

**PUBLIC**

**AI Index: AMR 51/071/2003**

**9 May 2003**

**Further information on EXTRA 25/03 (AMR 51/066/2003, 02 May 2003) - Death penalty / Legal concern**

**USA (Ohio)**

**Jerome Campbell (m), black, aged 41**

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On 2 May 2003, the Ohio Adult Parole Authority recommended that Governor Taft commute Jerome Campbell's death sentence. It is the first time since Ohio resumed executions in 1999 that the parole authority has made such a recommendation. The Governor has not yet made his decision.

Meanwhile, the Ohio Supreme Court has rescheduled Jerome Campbell's execution to 27 June 2003 to allow him more time to pursue further legal appeals. He was sentenced to death in 1989 for the murder of an elderly man, Henry Turner, in Cincinnati in 1988. He has consistently maintained his innocence of the murder.

Henry Turner, aged 78, bled to death in his home after being stabbed five times. His body was discovered by a neighbour on 24 December 1988. Jerome Campbell was charged with the murder. He apparently rejected a possible plea arrangement which would have removed the death penalty from the case in return for a guilty plea. At his trial he pleaded not guilty.

The state's case against Jerome Campbell was largely circumstantial. One of the pieces of evidence offered by the prosecution was one of Campbell's shoes with blood on it. The prosecution expert testified to a "reasonable degree of scientific certainty... that the right gym shoe is stained with human blood". She could not identify the blood further under existing technology.

During post-conviction investigations by Jerome Campbell's appeal lawyers, they interviewed some of the trial jurors. One of the jurors stated in 1995 that she believed Jerome Campbell was guilty because the murder victim's blood was on his shoe. In upholding his death sentence in 1994, the Ohio Supreme Court noted that "human blood stains on Campbell's shoes make it somewhat likelier that he stabbed someone". In 2002, DNA testing using modern technology not available at the time of the trial indicated that the blood on the shoe was Jerome Campbell's, not Henry Turner's.

Among the other evidence introduced by the prosecution was the testimony of two jailhouse informants who claimed that Jerome Campbell had confessed to them that he had stabbed Henry Turner. Such testimony is notoriously unreliable. In Campbell's case, the two men stated to the jury that they wanted nothing in return for their testimony, and merely wanted to tell the truth. The prosecutor emphasised their credibility in his closing arguments. Post-conviction investigations by Jerome Campbell's appeal lawyers have revealed that both inmates had sought and apparently received leniency on charges they were facing.

In its non-binding decision on 2 May recommending clemency, six members of the eight-person Parole Authority wrote that while they remained convinced of Jerome Campbell's guilt, they felt that the new evidence about the shoes and the inmate testimony could have led jurors to vote against a death sentence. They also agreed that Jerome Campbell had been denied, on technical and procedural grounds, a full and fair consideration by the appeal courts of the merits of the new evidence.

The majority wrote: "It is impossible, nearly 14 years after trial, to surmise how jurors might have reacted to the absence of prominently displayed evidence, however circumstantial that evidence may have been. Similarly, other conclusions might have been reached had jurors known the true motivations of the prosecution's jailhouse informants. The issue is not whether the same jury reasonably could have reached the same conclusion as to guilt and as to recommending death. The issue is whether the jury could have

reached a different recommendation as to the imposition of the death sentence (ie a different assessment and balancing of the relative weight and sufficiency of the remaining circumstantial evidence). Who can rightly say [indeed, who can truly know] exactly how the same jurors would have considered, weighed, balanced, deliberated and concluded as to the remaining circumstantial evidence. The potential imposition of the death penalty should require this Board to base our recommendation on more than conjecture or assumption that the jury “probably” or “most likely” or “undoubtedly” would have returned the same verdict and/or the same recommendation of death. When imposing the death penalty the State should proceed cautiously. We find that the evidence presented is sufficiently persuasive to warrant a favourable recommendation for clemency Justice is best served in this matter by commuting Jerome Campbell’s sentence from death to life without the possibility of parole.”

**FURTHER RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language, in your own words:**

- explaining that you are not seeking to excuse the manner of Henry Turner’s death or to minimize the suffering it will have caused;
- noting the widespread concern in the USA about the number of wrongful capital convictions, and pointing out that the death penalty will always carry the risk of irrevocable error;
- expressing concern at evidence which raises questions about the reliability of Jerome Campbell’s conviction for the murder of Henry Turner, noting that he has consistently maintained his innocence;
- noting that recent DNA testing has indicated that the blood on the defendant’s shoe introduced at the trial belonged to the defendant, not the victim;
- noting that at least one of the jurors believed in Jerome Campbell’s guilt at least in part because she believed that the blood on the shoe was the victim’s;
- expressing doubts about the credibility of the jailhouse informant testimony used at the trial, and noting that such testimony has been shown to be notoriously unreliable;
- welcoming the Parole Authority’s recommendation that Jerome Campbell should not be executed;
- calling on the Governor to grant clemency to Jerome Campbell.

**APPEALS TO:**

Governor Bob Taft,  
30th Floor, 77 South High Street,  
Columbus, Ohio 43215-6117, USA

**Telegram: Governor Bob Taft, Columbus, Ohio, USA**

**Fax: +1 614 466 9354**

**Email: [Governor.Taft@das.state.oh.us](mailto:Governor.Taft@das.state.oh.us) (some international appeals have been blocked, so you may need to use an alternative means of transmitting your appeal if your email message is returned)**

**Salutation: Dear Governor**

**COPIES TO:** Diplomatic representatives of USA accredited to your country.

You may also write brief letters of concern (not more than 250 words) to:

Letters to the Editor, *The Dispatch*, 34 South 3<sup>rd</sup> Street, Columbus 43215, USA

**Fax: +1 614 461 8793. Email: [letters@dispatch.com](mailto:letters@dispatch.com)**

Letters to the Editor, *The Cincinnati Enquirer*, 312 Elm Street, Cincinnati, OH 45202, USA

**Fax: +1 513 768 8610. Email, via website: <http://www.enquirer.com/editor/letters.html>**

**PLEASE SEND APPEALS IMMEDIATELY.** This action is now extended to 27 June 2003.