

PUBLIC

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Death penalty

26 February 2004

USA (Ohio)

William Wickline (m), white, aged 51

William Wickline is scheduled to be executed in Ohio on 30 March 2004 for the murder in 1982 of Peggy Lerch.

On 25 August 1982, a missing persons report was filed with the police concerning Peggy Lerch and her husband Christopher Lerch who had not been seen for two weeks. Two years later, a friend of William Wickline, Teresa Kemp, was contacted by police who were acting on information received from informants. Teresa Kemp subsequently testified that William Wickline had murdered Peggy and Christopher Lerch on 14 August 1982 after the four of them had consumed large amounts of drugs and alcohol and following an argument over \$6,000 that Wickline believed the couple owed him for cocaine. Teresa Kemp testified that William Wickline had murdered Christopher Lerch first, and that she herself had then held the legs of the sleeping Peggy Lerch while Wickline strangled her. She said that William Wickline cut up the bodies, put them in bags, and disposed of them in rubbish bins around the city of Columbus. The bodies of Peggy and Christopher Lerch have never been found. Teresa Kemp was not charged with any offence arising from the crime and its investigation, including her reported possession of a machine gun with altered serial numbers and a fitted silencer that was found in her basement when police came to question her.

William Wickline was tried by a three-judge panel after he waived his right to trial by jury. The judges sentenced him to 20 years' to life imprisonment for the murder of Christopher Lerch and sentenced him to death for the murder of Peggy Lerch. The "aggravating" circumstances that made the crime punishable by death was that there was more than one murder and that the second murder was allegedly committed in order to escape detection for the first. Arguing for execution, the prosecutor compared the crime to the disposing of Jewish bodies at Nazi concentration camps during the Second World War. The appeal courts have held that this statement was within the latitude afforded to counsel during closing arguments, although one of the courts acknowledged that the prosecutor's statement "may have been intemperate and better left unsaid".

The same Ohio appeals court stated that Teresa Kemp's testimony was "the most compelling evidence presented at trial by the state", although the court noted that the testimony was "at times unclear, with sequences of events and blocks of time merged and confused." In his clemency petition, William Wickline maintains his innocence of the murders and is seeking clemency on the grounds that his death sentence is "based upon the uncorroborated testimony of an un-indicted co-conspirator who gained substantial advantages for her assistance to the police and for her testimony".

William Wickline's petition also argues that his exemplary conduct on death row deserves consideration in the clemency decision. He has reportedly only had one disciplinary write-up in nearly 20 years on death row, has not engaged in violent acts, and has held many jobs during his time in prison, including as a porter and a barber. The clemency petition also cites evidence of his alleged role in helping to bring to a peaceful end a violent disturbance that occurred on death row in the Mansfield Correctional Institution in September 1997, thereby risking his own life and exposing himself to retaliation.

During the disturbances, several prisoners were attacked by other inmates. Wilford Berry was severely beaten by other prisoners for attempting to drop his appeals against his death sentence. According to the clemency petition, William Wickline tried to get help for the badly injured Wilford Berry and prevented further violence against him.

The Ohio Parole Board held a clemency hearing for William Wickline on 24 February 2004. Members of the Lerch family appealed to the Board to deny him clemency and to allow his execution to go ahead. The Board is due to make its non-binding recommendation to Governor Bob Taft on 2 March.

BACKGROUND INFORMATION

Amnesty International opposes the death penalty in all cases, regardless of the gravity of the crime, the guilt or innocence of the condemned, or the method used to kill the prisoner. The death penalty is an affront to human dignity and a symptom of a culture of violence, and consumes resources that could otherwise be used towards constructive strategies to combat violent crime and to offer assistance to its victims and their families. In addition, the capital justice system in the USA is marked by arbitrariness, discrimination and error. Since 1973, 113 people have been released from death row on the grounds of innocence.

Today, a clear majority of countries have abolished the death penalty in law or practice. In contrast to this, there have been 899 executions in the USA since it resumed judicial killing in 1977. Wilford Berry was executed in 1999 after waiving his appeals and became the first person to be put to death in Ohio since 1963. Nine more executions have occurred in Ohio since then.

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 Peggy and Christopher Lerch, explaining that you are not seeking to excuse the alleged manner of their deaths or the suffering caused;
- opposing the execution of William Wickline, noting that the key testimony derived from a person who was present at least one of the murders and who was not charged with any crime;
- noting evidence of William Wickline's model behaviour on death row;
- urging the Governor to grant clemency to William Wickline and to support a moratorium on executions in Ohio.

APPEALS TO:

Governor Bob Taft
30th Floor
77 South High Street
Columbus, Ohio 43215-6117, USA
Fax: +1 614 466 9354

Email, via website: <http://governor.ohio.gov/contactinfopage.asp> OR Governor.Taft@das.state.oh.us

Salutation: Dear Governor

COPIES TO: Diplomatic representatives of USA accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. All appeals must arrive by 30 March 2004.