

URGENT ACTION

NEVADA RESCHEDULES FIRST EXECUTION SINCE 2006

The State of Nevada is set to carry out its first execution in 12 years. The execution – of a prisoner who has given up his appeals – is scheduled for 8pm on 11 July. Amnesty International is calling on Nevada not to resume executions.

The last execution in Nevada took place on 26 April 2006. The one scheduled for 11 July would take place in the state's new death chamber at Ely State Prison. It would be the first in the USA using the three-drug combination chosen by the Nevada authorities – midazolam (a sedative), fentanyl (an opioid) and cisatracurium (a paralytic).

Nevada has carried out 12 executions since the US Supreme Court upheld new capital laws in 1976 and Nevada passed its current capital law in 1977. Eleven of these 12 executions were of so-called "volunteers", prisoners who waived their appeals. The prisoner scheduled to be executed on 11 July has likewise given up his appeals. He has been on death row since 2007 for a murder committed in 2002. He asked to waive his appeals in 2016. The judge found him competent to do so in July 2017 and later that month signed a death warrant for 14 November 2017. The judge subsequently stayed his execution amidst concerns about the lethal injection protocol. The Nevada Supreme Court lifted the stay in May 2018 on grounds that the judge abused her discretion in reviewing the issue, and the execution was reset for 11 July. Serious concerns remain about the never-before used drug combination.

Since Nevada last conducted an execution, concerns about the costs, risks, inconsistencies and inequities of capital justice in the USA have deepened. In 2008, the then most senior Justice on the US Supreme Court argued that "the time for a dispassionate, impartial comparison of the enormous costs that death penalty litigation imposes on society with the benefits that it produces has surely arrived". He said that his 30 years on the Court had led him to conclude "that the imposition of the death penalty represents the pointless and needless extinction of life". In 2015, two more Justices argued that it was time for the Court to consider the constitutionality of the death penalty because of the evidence of errors and arbitrariness in its application and its declining use in the USA and beyond.

Twenty-two countries have abolished the death penalty for all or ordinary crimes since Nevada last conducted an execution. Today 142 countries are abolitionist in law or practice. Since Nevada's last execution, six states in the USA have abolished the death penalty (New Jersey, New Mexico, Illinois, Connecticut, Maryland and Delaware). Governors in Oregon, Pennsylvania and Washington have imposed moratoriums on executions. Nevada should stop all executions as a step toward passing abolitionist legislation. This would be consistent with repeated resolutions at the UN General Assembly calling for a moratorium on executions, pending abolition.

Please write immediately in English or your own language:

- Expressing your opposition to the death penalty in all cases, and calling for a halt to all executions in Nevada;
- Noting that since Nevada last carried out an execution, six states in the USA have abolished the death penalty and a number of others have imposed moratoriums on executions, and another 22 countries have abolished the death penalty for all or ordinary crimes, with 142 countries now abolitionist in law or practice;
- Pointing to the repeated resolutions at the UN General Assembly calling for a moratorium on executions with a view to abolition of the death penalty.

PLEASE SEND APPEALS BEFORE 11 JULY 2018 TO:

Governor Brian Sandoval
State Capitol Building, 101 N. Carson
Street, Carson City, NV 89701, USA
Email: <http://gov.nv.gov/Contact/Email-the-Governor/>
Fax: +1 775 684-5683
Salutation: Dear Governor

Attorney General Adam Paul Laxalt
Office of the Attorney General
100 North Carson Street
Carson City, NV 89701, USA
Fax: +1 775-684-1108
Email: aginfo@ag.nv.gov
Salutation: Dear Attorney General

Nevada Board of Pardons
Commissioners
1677 Old Hot Springs Road, Suite A,
Carson City, NV 89706,
USA
Email: info@parole.nv.gov
Salutation: Dear Commissioners

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

Please check with your section office if sending appeals after the above date. This is the second update of UA 250/17. Further information: www.amnesty.org/en/documents/amr51/7452/2017/en

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ADDITIONAL INFORMATION

Twenty-two people were sentenced to death in Nevada between 2002 and 2016. From 1986 to 2000, there were exactly four times this many death sentences passed in Nevada – 88. This reflects a broader pattern of declining use of the death penalty in the USA in the past decade or so, a decline in use that all officials should seize upon to lead the USA away from this punishment altogether.

Almost three quarters of the 42 prisoners put to death in Nevada and 10 other US states since 1976 had given up their appeals – all seven in Connecticut, New Mexico, Oregon and Pennsylvania, and 24 of the 35 prisoners executed in Washington State, South Dakota, Utah, Montana, Idaho, Kentucky and Nevada. All in all, one in 10 of the prisoners put to death in the USA since 1976 had waived their appeals. Outside of eight of the main executing states – Texas, Virginia, Oklahoma, Florida, Missouri, Georgia, Alabama and Ohio (responsible for 78 per cent of the USA's post-1976 executions) – the ratio rises to one in five for the remaining 27 jurisdictions that have executed since 1976.

Research into this phenomenon indicates that any number of factors or combination of them may contribute to a prisoner's decision not to pursue appeals against his or her death sentence, including mental disorder, physical illness, remorse, bravado, religious belief, a quest for notoriety, the severity of conditions of confinement, including prolonged isolation and lack of physical contact visits, the bleak alternative of life imprisonment without the possibility of parole, pessimism about appeal prospects, or being worn down by the cycle of hope and despair that is an integral part of life on death row. In the case of the man now facing execution in Nevada on 11 July, a brief filed in the Nevada Supreme Court earlier this year by the Federal Public Defender Office in Las Vegas asserted that the judge who imposed the stay of execution in late 2017, and the Nevada Department of Corrections (NDOC), "recognize" that the prisoner "is suicidal". He "has suffered from suicidal ideation for several years", the brief continues, "has several family members who have committed suicide, and has previously attempted suicide in jail", and "has expressed a death wish since the time of his conviction."

Nevada and 14 other US states, and the federal government, resumed executions after 1976 with the execution of a prisoner who had waived his appeals. Two of the states that have executed only "volunteers" – Connecticut and New Mexico – have abolished the death penalty in the past decade. Oregon, Pennsylvania and Washington State – with nine executions between them, eight of which were of "volunteers" – currently have moratoriums on executions in place because of concerns about the capital justice system. For further background on Nevada's death penalty and the phenomenon of "volunteers", see USA: Intent to kill, intent to die, November 2017, at <https://www.amnesty.org/en/documents/amr51/7392/2017/en/>

Nevada and other US states have had difficulties sourcing drugs for their lethal injection protocols. In September 2016, Nevada issued an "Invitation to Bid for Pharmaceutical Drugs Used for Lethal Injections" in an attempt to procure hydromorphone and midazolam for the state's two-drug protocol. However, the state received no bids. On 17 August 2017, NDOC announced it would be using a combination of diazepam, fentanyl and cisatracurium for the execution that was then set for 14 November 2017. On 3 July 2018, it released its most recent lethal injection protocol, in which it replaced diazepam with midazolam (apparently because its stock of diazepam had expired). Midazolam has been implicated in a number of "botched" executions in the USA (<https://www.amnesty.org/en/documents/amr51/042/2014/en/>).

Amnesty International opposes the death penalty unconditionally, regardless of the crime or the method of execution chosen by the state. There have been 1,477 executions in the USA since the US Supreme Court upheld new capital statutes in 1976. There have been 12 executions in the USA this year.

Further information on UA: 250/17 Index: AMR 51/8750/2018 Issue Date: 6 July 2018.

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