

# URGENT ACTION

## EXECUTION SET FOR CRIME COMMITTED AT AGE 18

**Anthony Doyle is scheduled to be executed in Texas on 27 March for a murder committed in 2003 when he was 18 years old. If he had been 93 days younger at the time of the crime, he would not be facing execution. He is seeking executive clemency.**

On 16 January 2003, 37-year-old Hyun Mi Cho was beaten to death with a baseball bat when she delivered an order of doughnuts and burritos to Anthony Doyle's family home in Rowlett, Dallas County. Her phone, credit cards, and car were stolen. **Anthony Doyle** was arrested the following day in Dallas and gave the police a confession, saying that he had placed the delivery order and had intended to rob the delivery person because he needed money in order to help take care of his then three-week-old daughter. The case came to trial in 2004 and Anthony Doyle was convicted of capital murder and sentenced to death.

If Anthony Doyle had been 93 days younger at the time of the crime, he would not be facing execution. In *Roper v. Simmons* in 2005, the US Supreme Court outlawed the death penalty against defendants who were under 18 at the time of the crime, recognizing the immaturity, impulsiveness, poor judgment, underdeveloped sense of responsibility and vulnerability to peer pressure often associated with youth, as well as the potential for young people to mature and change. It noted that the "qualities that distinguish juveniles from adults do not disappear when an individual turns 18". Scientific research has continued to show that development of the brain and psychological and emotional maturation continues well beyond the late teenage years.

In February 2014 the US Supreme Court refused to take Anthony Doyle's case. The petition before it argued that when he committed the crime, he was developmentally comparable to those offenders exempted from the death penalty by the *Roper* ruling. At the trial, a psychologist testified that Anthony Doyle had been diagnosed with Attention Deficit Hyperactivity Disorder (ADHD) and depressive disorder as a child, and that the impaired decision-making capacity and impulse control of an 18-year-old would be exacerbated in the case of such an individual with ADHD and depression. In 2005, a neuropsychologist concluded that Anthony Doyle displayed "mild organic impairment" and possible frontal lobe dysfunction, reflected in inflexible thinking, impulsivity, immaturity, and a "pattern of cognitive disarray". In her opinion, at the time of the crime, Anthony Doyle "was not physiologically or neurologically mature enough to inhibit emotions, restrain impulsive acts or consider options". These issues are now before the Texas clemency authorities, in a petition for commutation of this death sentence.

**Please write immediately in English or your own language (please cite inmate number 999-478):**

- Opposing the execution of Anthony Doyle and calling for his death sentence to be commuted;
- Urging that serious weight be given to the fact that he was 18 years old at the time of the crime and noting that scientific evidence shows brain and psychological maturation continuing well beyond that age;
- Noting evidence that his immaturity may have been exacerbated by neurological impairments;
- Expressing your understanding of the seriousness of the crime and its consequences.

**PLEASE SEND APPEALS BEFORE 27 MARCH 2014 TO:**

Clemency Section, Board of Pardons  
and Paroles

8610 Shoal Creek Blvd.  
Austin, Texas 78757-6814, USA  
Fax: +1 512 467 0945  
Email: [bpp-pio@tdcj.state.tx.us](mailto:bpp-pio@tdcj.state.tx.us)

**Salutation: Dear Board members**

Governor Rick Perry  
Office of the Governor  
PO Box 12428  
Austin, Texas, USA

Fax: +1 512 463 1849  
**Salutation: Dear Governor**

**And copies to:**

Governor's Press office  
Fax: +1 512 463 1847

Office of the General Counsel  
Fax: +1 512 463 1932

**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  
INTERNATIONAL**



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## EXECUTION SET FOR CRIME COMMITTED AT AGE 18

### ADDITIONAL INFORMATION

The death penalty in the USA, according to its Supreme Court, “must be limited to those offenders who commit a narrow category of the most serious crimes and whose extreme culpability makes them the most deserving of execution.” Young people clearly can commit very serious crimes with consequences for victims that are just as serious as in the case of crimes committed by fully mature offenders. Youth has nevertheless long been recognized as a mitigating factor. In March 2005, in *Roper v. Simmons*, the Supreme Court outlawed the use of the death penalty against defendants who were under 18 years old at the time of the crime, belatedly bringing the USA into line with a long-standing and almost universally respected principle of international law. As well as recognizing attributes often associated with youth, such as impulsiveness and immaturity, the potential for young people to mature and change also motivated the *Roper* ruling: “The character of a juvenile is not as well formed as that of an adult. The personality traits of juveniles are more transitory, less fixed.” Twelve years earlier, in a 1993 ruling involving a Texas death row prisoner who was 19 years old at the time of the crime: “[T]he signature qualities of youth are transient; as individuals mature, the impetuosity and recklessness that may dominate in younger years can subside.”

The *Roper* decision noted that the “qualities that distinguish juveniles from adults do not disappear when an individual turns 18”. This has long been recognized. In 1989, when the Court ruled that the execution of individuals who were 16 or 17 at the time of the crime could continue, four of the nine Justices dissented, noting that: “the development of cognitive and reasoning abilities and of empathy, the acquisition of experience upon which these abilities operate and upon which the capacity to make sound value judgments depends, and in general the process of maturation into a self-directed individual fully responsible for his or her actions, occur by degrees... Insofar as age 18 is a necessarily arbitrary social choice as a point at which to acknowledge a person’s maturity and responsibility, given the different developmental rates of individuals, it is, in fact, a conservative estimate of the dividing line between adolescence and adulthood. Many of the psychological and emotional changes that an adolescent experiences in maturing do not actually occur until the early 20s.”

Scientific research has indeed continued to show that development of the brain and psychological and emotional maturation continues at least into a person’s early 20s and even into their late 20s. The September/October 2008 edition of Harvard Magazine reported on the state of research in this area: “Research during the past 10 years, powered by technology such as functional magnetic resonance imaging, has revealed that young brains have both fast-growing synapses and sections that remain unconnected. This leaves teens easily influenced by their environment and more prone to impulsive behaviour... Human and animal studies have shown that the brain grows and changes continually in young people – and that it is only about 80 percent developed in adolescents. The largest part, the cortex, is divided into lobes that mature from back to front. The last section to connect is the frontal lobe, responsible for cognitive processes such as reasoning, planning, and judgment. Normally this mental merger is not completed until somewhere between ages 25 and 30...”

Anthony Doyle is African American. Between 1982 and 2003, Texas executed 13 individuals who were under 18 at the time of the crime, 60 per cent of the national total (eight of these 13 individuals were African American). Texas continues to lead the USA in the execution of those who were 18 or 19 years old at the time of the crime. It has executed 62 such individuals since 1987 (33 of whom were African Americans). In other words, since judicial killing resumed in the USA 1977, Texas has executed more prisoners who were teenagers at the time of the crime than 46 of the 50 states have executed prisoners of any category or age. Anthony Doyle is one of two Texas prisoners facing execution in March 2014 for crimes committed when they were 18 years old (see <http://www.amnesty.org/en/library/info/AMR51/015/2014/en>), and another is scheduled for execution in May.

Texas accounts for 510 of the 1,369 executions carried out in the USA since judicial killing resumed there in 1977 under revised capital laws. There have been 10 executions so far in 2014, two of them in Texas. Amnesty International opposes the death penalty in all cases, unconditionally. Some 140 countries have abolished the death penalty in law or practice.

Name: Anthony Doyle  
Gender m/f: m

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