

URGENT ACTION

FIRST IDAHO EXECUTION IN 17 YEARS IMMINENT

The US state of Idaho is scheduled to carry out its first execution since 1994, and only its second in more than half a century. Paul Rhoades is due to be put to death by lethal injection on 18 November. He has been on death row since March 1988. He is now 54.

Paul Rhoades, then 30, was arrested on 25 March 1987 and charged with three separate murders committed over the previous month. The victims were school teacher Susan Michelbacher and convenience store clerks Stacy Baldwin (f) and Nolan Haddon (m). After separate trials for the murders of Stacy Baldwin and Susan Michelbacher, Paul Rhoades was sentenced to death in each case. In the third case, he was sentenced to life imprisonment.

Paul Rhoades is seeking commutation of his death sentence to life imprisonment without the possibility of parole. His petition states: "Three people are dead because of me... I cannot erase their loss and the pain they suffered because of my crimes. Nor can I take away the pain endured by each of their family members... Over the past 24 years, I learned that repentance is the only positive way to express my guilt and remorse. For me, repentance means finding ways to make amends for my actions, even if those efforts seem inconsequential in comparison to the crimes I committed... I try to make amends by helping others move from anger toward reconciliation... I hope to show others that a better life, whether inside the prison walls or outside, focuses on service to others."

Numerous former and current inmates, from death row and elsewhere, have submitted letters to the Idaho Commission of Pardons and Parole describing the difference they say Paul Rhoades has made to their lives by persuading them to turn away from violence or helping them in other ways.

Paul Rhoades' childhood was marked by physical, psychological and emotional abuse. His extended family history is replete with serious mental health and developmental difficulties – including substance abuse, depression, and suicides – and criminal conduct. In 2006, a psychologist wrote: "Paul Rhoades grew up in a family context that deprived him of normal development. Paul was exposed repeatedly to violence, drug and alcohol abuse... Paul Rhoades was a damaged human being with little opportunity to be a healthy adult". Paul Rhoades started using drugs at the age of 13 or 14. By the time of the crimes, he had been using highly addictive methamphetamine and other drugs for the previous decade. In the months leading up to the offences, Paul Rhoades' methamphetamine use increased in amount and duration of continual use ("runs") to a point difficult to sustain (see overleaf).

Please write immediately in your own language:

- Express concern that the State of Idaho is due to carry out its first execution in 17 years;
- Explain that you are not seeking to downplay the seriousness of these crimes or the suffering caused;
- Note Paul Rhoades' difficult background, and his positive efforts in prison to try to make amends for his crimes;
- Note the growing concern in the USA about the death penalty, and the isolation of the USA on this issue;
- Call for clemency to be granted to Paul Rhoades.

PLEASE SEND APPEALS BEFORE 18 NOVEMBER 2011 TO:

Commission of Pardons and Parole

3056 Elder Street, Boise, ID 83705, USA

Fax: +1 208 334 3501

Salutation: Dear Commissioners

Governor of Idaho

Governor C.L. 'Butch' Otter, Office of the Governor, State Capitol,
PO Box 83720, Boise, ID 83720, USA

Fax: +1 208 334 3454

Salutation: Dear Governor

Please copy appeals to Paul Rhoades's lawyer at Oliver.Loewy@fd.org

Also send copies to diplomatic representatives accredited to your country.

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

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

A psychiatrist who has reviewed Paul Rhoades' case has signed a sworn statement based on information unavailable at the time of sentencing, which has been included with Paul Rhoades' clemency petition. She writes that "Paul Rhoades's genetic and social history created a perfect storm of risk factors for drug addiction" and that "Mr Rhoades was a chronic drug user whose use dramatically increased both in quantity and in duration of the runs in the months leading up to and including those during which the murders occurred". Noting that "chronic methamphetamine use is toxic to the brain," she writes that Paul Rhoades's extremely heavy use "strongly suggest[s] that he would have experienced significant deficits in executive [brain] functioning", such as impairments in memory, judgment, complex decision making and impulse control. Recent research, she notes, shows that an inmate with a history of methamphetamine use, as compared to one without, is nine times more likely to have committed homicide. The judges who imposed the death sentences did not have the full picture about Paul Rhoades's background and severe drug addiction. Nor could they have known what subsequent research has shown about methamphetamine's highly addictive nature, how it changes the brain and that it is highly correlated with homicide.

There are 14 people under sentence of death in Idaho – 13 men and one woman. The last execution in Idaho was in 1994, of Keith Wells, who had given up appeals against his death sentence. That was the first execution in Idaho since 1957.

In the past four years, three states – New Jersey, New Mexico and Illinois – have legislated to abolish the death penalty. Signing these bills into law, the respective state governors pointed to the death penalty's flaws, such as the risk of irrevocable error and unfairness, its discriminatory application, its costs and diversion of resources from crime prevention and victim-assistance, the lack of any proven special deterrent effect, and its potentially brutalizing effect on society. In 2008, the then most senior member of the US Supreme Court, Justice John Paul Stevens, revealed that his 33 years on the Court had persuaded him that the "imposition of the death penalty represents the pointless and needless extinction of life".

While it is true that international human rights law, including article 6 of the International Covenant on Civil and Political Rights (ICCPR), recognizes that some countries retain the death penalty, this acknowledgment of present reality should not be invoked "to delay or to prevent the abolition of capital punishment", in the words of article 6.6 of the ICCPR. The USA ratified the ICCPR nearly 20 years ago. The UN Human Rights Committee, the expert body established under the ICCPR to monitor the treaty's implementation, has said that article 6 "refers generally to abolition in terms which strongly suggest that abolition is desirable. The Committee concludes that all measures of abolition should be considered as progress in the enjoyment of the right to life". In the 17 years since Idaho last carried out an execution, some 40 countries have abolished the death penalty, and today 139 countries are abolitionist in law or practice.

Paul Rhoades' lawyers are challenging Idaho's lethal injection procedures in federal court. State lethal injection protocols, and the acquisition of drugs by states for executions, have been the subject of concerns and challenges around the USA in recent months and years (see 'An embarrassment of hitches', July 2011, <http://www.amnesty.org/en/library/info/AMR51/058/2011/en>). Amnesty International opposes the death penalty in all cases, regardless of the crime, the offender or the method of execution. There have been 1273 executions in the USA since judicial killing resumed there in 1977, including 39 so far this year.

More information regarding Paul Rhoades can be found at <http://www.fdsidaho.org/clemency/rhoades/home.html>

Name: Paul Rhoades

Gender m/f: m

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