

URGENT ACTION

BIPOLAR DISORDER NOT RAISED AT TRIAL, EXECUTION SET
Jack Jones, aged 52, is scheduled to be executed in Arkansas on 24 April for a murder committed in 1995. The jurors who sentenced him to death did not know he had been diagnosed with bipolar disorder, a serious mental disability, shortly before the crime.

On 6 June 1995, 34-year-old Mary Phillips was robbed, raped and murdered at the accounting office in Bald Knob, Arkansas, where she worked as a bookkeeper. Her 11-year-old daughter who was with her was choked, beaten and left for dead, but survived. In April 1996, 31-year-old **Jack Jones** was convicted of capital murder, rape and attempted capital murder. At the sentencing stage, the trial jury heard some evidence about the defendant's adverse reaction as a child to taking Ritalin, a drug designed to treat attention deficit hyperactivity disorder (ADHD). Much of the evidence of this disorder was presented by Jack Jones' sister, rather than by an expert. A doctor presented by the defence testified that Jack Jones had attempted suicide on a number of occasions, had grown out of ADHD, and was now better diagnosed as having an anti-social personality. Another defence expert testified that Jack Jones did not have bipolar disorder. This doctor, who had given up his medical licence two years earlier when entering a drug and alcohol treatment programme, testified that he had provided Jack Jones with pain medication but could not recall when or with what drugs, and that he had not checked with other doctors who had treated the defendant as to their diagnoses. The jury sentenced Jack Jones to death.

What the jury did not hear was that a few months before the crime, Jack Jones voluntarily committed himself to hospital where he was diagnosed with bipolar disorder (formerly known as manic depressive illness), a serious mental disability. The assessment noted that he was experiencing "a lot of suicidal ideation, imagining many different ways that he could harm himself". Then, on 8 May 1995, less than a month before the crime, he was again diagnosed with bipolar disorder, with the evaluation noting that he had been diagnosed as "extremely Bipolar". Four years earlier, he had been involuntarily committed to a psychiatric facility after a suicide attempt in Ohio. At that time, he was diagnosed as schizoaffective with depression. He had made a previous suicide attempt in 1989.

In 2005, a mitigation expert provided an assessment of the trial counsel's mitigation investigation and presentation. He concluded that the defence presentation at the sentencing had been "far below the standards expected of counsel in capital cases, missing the major themes of Mr Jones' life, presenting negative psychological evidence when a myriad of witnesses were available to present a compelling social history, and fundamentally failing to present an argument for life". He asserted that the evidence pointed to Jack Jones having been misdiagnosed with ADHD, which was more likely to have been "childhood onset Bipolar Disorder". He also noted that Jack Jones "began to use illicit drugs at an early age in order to ameliorate the symptoms of his mental illness", which he noted was a common occurrence among children and adolescents with untreated bipolar disorder.

Please write immediately in English or your own language:

- Calling for clemency for Jack Jones and for his death sentence to be commuted;
- Expressing concern that the jury never knew that Jack Jones had been diagnosed with bipolar disorder, a serious mental disability, in the months before the crime;
- Explaining that you are not seeking to condone violent crime or to downplay its consequences.

PLEASE SEND APPEALS BEFORE 24 APRIL 2017 TO:

The Honorable Asa Hutchinson, Governor of the State of Arkansas
 State Capitol, Suite 250, 500 Woodlane St, Little Rock, AR 72201, USA
 Fax: +1 501 682 3597
 Email: <http://governor.arkansas.gov/contact-info/> (use US detail)

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.

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ADDITIONAL INFORMATION

When the Arkansas Supreme Court upheld Jack Jones's conviction and death sentence in 1997, it noted that the jury had unanimously found three mitigating circumstances – that he had cooperated with police by voluntarily going to the police department; that he had given a full confession and accepted full responsibility for the crimes; and that he had a “turbulent and troubled childhood”. The court then noted that the jury made “inconsistent findings” with regard to other mitigating evidence, including that Jack Jones “suffered from the mental disease or defect of attention-deficit hyperactivity disorder” and that “despite his efforts, Jones was repeatedly misdiagnosed and treated with inappropriate medications”. The state Supreme Court noted that it was unclear from the jury form whether “some or none of the jurors determined that these factors constituted mitigating circumstances”. It ruled that any inconsistency in the jury's form-filling was “harmless”. It was not asked, and did not address, whether the inconsistency was a result of any failure on the part of the defence counsel to investigate and present mitigation. Little was added to this question during state-level appeals, and Jack Jones was denied a federal hearing when the case went to the federal appeals courts.

International law and standards on the use of the death penalty clearly state that it may not be imposed or carried out on people with mental or intellectual disabilities. This applies whether the disability was relevant at the time of their alleged commission of the crime or developed after the person was sentenced to death.

In view of the irreversible nature of the death penalty, the proceedings in capital cases must scrupulously observe all relevant international standards protecting the right to a fair trial, no matter how heinous the crime. All individuals who risk facing the death penalty must benefit from the services of competent defence counsel at every stage of the proceedings. In addition, all mitigating factors must be taken into account.

Like many states, Arkansas has faced problems sourcing chemicals for its lethal injection protocols and implementing protocols that courts find constitutional. On 23 June 2016, the Arkansas Supreme Court upheld the state's three-drug execution protocol, which uses a barbiturate or midazolam as a sedative, vecuronium bromide as a paralytic agent, and potassium chloride to induce fatal cardiac arrest. After the US Supreme Court declined to intervene in February 2017, Governor Hutchinson set execution dates for the eight men on whose behalf the legal challenge to the protocol had been brought: Bruce Ward and Don Davis on 17 April; Ledelle Lee and Stacey Johnson on 20 April; Marcel Williams and Jack Jones on 24 April, and Jason McGehee and Kenneth Williams on 27 April. See <https://www.amnesty.org/en/documents/amr51/5816/2017/en/>.

There have been six executions in the USA this year, bringing the total to 1,448 since judicial killing resumed in the USA in 1977 under new capital statutes approved by the US Supreme Court in 1976. The last execution in Arkansas – its 27th since 1977 – was carried out in 2005. Amnesty International opposes the death penalty in all countries and all cases, unconditionally. Today some 141 countries are abolitionist in law or practice.

Name: Jack Jones

Gender m/f: m

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