

URGENT ACTION

NEW FALSE EVIDENCE CLAIM AS EXECUTION NEARS

A new claim has been filed in the Texas courts arguing that the state presented false evidence at Anthony Doyle's trial relating to his potential for rehabilitation. He is due to be executed on 27 March for a murder committed when he was just over 18 years old.

Anthony Doyle was sentenced to death in 2004. If he had been 93 days younger at the time of the crime – the murder in 2003 of Hyun Mi Cho – he would not be facing execution. In *Roper v. Simmons* in 2005, the US Supreme Court outlawed the death penalty against defendants who were under 18 at the time of the crime, recognizing the immaturity, impulsiveness, poor judgment, underdeveloped sense of responsibility and vulnerability to peer pressure often associated with youth, as well as the potential for young people to mature and change.

In order to obtain a death sentence in Texas, the prosecution has to persuade the jury that the defendant will be a future danger to society, even in prison. The defendant's potential for rehabilitation is relevant to this assessment. At Anthony Doyle's trial, the prosecutor painted a picture of a teenaged defendant who had been offered help and opportunities, but that he had rejected this through his consistent bad behaviour. Included in the prosecution's case was the assertion that Anthony Doyle had been sent to a Texas Youth Commission (TYC) boot camp called Victory Field Correctional Academy from 1999 to 2001 when he was 15 to 16 years old, and that this facility had "provided treatment, training, and rehabilitation". Yet "nothing has been able to change him", the prosecutor asserted of Anthony Doyle, and "going to TYC couldn't stop him". The jury voted yes to the "future dangerousness" question and Anthony Doyle was sentenced to death.

An expert who served as TYC Ombudsman from 2007 to 2009 signed a declaration on 12 March 2014 saying that not only was Victory Field "absolutely not an institution of rehabilitation when I was Ombudsman", but that neither was it such an institution "at the time that Anthony Doyle had been incarcerated there in [the] 1999-2001 timeframe because at the time, TYC was not capable of delivering adequate rehabilitation at any facility". He said that, apart from one private institution, Victory Field had been "by far the worst" facility he visited in Texas. He also pointed to "a plethora" of research finding that boot camps are "not just ineffective – they are counterproductive" and "actually increase recidivism". Anthony Doyle's misconduct which led to his court-ordered confinement in Victory Field had been "no more serious than several misdemeanours", according to the latest appeal.

Please write immediately in English or your own language (please cite inmate number 999-478):

- Noting that the jury was presented with arguments from the prosecution – in its pursuit of a death sentence – that Anthony Doyle had failed to be rehabilitated when incarcerated in a Texas boot camp;
- Noting expert evidence that the boot camp in question was not one that was aimed at rehabilitation, but at punishment under a model that has been shown to be counterproductive and has been largely abandoned;
- Calling for this execution to be stopped and the death sentence commuted.

PLEASE SEND APPEALS BEFORE 27 MARCH 2014 TO:

Clemency Section, Board of Pardons
and Paroles

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Salutation: Dear Board members

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ADDITIONAL INFORMATION

According to Anthony Doyle's latest appeal, Victory Field was a "violent campus, in which physical and sexual abuse abounded." When held there, Anthony Doyle had been "placed with youth adjudicated of serious and violent felonies, when Anthony's prior offenses were no more serious than misdemeanors". In addition, Victory Field was "so remote, his family could not visit him"; family visits can be "critical" for rehabilitation of the individual "as well as oversight", according to the former TYC Ombudsman. In his recent declaration filed in Texas court, he said that "One of my earliest recommendations to TYC administrators and Texas legislators was to close Victory Field. For doing so, I actually received threats of violence from staff at that facility. With the exception of a privately run facility in Cooke County, Victory Field was by far the worst facility I saw in Texas. Staff were unprofessional and not concerned for the welfare of the youth in their custody. Some staff were brutal, as were many of the youth I encountered. There was no effort to rehabilitate those youth. They were merely warehoused and intimidated and punished. There was a dramatic overreliance on isolation of youth."

On the status of Victory Field as a "boot camp" (such facilities under state legislation were to provide "a program of physical and correctional training and military-style discipline"), the former Ombudsman said: "There is a plethora of research that demonstrates that boot camps are not just ineffective – they are counterproductive. Studies demonstrate that boot camps actually increase recidivism. As such, most if not all states have abandoned that philosophy." He noted that Victory Field facility had been "shuttered and the boot camp model is no longer utilized in the Texas system".

Another expert on juvenile justice in Texas signed a declaration on 13 March 2014 asserting that facilities such as Victory Field were "designed to punish rather than rehabilitate juvenile offenders", an approach that stemmed from Texas at that time "adopt[ing] policies that emphasized punishment and incarceration as the means of dealing with troubled youth". He further noted that "boot camps, later found to increase recidivism in many circumstances, were a part of the punitive, non-rehabilitative Victory Field regime during the time of Mr Doyle's incarceration there".

Between 1982 and 2003, Texas executed 13 individuals who were under 18 at the time of the crime, 60 per cent of the national total (eight of these 13 individuals were African American). Texas continues to lead the USA in the execution of those who were 18 or 19 years old at the time of the crime. The state has executed 63 such individuals since 1987 (34 of whom were African American, as is Anthony Doyle). In other words, since judicial killing resumed in the USA in 1977, Texas has executed more prisoners who were teenagers at the time of the crime than 46 of the 50 states have executed prisoners of any category or age.

In February 2014 the US Supreme Court refused to take Anthony Doyle's case. The petition before it argued that when he committed the crime, he was developmentally comparable to those offenders exempted from the death penalty by the *Roper* ruling. At the trial, a psychologist testified that Anthony Doyle had been diagnosed with Attention Deficit Hyperactivity Disorder (ADHD) and depressive disorder as a child, and that the impaired decision-making capacity and impulse control of an 18-year-old would be exacerbated in the case of such an individual with ADHD and depression. In 2005, a neuropsychologist concluded that Anthony Doyle displayed "mild organic impairment" and possible frontal lobe dysfunction, reflected in inflexible thinking, impulsivity, immaturity, and a "pattern of cognitive disarray". In her opinion, at the time of the crime, Anthony Doyle "was not physiologically or neurologically mature enough to inhibit emotions, restrain impulsive acts or consider options". These issues are now before the Texas clemency authorities, in a petition for commutation of this death sentence.

Name: Anthony Doyle
Gender m/f: m

Further information on UA: 48/14 Index: AMR 51/018/2014 Issue Date: 20 March 2014