

USA (Ohio) Jay D. Scott, black, aged 48

Jay Scott is due to be executed in Ohio on 17 April 2001. He was sentenced to death in 1984 for the murder of 74-year-old Vinnie Prince, who was shot during an attempted robbery of her Cleveland delicatessen in May 1983.

Jay Scott is reported to have developed serious mental illness in the past few years. According to his current lawyers, in December 2000 a prison doctor diagnosed him as suffering from schizophrenia. Prior to this, doctors have variously described him as "delusional" and as having a "major depressive disorder, chronic with psychotic features". Jay Scott is reported to have suffered from auditory hallucinations - a symptom of schizophrenia - from as early as 1992. His disturbed behaviour over the years has included setting fire to his cell, banging his head against the wall, screaming incoherently, and fouling his food and then eating it. During recent psychotic episodes, he was taken out of his cell and placed on 24-hour suicide watch. He has been given anti-psychotic drugs.

On 26 April 2000, the UN Commission on Human Rights adopted a resolution urging all countries which still use the death penalty not to impose it "on a person suffering from any form of mental disorder or to execute any such person". The US National Alliance for the Mentally Ill believes that "the death penalty is never appropriate for a defendant suffering from schizophrenia or other serious brain disorders".

Jay Scott's background is one of poverty, deprivation, and exposure to violence from an early age. At his 1984 trial, his lawyers decided not to present any mitigating evidence to this effect because they feared it would reveal details of his criminal history. Their decision meant that the jury was left unaware of factors which had helped to shape Jay Scott's life.

According to his current lawyers, Jay Scott was the sixth of 11 children born to parents who married when they were both 14 years old because the mother was pregnant. Because the father spent the family's money on alcohol and gambling, the mother used to ask neighbours for food or allow the children to steal food if they were hungry. The father was physically and emotionally abusive to his wife and children, particularly when he was drunk. He would beat them, and on one occasion he stabbed his wife, who had to be hospitalised. Jay and his brothers ran into trouble with the law from an early age, and were all convicted of juvenile offences. Jay was first incarcerated when he was nine because of truancy problems. He was in and out of juvenile detention through his teen years and served several years in prison as an adult.

The rest of the family's story is a litany of tragedy. One brother was shot dead, and another was paralysed from the neck down as a result of gunshot wounds. Another brother suffered mental illness and has spent much of his life in psychiatric hospitals. Jay Scott's eldest sister died in a house fire before he was born. Another sister was shot to death during an argument. A third killed a brother-in-law in self-defence.

In April 2000, the federal Sixth Circuit Court of Appeals wrote that the mitigating evidence which had been withheld from the jury "would have revealed Scott's personal loyalty to his siblings, girlfriend, and children, and an exceedingly violent environment throughout his upbringing... [I]t is impossible

to say for certain that one juror would not have been swayed by this evidence [juror unanimity was required for a death sentence], but certainty is not what is required here; we must ask only whether Scott has met his burden of demonstrating a reasonable probability that this would happen...Scott can only offer a hypothetical juror, not a reasonable probability, and hence cannot show prejudice”.

The power of executive clemency exists to compensate for the rigidity of the courts. Should the state allow the execution of Jay Scott to proceed it would simply be perpetuating a tragic cycle of violence.

BACKGROUND INFORMATION

Amnesty International opposes the death penalty under all circumstances. The USA's capital justice system is marked by arbitrariness, discrimination and error. The poor and members of racial minorities are disproportionately represented on its death rows. As of 9 March 2001, there were 201 men on Ohio's death row, including 102 blacks and 92 whites. The state's population at large is about 88 per cent white and 11 per cent black.

Since the USA resumed executions in 1977, 702 prisoners have been put to death in 31 states. Ohio has carried out one execution since 1963, that of Wilford Berry on 19 February 1999. Berry, who had a history of suicide attempts, a diagnosis of schizophrenia, and a childhood of extreme physical and sexual abuse, had given up his appeals.

RECOMMENDED ACTION: Please send faxes/express/airmail letters IN YOUR OWN WORDS in English or your own language, using the following guide:

- expressing sympathy for the relatives and friends of Vinnie Prince and explaining that you do not wish to condone the manner of her death;
- expressing concern that Ohio is preparing to execute a man who is reported to be suffering from serious mental illness, pointing out that international safeguards and commonly held standards of decency oppose the execution of the mentally impaired;
- urging the Governor to break the cycle of violence that has marked Jay Scott's life, evidence of which the jury never heard;
- urging the Governor to commute Jay Scott's death sentence.

APPEALS TO:

Governor Bob Taft
 30th Floor, 77 South High Street
 Columbus, Ohio 43215-6117, USA
Fax: +1 614 466 9354
Tel: +1 614 466 3555
E-mail: Governor.Taft@das.state.oh.us
Salutation: Dear Governor

COPIES TO: diplomatic representatives of the USA accredited to your country.

If possible, please send a copy of your appeal to Jay Scott's lawyer, John S. Pyle, at Gold, Schwartz & Co, Suite 1500, Leader Building, 526 Superior Avenue East, Cleveland, OH 44114, USA
Fax: +1 216 696 3214

You may send letters (less than 250 words) to "Letters to the Editor" at:

The Plain Dealer, 1801 Superior Avenue, NE, Cleveland, OH 44114, USA

Fax: +1 216 999 6354

E-mail: news@cleveland.com

The Dispatch, 34 S. 3rd St., Columbus 43215, USA

Fax: +1 614 461 8793

E-mail: letters@dispatch.com

PLEASE SEND APPEALS IMMEDIATELY.