

URGENT ACTION

EXECUTION IMMINENT DAYS AFTER SUICIDE ATTEMPT

Brandon Rhode, a 31-year-old white man, is due to be executed in Georgia, USA, at 9am on 24 September. He was due to be put to death on the evening of 21 September, but his execution was stayed by the Georgia Supreme Court after Brandon Rhode attempted suicide.

Brandon Rhode was scheduled to be killed by lethal injection at 7pm on 21 September 2010. That morning, his lawyers filed a motion for an emergency stay of execution in the Georgia Supreme Court. The lawyers had learned that Brandon Rhode had attempted suicide that morning and had been moved from death row for treatment at an undisclosed location. The motion stated that they had been given no information on their client's "whereabouts, physical condition, mental condition, details of treatment, or drugs he may have ingested or been administered". Effectively, Brandon Rhode was "without counsel and without access to the courts and remedies on the day of his scheduled execution". The lawyers argued that Brandon Rhode could be "incompetent" for execution under US constitutional law, that is that he may not have a rational understanding of the reason for and reality of his punishment. They sought access to him and his medical and prison records.

The state Supreme Court stayed the execution. According to the Department of Corrections the stay is until 2pm on 23 September and is to give the lawyers time to file a claim on Brandon Rhode's competence for execution. The original death warrant does not expire until 28 September, and the Commissioner of Corrections has reset the execution for 9am on 24 September.

Brandon Rhode was sentenced to death in February 2000 for the murder of Steven Moss and his two children, aged 11 and 15, committed during a burglary of their home, on 23 April 1998. His co-defendant Daniel Lucas was also sentenced to death and remains on death row without an execution date. Brandon Rhode was only 18 years old at the time of the crime. Almost all his adult life has been spent in pre-trial custody and then death row. Brandon Rhode's background is one of deprivation, developmental problems, and substance abuse. An expert medical opinion concluded that has significantly impaired functioning due to exposure to alcohol as a foetus (see overleaf). On 17 September 2010, the Georgia Board of Pardons and Paroles denied clemency.

PLEASE WRITE IMMEDIATELY in English or your own language, in your own words:

- Acknowledging the seriousness of the crime for which Brandon Rhode was sentenced to death;
- Expressing concern for his mental health in view of his recent apparent suicide attempt;
- Noting that Brandon Rhode was only 18 at the time of the crime, with developmental problems;
- Calling on the Board of Pardons and Paroles to use the stay of execution to reconsider their denial of clemency;
- Calling on the Governor to do all within his power and influence to stop the execution of Brandon Rhode.

PLEASE SEND APPEALS BEFORE END 24 SEPTEMBER 2010 TO:

State Board of Pardons and Paroles

Email: Clemency_Information@pap.state.ga.us or Webmaster@pap.state.ga.us

Fax: +1 404 651 8502

Salutation: Dear Board members

Governor Sonny Perdue

Email (US): http://gov.georgia.gov/00/gov/contact_us/0,2657,78006749_94820188,00.html

Email (non-US): http://gov.georgia.gov/00/gov/contact_us/international/0,2657,78006749_94820188,00.html

Fax: +1 404 657 7332

Salutation: Dear Governor

Also send copies to diplomatic representatives of the USA accredited to your country. Please check with your section office if sending appeals after the above date.

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ADDITIONAL INFORMATION

According to the US Supreme Court, "Capital punishment must be limited to those offenders who commit a narrow category of the most serious crimes and whose extreme culpability makes them the most deserving of execution." In 1993, in the case of a death row prisoner who was 19 at the time of the crime, the Court said that: "youth is more than a chronological fact. It is a time and condition of life when a person may be most susceptible to influence and to psychological damage. A lack of maturity and an underdeveloped sense of responsibility are found in youth more often than in adults, and are more understandable among the young. These qualities often result in impetuous and ill-considered actions and decisions". In 1989, in another death penalty case, four Supreme Court Justices had noted that "age 18 is a necessarily arbitrary social choice as a point at which to acknowledge a person's maturity and responsibility, given the different developmental rates of individuals", and "it is in fact a conservative estimate of the dividing line between adolescence and adulthood. Many of the psychological and emotional changes that an adolescent experiences in maturing do not actually occur until the early 20s." In 2005, the Supreme Court finally ruled that offenders who were under 18 at the time of the crime should not be subjected to the death penalty. The decision noted that "drawing the line at 18 years of age is subject, of course, to the objections always raised against categorical rules. The qualities that distinguish juveniles from adults do not disappear when an individual turns 18." Brandon Rhode was 18 years and nine months old at the time of the crime.

Brandon Rhode was born in Mississippi to a young mother, who as a 15-year-old was not even aware she was pregnant for the first five months. During this time she consumed alcohol and drugs. Brandon Rhode has been diagnosed as suffering from organic brain damage, and in 2010, using modern methods of testing, experts concluded that he "definitely suffers from a Fetal Alcohol Spectrum Disorder" (FASD), and that his development was significantly delayed as a result of his exposure to alcohol as a foetus. Dr Richard Adler has said that "what we now know for certain in 2010... is that the brain of a healthy child continues to grow and develop and mature into the early 20s. During that time, the executive functions of the brain – impulse control, judgment, planning, appreciation of consequences, empathy, ability to course-correct – are the last areas of brain functioning to develop. This is why adolescents – even 18 year old teenagers like Brandon Rhode was in 1998 – are definitely impaired in these areas of functioning as compared to adults. Furthermore, the characteristic deficits associated with FASD only exacerbate the impairments associated with adolescent brain immaturity... In effect, Brandon was functioning... at a considerably younger level than his chronological age at the time of the subject crimes".

Brandon Rhode began drinking alcohol at the age of 11, and by the age of 13 was abusing alcohol and drugs regularly. He was hospitalized at the age of 13 after a suicide attempt. At 15, he dropped out of school and was sent by his mother to live with his biological father who was a drug addict and alcoholic. The teenager's own substance abuse escalated and he began to burgle houses in the pursuit of money to buy alcohol and drugs

In their emergency motion filed in the Georgia Supreme Court, Brandon Rhode's lawyers have drawn attention to the fact that his best friend on death row, Leeland Braley, committed suicide in the cell next to him on 1 January 2010. Also, on 19 November 2009 another inmate, Timothy Pruitt, was killed or committed suicide on the same tier of death row. In early 2010 Amnesty International wrote to the prison authorities to express concern at the additional hardship and source of stress that recent changes to death row conditions – with reduced out-of-cell time and imposition of non-contact visits – would place on inmates.

Amnesty International opposes the death penalty unconditionally in all cases. The USA has carried out 1,226 executions since 1977. There have been 38 executions in the USA this year.

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