

URGENT ACTION

JURY VOTED FOR LIFE, EXECUTION SCHEDULED

The State of Alabama is planning to execute 59-year-old David Roberts by nitrogen gas on 21 August 2025. He has been diagnosed with serious mental disabilities, including paranoid schizophrenia. His lawyers are challenging his competency for execution. The jury voted 7-5 that he be sentenced to life imprisonment without parole, but the judge overrode this and imposed the death penalty. In 2017, Alabama became the last state to end judicial override but did not apply the law retroactively. His case was also marked by ineffective legal assistance at his 1992 murder trial. We call the on the Governor to commute this death sentence.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Governor of Alabama Kay Ivey
Office of the Governor of Alabama
600 Dexter Avenue
Montgomery, AL 36130
USA
Email: info@governor.alabama.gov

Dear Governor,

I urge you to commute the death sentence of David Roberts who has been on death row for three decades. He has been diagnosed with paranoid schizophrenia and symptoms of psychosis, delusions and hallucinations, which may have undermined his ability to assist in his defence. It also raises questions about whether he has a rational understanding of the reality of and reason for his punishment. The use of the death penalty on those with severe mental disabilities is prohibited under international law and standards.

At his trial, the jury decided against the death penalty, with seven of the 12 jurors voting for a sentence of life imprisonment without parole. Eighteen months after the trial, the judge overrode the jury and sentenced David Roberts to death. In 2017, you signed into law repeal of the jury override law, making Alabama the last state in the USA to do so. However, the law is not retroactive, denying David Roberts and others the benefit of the reform, thereby contravening a key principle in criminal and international human rights law. I would urge you to apply the spirit of this principle to your clemency consideration.

Not only did seven of the jurors vote for life without parole, but the Marion County District Attorney apparently considered this a sufficient sentence when he offered a plea deal to that effect. This deal was scuppered when David Roberts' lawyer – who was subsequently suspended for his conduct in other cases – did not even tell his client of it until the first day of the trial when he asked him to plead guilty, which David Roberts refused to do. The lawyer was ill-prepared to defend David Roberts and within two days he had been convicted of capital murder.

The power of executive clemency can address injustices the judiciary has been unable or unwilling to remedy. I appeal to you to halt David Roberts' execution and to commute his death sentence.

Yours sincerely,

ADDITIONAL INFORMATION

David Roberts was charged with the capital murder of “AJ”, the girlfriend of the man (“WS”) in whose house Roberts was staying. On 22 April 1992, AJ was shot and killed in the house, which was then set on fire. David Roberts, then 26, became a prime suspect and was subjected to 25 hours of questioning without a lawyer present. He made a series of inconsistent statements including two implicating himself in murder and arson.

In November 1992, the prosecutor offered a deal whereby David Roberts would plead guilty in return for a sentence of life imprisonment without the possibility of parole. However, this was not relayed to David Roberts by his lawyer until the first day of trial, 14 December 1992, when the lawyer asked his client to enter a guilty plea. David Roberts refused to, and the trial began. The defence lawyer was ill-prepared, having hired no experts, including to assess his client’s psychological health and history. The same lawyer was later suspended by the Alabama Bar Association for misconduct in other cases, eventually losing his license to practice law. International law requires that anyone facing the death penalty be provided “adequate legal assistance at all stages of proceedings”.

A day before the murder, WS had been on trial on charges of burning down his own furniture store for insurance. David Roberts’ father was to be a witness against him, and AJ was too. At David Roberts’ trial, the prosecutor acknowledged that WS may have been involved in the crime of 22 April 1992 but told the jury that this was not an issue for them. On appeal, this comment was deemed to have been a fair reply to the defence closing argument that WS had “some kind of power” over David Roberts, and that no one knew exactly what had happened at the murder scene. The jury convicted David Roberts on 16 December 1992 after a two-day trial. At a sentencing hearing on the same day, by seven votes to five, the jury voted for a sentence of life imprisonment without parole. Eighteen months later, on 4 May 1994, the judge overrode the jury and imposed the death penalty. In 1997, the Alabama Court of Criminal Appeals ruled that the judge had improperly excluded mitigating evidence at the original sentencing hearing. On remand, with no further jury input, the judge again sentenced David Roberts to death, thereby again overriding the jury’s 1992 vote for a sentence of life imprisonment without parole.

In a dissent in another Alabama case in 2013, two US Supreme Court Justices noted that 95 death sentences had been passed in Alabama on judicial override since 1976, at a rate 10 times higher than overrides in the other direction. Alabama had become a “clear outlier” on life-to-death overrides, and the Justices concluded that “the only answer that is supported by empirical evidence” as to why this was the case, was that “Alabama judges, who are elected in partisan proceedings, appear to have succumbed to electoral pressures”. Alabama got rid of its override system in 2017, the last state in the USA to end the practice, but the legislation only applies to new cases. This left Alabama on the wrong side of the retroactive leniency principle, which according to the UN Human Rights Committee, “finds partial expression” in article 15(1) of the International Covenant on Civil and Political Rights (ratified by the USA in 1992) requiring States parties “to grant offenders the benefit of lighter penalties adopted after the commission of the offence”. Three of the jurors from the 1992 trial have supported clemency.

On death row, David Roberts has been diagnosed by prison doctors as having paranoid schizophrenia, with symptoms including psychosis, delusions and hallucinations. According to a psychologist who has reviewed the prison medical record, the severity of David Roberts’ disorder and “how all-encompassing from the record it appears to be” called into serious question his competency for execution under US law, namely whether he has a rational understanding of the reason for and reality of his punishment. A state court judge has ordered a temporary stay of execution pending a psychiatric evaluation after David Roberts’ current lawyers filed a motion that he is not competent. The state has asked for an “expedited” assessment. It is not yet clear how quickly this evaluation will be conducted and how long the stay will remain in place. The use of the death penalty on those with severe mental disabilities is prohibited under international law and standards.

There have been 1,633 executions in the US since 1976, when the US Supreme Court upheld new capital statutes. Alabama has carried out 81 executions since resuming in 1983. Between 1983 and 2007, it carried out 38 executions, and in the 15 years since 2011, it has already carried out 32. There have been 26 executions in the USA in 2025, three of them in Alabama. Amnesty International opposes the death penalty in all cases unconditionally.

PREFERRED LANGUAGE TO ADDRESS TARGET: English. You may also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 21 August 2025.

NAME AND PRONOUNS: David Roberts (He, him)

LINK TO PREVIOUS UA: n/a