

PUBLIC

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EXTRA 25/03

Death penalty / Legal concern

02 May 2003

USA (Ohio)

Jerome Campbell (m), black, aged 41

Jerome Campbell is scheduled to be executed in Ohio on 14 May 2003. He was sentenced to death in 1989 for the murder of an elderly man, Henry Turner, in Cincinnati in 1988. He has consistently maintained his innocence of the murder.

Henry Turner, aged 78, bled to death in his home after being stabbed five times. His body was discovered by a neighbour on 24 December 1988. Jerome Campbell was charged with the murder. He apparently rejected a possible plea arrangement which would have removed the death penalty from the case in return for a guilty plea. At his trial he pleaded not guilty.

According to his current appeal lawyers, the state's case against Jerome Campbell was largely circumstantial. One of the pieces of evidence offered by the prosecution was a shoe with blood on it. The prosecution expert testified to a "reasonable degree of scientific certainty... that the right gym shoe is stained with human blood". She could not identify the blood further under existing technology.

During post-conviction investigations by Jerome Campbell's appeal lawyers, they interviewed some of the trial jurors. One of the jurors stated in 1995 that she believed Jerome Campbell was guilty because the murder victim's blood was on his shoe. In upholding his death sentence in 1994, the Ohio Supreme Court noted that "human blood stains on Campbell's shoes make it somewhat likelier that he stabbed someone".

In 2002, DNA testing using modern technology not available at the time of the trial revealed that the blood on the shoe was Jerome Campbell's, not Henry Turner's.

Among the other evidence introduced by the prosecution was the testimony of two jailhouse informants who claimed that Jerome Campbell had confessed to them that he had stabbed Henry Turner. Such testimony is notoriously unreliable. In Campbell's case, the two men stated to the jury that they wanted nothing in return for their testimony, and merely wanted to tell the truth. The prosecutor emphasised their credibility in his closing arguments. Post-conviction investigations by Jerome Campbell's appeal lawyers have revealed that both inmates had sought and apparently received leniency on charges they were facing. In 1999, a federal district court held that even if their trial testimony was false, there was no reasonable likelihood that it had influenced the jury's verdict.

Henry Turner's sister-in-law, who was married to his brother and is reportedly the sole surviving member of his family, has stated in an affidavit that she does not believe that Henry Turner would have wanted Jerome Campbell to be executed. She herself has stated that she is opposed to Jerome Campbell's execution "because two wrongs will not make a right".

More than a dozen members of Jerome Campbell's family attended a clemency hearing for him on 25 April. His mother was among those who asked the parole board for mercy. His niece said: "We have a very short time to get justice for my uncle," adding "[prosecutors] are human beings just like all of us here, and human beings make mistakes." The board's recommendation to the governor is non-binding.

BACKGROUND INFORMATION

Amnesty International does not know whether Jerome Campbell is innocent or guilty of the murder of Henry Turner, and opposes his execution unconditionally in any event. It believes that the death penalty is an

inherently cruel and brutalizing punishment, which extends the suffering of one family – that of the murder victim – to the loved ones of the condemned prisoner.

National concern in the USA about the reliability and fairness of the country's capital justice system has been fuelled by the large numbers of prisoners released from death rows after evidence of their innocence emerged. There have been more than 100 such cases in the USA since 1973. In 2000, the Governor of Illinois reacted to such cases in his state by imposing a moratorium on executions. The Commission that he subsequently appointed to make recommendations for reform of the state's capital justice system reported after two years of study that its 14 members were "unanimous in the belief that no system, given human nature and frailties, could ever be devised or constructed that would work perfectly and guarantee absolutely that no innocent person is ever again sentenced to death". In January 2003, the outgoing governor commuted the death sentences of all on death row in Illinois.

Also in January 2003, the Maryland Attorney General urged the governor and legislators in his state to abolish the death penalty. He wrote: "The system is a human institution. It is administered by human beings subject to human fallibility. Unrecognized mistakes are inevitable... The truth is that capital punishment can never work as it promises. It seeks to impose death, without mistake, on those who deserve it most. This cannot be done. As experience, science, and tragedy have taught us, the death penalty can come only at the intolerable cost of killing, every so often, the wrong person. This is unworthy of us. It cannot pass for justice in a civilized society."

The UN Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty state: "Capital punishment may be imposed only when the guilt of the person charged is based upon clear and convincing evidence leaving no room for an alternative explanation of the facts". Today, 112 countries have abolished the death penalty in law or practice. The USA has put more than 700 men and women to death since 1990.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language, in your own words:

- explaining that you are not seeking to excuse the manner of Henry Turner's death or to minimize the suffering it will have caused;
- opposing the execution of Jerome Campbell;
- noting the widespread concern in the USA about the number of wrongful capital convictions, and pointing out that the death penalty will always carry the risk of irrevocable error;
- expressing concern at evidence which raises questions about the reliability of Jerome Campbell's conviction for the murder of Henry Turner, noting that he has consistently maintained his innocence;
- noting that recent DNA testing has revealed that the blood on the defendant's shoe introduced at the trial belonged to the defendant, not the victim;
- noting that at least one of the jurors believed in Jerome Campbell's guilt at least in part because she believed that the blood on the shoe was the victim's;
- expressing doubts about the credibility of the jailhouse informant testimony used at the trial, and noting that such testimony has been shown to be notoriously unreliable;
- calling for clemency for Jerome Campbell.

APPEALS TO:

Governor Bob Taft,
30th Floor,
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Columbus, Ohio 43215-6117,
USA

Telegram: Governor Bob Taft, Columbus, Ohio, USA

Fax: +1 614 466 9354

Email: Governor.Taft@das.state.oh.us

Salutation: Dear Governor

COPIES TO: Diplomatic representatives of USA accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.