

URGENT ACTION

ARIZONA PERFORMS USA'S 26TH EXECUTION OF 2012 **Daniel Cook was executed in Arizona on 8 August. The clemency board denied clemency and the US Supreme Court refused to intervene.**

On the night of 19/20 July 1987, Carlos Cruz-Ramos and Kevin Swaney were abused and killed in the apartment in Lake Havasu City, Arizona, shared by **Daniel Cook** and another man John Matzke. On 21 July, John Matzke went to the police and gave them a statement about the murders. The police went to the apartment, found the bodies of the two victims, and arrested Daniel Cook. John Matzke confessed to killing Carlos Cruz-Ramos, pleaded guilty to one count of second-degree murder and was sentenced to 20 years in prison. The prosecution dropped the two first-degree murder charges against him in exchange for his testimony against Daniel Cook. The latter meanwhile was appointed a lawyer who at the time was suffering from bipolar disorder and was drinking heavily. A few weeks before his trial, Daniel Cook waived his right to counsel. The jury convicted him on both counts of first-degree murder. Daniel Cook presented no mitigating evidence at the sentencing.

The judge sentenced Daniel Cook to death. Although the judge had access to some information on Daniel Cook's history of mental problems, including repeated suicide attempts, it was far from what has been revealed since trial. According to this more recently submitted evidence, Daniel Cook was subjected to severe and repeated physical and sexual abuse as a young child and teenager by family members and others. He has been diagnosed as suffering from brain damage and post-traumatic stress disorder.

In a sworn statement signed in 2010, the lead prosecutor from the trial said that had he known about this mitigating evidence, including that the childhood abuse Daniel Cook suffered "mirrored the circumstances surrounding the crime", he "would not have sought the death penalty in this case". The former prosecutor also recalled that the appointed trial lawyer was "at the low end of the competency scale for the handling of the defense of a standard felony" and "appeared neither capable nor willing to put forth the effort necessary to represent a defendant charged with a capital offense". He added that Daniel Cook "was clearly not competent to act as his own counsel."

On 27 July 2012, the US Court of Appeals for the Ninth Circuit refused to stay the execution. On 8 August the US Supreme Court declined to intervene.

On 3 August, the Arizona Board of Executive Clemency refused to recommend that the governor grant clemency.

There have been 26 executions in the USA this year, and 1,303 since judicial killing resumed there in 1977. Arizona accounts for 33 of these executions, five of which have been carried out this year.

No further action by the UA Network is requested. Many thanks to all who sent appeals.

This is the first update of UA 199/12. Further information: <http://www.amnesty.org/en/library/info/AMR51/059/2012/en>

Name: Daniel Cook
Gender m/f: M

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