

**PUBLIC**

**AI Index: AMR 51/142/2004**

**UA 277/04**

**Death penalty**

**28 September 2004**

**USA (Ohio)**

**Adremy Dennis (m), black, aged 28**

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Adremy Dennis is due to be executed in Ohio on 13 October 2004. He was sentenced to death for the murder of Kurt Kyle who was shot in the head in the early hours of 5 June 1994 during a street robbery. Adremy Dennis and Leroy Anderson were arrested and charged in the murder. Adremy Dennis was sentenced to death on 29 December 1994. Leroy Anderson was sentenced to 40 years' to life imprisonment as an accomplice.

Adremy Dennis was 18 years and five months old at the time of the crime, emerging from a childhood of deprivation and neglect. The State of Ohio, in line with international law, prohibits the execution of people who were under 18 at the time of the crime, recognizing the immaturity of youthful offenders. Indeed, the state does not allow anyone under the age of 21 to buy alcohol. Adremy Dennis was served alcohol in various bars on the night of the crime. He had smoked marijuana dipped in embalming fluid. He was immature, impulsive and intoxicated, and armed with a sawn-off shotgun.

Adremy Dennis was born to a 19-year-old mentally unstable mother and an abusive father who she left when her son was five or six years old. When he was 12 or 13, his mother took a turn for the worse and became, in effect, an absent parent. Adremy Dennis was eventually taken into care by social services. Throughout his childhood, his schooling suffered as a result of his unstable home life. In the year prior to his being taken into care, he was absent from school for 122 days of the year and failed in all subjects. His medical care was also inadequate as a result of his lack of parenting. For example, he never had any treatment for his history of blackouts, and there is evidence that he suffered from untreated Attention Deficit Hyperactivity Disorder (ADHD). Around the age of 13, Adremy Dennis had begun to mix with older teenagers who were selling and using drugs. He began to use drugs himself, including cocaine and marijuana dipped in embalming fluid. A medical expert has concluded that, as a possible ADHD sufferer, Adremy Dennis was particularly vulnerable to substance abuse and addiction as a way of alleviating his symptoms in the absence of proper care.

On 28 September 2004, the Ohio Parole Board announced that they had voted 5-3 against clemency for Adremy Dennis. The three who voted that the death sentence should be commuted to life imprisonment without the possibility of parole – itself a “clearly harsh” sentence, they noted – emphasised that Adremy Dennis had been “subjected to severe and debilitating child neglect from birth until age fifteen when he was finally removed from his home by Children Services Board”. They stressed that the “school system missed a vital opportunity to help Dennis” when it failed to take any formal action about his absenteeism. The three board members gave great mitigating weight to his youth at the time of the crime, and noted expert psychological evidence not only of the “serious effect” of the childhood neglect on his life, but also that Adremy Dennis is a person “capable of rehabilitation such that he can contribute positively to that structured setting [of prison]”. They concluded that commutation of the death sentence “will not demean the seriousness or the horrors of the offense”. The Parole Board’s recommendation against clemency is not binding on the governor.

#### **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. Today, a clear majority of countries have abolished the death penalty in law or practice. In contrast to this, there have been 929 executions in the USA since it resumed judicial killing in 1977. Ohio accounts for 14 of these executions. There have been 44 executions in the USA this year, six in Ohio.

The jurors who voted that Adremy Dennis should be executed were death penalty supporters – at jury selection for a US capital trial, the prosecution is allowed to remove anyone who is opposed to the death penalty. At Adremy Dennis's trial, one prospective juror was dismissed having said that she would have a "lot of trouble" imposing a death sentence. Another was dismissed having indicated that on moral and religious grounds she would have "a big problem" in voting for execution. Two other prospective jurors, both African American, were dismissed by the prosecutor even though they said that they would be able to vote for a death sentence if the law required it, even though they opposed the death penalty on religious grounds. In his 1998 report on the USA, the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions wrote that in his opinion, "while the jury system was intended to represent the community as a whole, the community can hardly be represented when those who oppose the death penalty or have reservations about it seem to be systematically excluded from sitting as jurors."

Adremy Dennis's lawyers are challenging Ohio's lethal injection process. Three chemicals are used: sodium thiopental, pancuronium bromide, and potassium chloride. Sodium thiopental is an ultra short-acting barbiturate which puts the inmate to sleep. Pancuronium bromide, a derivative of curare, paralyzes the skeletal muscles but does not affect the brain or nerves. A person injected with it remains conscious but cannot move or speak. Legal challenges have been made against its use in executions in various states on the grounds that if the anaesthetic fails, the pancuronium bromide may throw a "chemical veil" over the reality of lethal injections by masking the suffering caused by the potassium chloride (which causes cardiac arrest). In a challenge in Tennessee, a woman testified that she had undergone surgery during which the anaesthetic failed. She testified that she was able to hear, perceive and feel everything that was going on in her surgery, but was unable to move or speak because of an injection of pancuronium bromide. She has described the experience as "worse than death". The use of pancuronium bromide in pet euthanasia is unacceptable under American Veterinary Medical Association guidelines, and its use has been banned for this purpose in several states.

**RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language, in your own words using the above information as you see fit:**

- expressing sympathy for the family and friends of Kurt Kyle, explaining that you are not seeking to excuse the manner of his death or to minimize the suffering it will have caused;
- opposing the execution of Adremy Dennis;
- pointing out that the power of executive clemency exists to compensate for the rigidity of the law, noting the Adremy Dennis's youth at the time of his crime and background of deprivation and neglect;
- noting that three members of the Ohio Parole Board voted in favour of clemency, and their reasons;
- urging the Governor to grant clemency.

**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>  
[Governor.Taft@das.state.oh.us](mailto: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 13 October 2004