

URGENT ACTION

ANOTHER MISSOURI EXECUTION IMMINENT

David Zink, aged 56, is due to be executed on 14 July in Missouri. He was sentenced to death in July 2004 for a murder committed three years earlier.

Police went to the scene of a traffic accident near Stafford, Missouri on 12 July 2001. They found a car belonging to Amanda Morton. The authorities later discovered that **David Zink's** pickup truck had crashed into her car and that both people had left the scene in David Zink's vehicle. Amanda Morton, 19, was reported as missing and a motel owner identified her as the woman who had checked into a room with David Zink. The latter was arrested at his home, confessed to killing Amanda Morton, and led police to her body.

David Zink had a history of psychological problems. A psychologist advised his lawyers that they should meet with him often, be clear and consistent with him, keep him informed of the case, and ensure he felt that he was participating. However, they were not able to follow this advice: due to workload issues, budget cuts and other problems at the public defender's office, six different lawyers represented him in the period leading up to his trial. The trial was postponed several times and relations between defendant and counsel deteriorated. The psychologist concluded that by 2003 the attorney-client conflict was irreparable. The defence did not relay this to the judge.

In early 2004, David Zink decided to represent himself. He told the judge that his decision was based on the inadequate representation he was receiving from his lawyers. The judge allowed him to represent himself without any exploration of his assertions about the failings of his lawyers and their communication with him.

Although the jury eventually heard testimony about his psychological problems and difficult childhood, after he allowed his lawyers to represent him at the sentencing phase, it did not hear that he had brain damage which may have been the result of meningial encephalitis he contracted at the age of three. In June 2015, a neuropsychologist assessed David Zink and concluded that he functioned in the "severely impaired range" in certain aspects of executive functioning, and "exhibits a clear mental defect in his neurocognitive processing". The neuropsychologist said that he would "suffer his greatest problems with information processing when the deficits are exacerbated by multiple factors simultaneously, such as stress, time pressure, sleep deprivation, alcohol use and/or other substance abuse," but would continue to function well in prison as he has done since 2004. Numerous other inmates are supporting clemency, recounting evidence of his remorse, rehabilitation and positive contributions to life in prison.

Please write immediately in English or your own language:

- Calling for David Zink's execution to be stopped and for him to be granted clemency;
- Expressing concern at the evidence of serious problems in relation to his legal representation at trial;
- Adding that the jury did not hear evidence of the link between his childhood illness and brain damage;
- Noting evidence of David Zink's rehabilitation and positive contribution in prison and to the lives of inmates;
- Explaining that you are not seeking to downplay the seriousness of the crime.

PLEASE SEND APPEALS BEFORE 14 JULY 2015 TO:

Office of Governor Jay Nixon

P.O. Box 720, Jefferson City, MO 65102, USA

Fax: +1 573 751 1495

Email: via website <http://governor.mo.gov/contact/>

Salutation: Dear Governor

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

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

**AMNESTY
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ADDITIONAL INFORMATION

Over the past month, some 18 of David Zink's fellow prisoners (who call him "Zink") have signed statements in support of clemency. An inmate who is serving a life sentence says that "Zink was the first inmate I had met in 20 years of prison life who helped me. I had been getting a lot of bad advice from gang members... Zink got me out of gang mode and he was able to help me understand what I should be doing... Over the years, Zink has helped me personally and legally. Zink taught me to think before I react... Zink taught me never to give up, to keep going to the law library... Zink is a quiet inmate. He has no problems with the guards. He cleans the hell out of our wing. When Zink gets to cleaning, he really cleans. The guards like that. Zink impacts a lot of guys in here. He has been a real blessing to me and many other inmates".

Another inmate recalls how "the day they locked up Zink for his execution date, was a very sad and emotional day for each of us... I know at least 30 inmates, both black and white, who came into the law library that day and told me the guards had locked up Zink for his execution. It was the most emotion I had ever seen on the unit. The inmates think highly of Zink."

Another inmate writes "I know Zink is remorseful because he has told me he is. Zink has provided me with the facts about his crime. I know it was brutal. Zink has told me 'that poor little girl didn't deserve to die'. I never looked up Zink's case. I just let him describe it to me. But my ex-wife looked up Zink's case. Her reaction was that Zink was a bad person. But I know Zink now. I know Zink to be a loyal friend. Zink is a good and honest and trustworthy guy... People can change. I've changed. You get a whole different look at yourself in here. I've become a better person in here and I know Zink has too... I'm so sure Zink is no longer a threat to anyone, I'd stake my release date on it."

Another inmate says: "I know Zink's case was heinous. It is hard for me to see Zink involved in that case now. He is nothing like that person. I know Zink is extremely remorseful about his crime... If the state executes Zink, that won't solve anything." Another writes: "David Zink is one of those death row inmates who are always willing to help the younger inmates whenever he can. Zink is a very positive influence. Zink told me about his case. Zink showed me a lot of remorse. Zink was very regretful for what he did. It's very rare for anyone in here to talk about his case while admitting to the guilt. That takes a man with a lot of regret and a lot of humility." And another: "David Zink is the only man I know who would bend over backward for you and never ask for anything in return. Who else would do that? David Zink showed me love and respect and he didn't even know me."

When the US Supreme Court overturned the USA's death penalty laws in 1972, in *Furman v. Georgia*, one of the Justices wrote that the death penalty is unique in its "total irrevocability", its "rejection of rehabilitation of the convict as a basic purpose of criminal justice", and its "absolute renunciation of all that is embodied in our concept of humanity." However, the Court upheld revised laws in 1976, in *Gregg v. Georgia*. In a ruling on 29 June 2015 two Justices wrote, "Despite the *Gregg* Court's hope for fair administration of the death penalty, 40 years of further experience make it increasingly clear that the death penalty is imposed arbitrarily, i.e., without the reasonable consistency legally necessary to reconcile its use with the Constitution's commands". Since 1976, there have been 1,411 executions in the USA. Missouri accounts for 84 of these executions. There have been 17 executions so far in the USA this year, four of them in Missouri. Amnesty International opposes the death penalty in all cases, unconditionally. There are 140 countries which are abolitionist in law or practice.

Name: David Zink
Gender m/f: m

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