

URGENT ACTION

OHIO EXECUTES MENTALLY ILL MAN

Reginald Brooks, a 66-year-old man diagnosed with paranoid schizophrenia, was executed in Ohio, USA on 15 November, after nearly three decades on death row. He was sentenced to death in November 1983 for killing his three sons in March 1982.

Ohio Governor John Kasich announced on 10 November that he was denying clemency to **Reginald Brooks**.

Reginald Brooks' lawyers continued their efforts in the courts to obtain a stay of execution. On 14 November, the US Court of Appeals for the Sixth Circuit refused to grant a stay to allow further litigation on the question of whether Reginald Brooks was incompetent to be executed under US constitutional law (whether his mental illness meant he did not have a rational understanding of his punishment), and on the claim that the state had withheld from Reginald Brooks' trial lawyers evidence pointing to his mental illness around the time of the crime. The federal court ruled that the rejection of these claims by the state courts had not been unreasonable.

The Sixth Circuit noted the recent sworn statement from one of the judges who had sentenced Reginald Brooks to death in 1983 that he would not have voted for death if he had known then what he knew now in relation to Brooks' mental illness. His statement was "not the kind of thing we see every day", the Sixth Circuit noted, but "it does not change things, and it would set a dangerous precedent if it did".

In a statement issued on 14 November, the elected Prosecutor of Cuyahoga County in Cleveland, Ohio, where Reginald Brooks was prosecuted, said: "It is a travesty that Reginald Brooks has lived so long on death row after cruelly shooting his three boys to death. Justice demands that Brooks' execution go forward tomorrow."

On the morning of 15 November, the US Supreme Court refused to grant a stay. The Sixth Circuit then again denied a stay of execution on another appeal brought by Reginald Brooks' lawyers, and the Supreme Court again refused to intervene. The execution was delayed from its original scheduled time of 10am while the state waited for the final court rulings to come in. The lethal injection eventually went ahead at about 1.40pm. Reginald Brooks made no final statement before being killed. He was pronounced dead at 2.04pm.

Amnesty International opposes the death penalty in all cases, regardless of the crime, the offender or the method of execution. There have been 1275 executions in the USA since judicial killing resumed there in 1977, including 41 so far this year. Ohio has put 46 prisoners to death since resuming executions in 1999, five of them this year.

No further appeals are requested. Many thanks to all who sent appeals.

This is the first update of UA 331/11. Further information: www.amnesty.org/en/library/info/AMR51/091/2011/en

Name: Reginald Brooks

Gender m/f: m

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