

URGENT ACTION

OHIO GOVERNOR TO DECIDE ON EXECUTION

Mark Wiles is scheduled to be executed in the US state of Ohio on 18 April for a murder in 1985. He has spent more than half of his life on death row. The parole board has recommended that the governor deny clemency, but he is not bound by their decision.

Mark Wiles was sentenced to death for the murder of 15-year-old Mark Klima, who was stabbed to death during a burglary of the Klima home in north-eastern Ohio on 7 August 1985. Mark Wiles, who worked as a part-time labourer on the horse-farm owned by the victim's parents, initially fled to Georgia. Five days after the crime, after apparently contemplating suicide, he contacted the police and said he wanted to turn himself in. After waiving his right to a lawyer, he confessed to the crime, and was taken back to Ohio and charged. After he waived his right to trial by jury, a three-judge panel convicted him on 9 January 1986 and sentenced him to death three weeks later.

Mark Wiles was aged 22 at the time of the crime and is now 49 years old. In their clemency efforts, his lawyers have explained that over the years, "Mark has expressed great remorse" for the crime, and that sometimes this had made representing him difficult because, although he wants to live, he "does not believe there are any excuses for his behaviour" and does not want anything presented that could be interpreted as offering an excuse. On 2 March 2012, the Ohio parole board attempted to interview Mark Wiles via video link. Asked why he deserved clemency, he responded that he was not sure if he was worthy of mercy. Asked about the crime, he responded that he was guilty but did not wish to talk about it. The interview ended when Mark Wiles said he did not wish to continue. The board wrote that the prisoner had been "noticeably nervous, emotional and seemed overwhelmed by the process".

On 15 March, the board held a clemency hearing. It heard evidence from mental health professionals of Mark Wiles' possible serious brain damage and from his various lawyers about their client's long-held remorse (see overleaf). The board also heard about his good conduct, constructive role and personal development in prison. Arguing against clemency, the state presented a description of the murder victim, the details of the crime, and its impact on the victim's parents. Mark Klima's family asked the board to allow the execution to proceed, stating that the family had already had to wait too long for justice and that clemency would be "abhorrent" to them.

On 23 March the Board announced that it had unanimously voted against clemency, saying that "remorse, acceptance of responsibility and good institutional conduct" was not enough to warrant clemency.

Please write immediately, in English or your own language:

- Explaining that you are not seeking to excuse the murder of Mark Klima or to downplay the suffering caused;
- Noting Mark Wiles' long-held remorse and his model conduct in prison, as well as evidence of brain damage that may have contributed to his conduct during the crime;
- Opposing the execution of Mark Wiles and calling on the governor to grant him clemency.

PLEASE SEND APPEALS BEFORE 18 APRIL 2012 TO:

Governor of Ohio

John Kasich

Riffe Center, 30th Floor, 77 South High Street

Columbus, OH 43215-6117, USA

Fax: +1 614 466 9354

Email: kim.kutschbach@governor.ohio.gov (governor's Deputy Legal Counsel, adviser on clemency, please ask for your email to be forwarded)

Salutation: Dear Governor

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.

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ADDITIONAL INFORMATION

A neuropsychologist who evaluated Mark Wiles in 2010 concluded that there was evidence that Mark Wiles may have sustained serious injury to the frontal lobe of his brain, the area that controls impulse control. This doctor pointed to the fact that Mark Wiles had sustained a serious head injury less than two weeks before the murder and that this could have been the origin of the frontal lobe damage. Despite sustaining concussion at the time of that injury, Mark Wiles had discharged himself from hospital against medical advice and had subsequently displayed behaviour considered out of character.

A second mental health expert, who had assessed Mark Wiles in 1995, had also concluded that Wiles had brain damage. In their submissions to the Ohio parole boards, both of the experts asserted that the brain injury could have contributed to the crime, and also that people with such injuries tend to respond well to structured environments, which they said helped to explain his good conduct during his incarceration.

Videotaped interviews of Mark Wiles' trial lawyers were also submitted to the parole board. The main trial lawyer recalled how at the time of the charging and subsequent trial, his client was a "frightened young man" who was also "so remorseful that he confessed over and over again". The other trial lawyer recalled that Mark Wiles had been a difficult client because his "overwhelming remorse" meant that he had only minimally cooperated in developing mitigation evidence. The lawyer also revealed that Mark Wiles had written to him from death row a few years earlier for his assistance in making contact with the victim's family because he wanted to apologize to them. The prisoner's attempts to do that, via victim advocacy groups and churches, had been unsuccessful. The trial lawyer said that he had advised Mark Wiles against pursuing such contact with the victim's family as he considered that they would not be receptive to such an approach.

A videotaped statement from Mark Wiles himself was also presented to the parole board, in which he apologized to the victim's family and explained that this would be his final chance to say anything to them. He expressed the hope that if he was executed it would ease their pain. He had instructed that the statement only be presented at the hearing if it had first been sent to the family, which his lawyers did with a letter explaining its contents. The family apparently gave the DVD to the prosecution without viewing it. The prosecutor acting on behalf of the victim's parents before the parole board asserted at the hearing that the "apology sent by Wiles is insulting and harassing", according to the board's report on its decision to deny clemency.

Amnesty International opposes the death penalty in all cases, regardless of questions of guilt or innocence, the facts of the crime, or the method of execution. Today, some 140 countries are abolitionist in law or practice. There have been 1,288 executions in the USA since judicial killing resumed there in 1977, including 46 in Ohio. There have been 11 executions in the USA so far in 2012, carried out in Arizona, Florida, Mississippi, Oklahoma, Texas.

Name: Mark Wiles

Gender m/f: m

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