

**PUBLIC**

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**Death penalty/Legal concern**

**12 September 2008**

**USA (Georgia) Jack E. Alderman (m), white, aged 56**

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Jack Alderman is scheduled to be executed in Georgia at 7pm on 16 September. He was sentenced to death in June 1975 for the murder of his wife, Barbara Jean Alderman, which had taken place nine months earlier. He has been on death row for more than 30 years. He was 22 years old at the time of the crime, and has already effectively served a life sentence. He has consistently maintained his innocence of the murder.

In 1983 Alderman was granted a new sentencing, and he was resentenced to death in 1984. His co-defendant, John Arthur Brown, whom Jack Alderman was alleged to have recruited to commit the murder in return for a share of a life insurance payout, was also sentenced to death in 1975, a few months after Alderman's trial. His sentence was overturned and he was sentenced to life imprisonment in late 1978. Brown was released in about 1990, and died in 2000. The US Court of Appeals for the 11<sup>th</sup> Circuit stated in 2006 that "the State's case hinged principally on Brown's testimony." Brown had testified at Alderman's 1975 trial while awaiting his own trial for the murder, and later testified at Alderman's 1984 resentencing.

Not all murders are punishable by the death penalty in the USA. The prosecution sought a death sentence for Jack Alderman at his resentencing on the basis of two "aggravating" circumstances: that he murdered his wife to obtain insurance money, and that the murder was carried out in an "outrageously vile" or "inhuman" way. The prosecutor used John Brown's testimony to bolster the state's theory on the first of these, with Brown stating that Alderman had asked him to participate in the murder and had promised him half of the insurance money. In fact, it seems that the life insurance policy she had with her employer had lapsed at the time of her death. The 11<sup>th</sup> Circuit's 2006 ruling on the case noted that "the State's insurance motivation for the murder therefore depended solely on the testimony of John Brown." John Brown provided the only evidence going to the second aggravating circumstance, i.e. how the murder was allegedly carried out. Brown stated that he, Brown, had hit Barbara Alderman on the head with a wrench. When this did not kill her, Brown said that the two men held her head under water in the bath.

Brown admitted at the resentencing to consuming large amounts of alcohol and using drugs, including up to an ounce of marijuana a day, and taking large amounts of barbiturates and using speed, LSD, opium and Quaaludes. The jury heard evidence that Brown was intoxicated at the time of the murder, and that he experienced blackouts, hallucinations and memory loss as a result of his LSD use. According to later affidavits from Brown's former wife and his daughters, his drug use began after he returned from serving in the Vietnam War, after which he had become violent and mentally and physically abusive. The jury heard evidence from a man who had been in jail with Brown in December 1974. He testified that Brown had told him three different versions of the murder, one of which had him alone killing Barbara Alderman. According to the 11<sup>th</sup> Circuit's ruling on the case, Alderman's trial lawyers also obtained taped testimony from another man who had shared a cell block with Brown after Brown's conviction in 1975 and who apparently described how Brown had told him that he had committed the murder alone. However, the tape and the witness went missing before the resentencing, and the witness was only located after Alderman had been resentenced.

At the resentencing, Alderman's lawyers presented the testimony of 11 prison guards, each of whom stated that Alderman was an exemplary prisoner. Since being resentenced to death his reputation as a model prisoner has continued. A priest who has known Alderman for most of his time on death row and has called for clemency has written that Alderman "has cared for others in prison who are retarded and mentally ill and has mentored many a young man into finding peace in the most difficult and trying circumstances. Jack Alderman's role as a peacemaker is well-known to all: prisoners and prison staff alike."

The Georgia Board of Pardons and Paroles has refused to reconsider Jack Alderman's case. It denied him clemency in October 2007, but his execution was stayed pending the US Supreme Court's consideration of the constitutionality of lethal injection. After the Supreme Court's ruling, Jack Alderman's lawyers asked the Board to hold a clemency hearing. The Board refused.

Since then, Alderman's legal team have located several jurors from both the 1984 resentencing and the 1975 trial. Four have signed sworn affidavits supporting clemency. A woman who served on the 1984 jury has stated: "I remember the testimony of John Brown being very important. His description of how the crime occurred was important in my decision to vote for death. At the time of trial, he testified that he received no deal for testifying against Jack Alderman. I have since learned that John Brown was promised a benefit for his testimony. I have also learned that his sentence was commuted and that John Brown spent only 12 years in prison. I believe this is unfair and that both Mr Brown and Mr Alderman should have received the same punishment, especially because John Brown was at least as guilty as Jack Alderman. Now that I know John Brown received a lesser sentence, and that Jack Alderman has been a model inmate for the past 34 years, I do not believe he should be executed. I now support clemency..."

A man who served on the 1975 jury states: "I believe it is unfair that Jack Alderman be executed when Mr Brown got such a comparably light sentence despite admitting to killing Barbara Alderman...I have also learned that Mr Alderman has been denied clemency without a hearing on the matters of his good deeds and peacefulness while in prison. Again I believe it is unfair for Mr Alderman not to receive consideration on this, particularly when John Brown received parole years ago." Another man who was an alternate juror at the 1984 re-sentencing has stated that "it does not make sense to execute Jack Alderman" after over 30 years in prison and when "he is clearly not a danger to society... Jack Alderman should not be executed." Another juror from the 1984 proceedings stated: "It seems unfair to me that John Brown was released while Jack Alderman faces execution... I think that because Jack Alderman has shown good character in prison all these years while at the same time John Brown got paroled... he does not deserve to be executed."

When Jack Alderman was originally sent to death row in 1975, there had been no execution in the USA for about eight years and in Georgia for 10 years. Executions resumed in the USA in January 1977, and 1,118 men and women have been put to death around the country since then, 42 of them in Georgia. There have been 19 executions in the USA this year, two of them in Georgia. Since the Board of Pardons and Paroles denied Jack Alderman clemency in 2007, the UN General Assembly has voted for a moratorium on executions.

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

- expressing sympathy for the family and friends of Barbara Alderman;
- noting that the state's case for the death penalty against Jack Alderman was based on the testimony of co-defendant John Brown, and that there are serious doubts about the reliability of his evidence;
- noting that several jurors from the 1975 trial or the 1984 resentencing support clemency, for reasons including what they see as the unfairness of the disparity between Jack Alderman's and John Brown's sentences and because of Jack Alderman's model conduct in prison;
- noting that Jack Alderman has effectively served a life sentence, having spent over 30 years on death row;
- expressing concern that the Board has denied clemency and has refused to reconsider its ruling;
- urging the Board to stop this execution and to reconsider its decision not to grant clemency.

**APPEALS TO:**

State Board of Pardons and Paroles, 2 Martin Luther King, Jr. Drive, SE, Suite 458,  
Balcony Level, East Tower, Atlanta, Georgia 30334 4909, USA

**Fax:** +1 404 651 8502

**Email:** [Webmaster@pap.state.ga.us](mailto:Webmaster@pap.state.ga.us)  
[Clemency\\_Information@pap.state.ga.us](mailto:Clemency_Information@pap.state.ga.us)

**Salutation:** Dear Board members

**COPIES TO:** diplomatic representatives of the USA accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.**