/library/info/AMR51/024/2012/en>

Name: Mark Wiles

Gender m/f: M

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