

URGENT ACTION

BOARD URGES CLEMENCY AS EXECUTION LOOMS

James Coddington, aged 50, is scheduled to be executed in Oklahoma on 25 August 2022. He was sentenced to death for the murder of a 73-year-old friend in 1997. Following a clemency hearing on 3 August 2022, the state Pardon and Parole Board recommended that Governor Stitt grant James Coddington's request to commute his death sentence. Twenty-four years old at the time of the crime, James Coddington is said to have long been remorseful for his actions and to have broken the cycle of drug dependence that was the context in which the murder occurred and with which he had struggled during and after a childhood of deprivation, abuse and exposure to drugs from an early age.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Office of Governor J. Kevin Stitt
2300 N. Lincoln Boulevard, Suite 212
Oklahoma City, OK 73105
USA

Dear Governor Stitt

James Coddington is due to be executed in Oklahoma on 25 August 2022 for a murder committed in March 1997. In making this appeal to you, I do not seek to in any way excuse or minimize this crime or its consequences.

James Coddington's clemency petition and evidence before the Pardon and Parole Board on 3 August 2022 describe his childhood of abuse, deprivation, and exposure to drugs from an early age, and his long-held remorse and acceptance of responsibility for his crime. The latter took place in the context of his drug dependence for which he had sought help several times during his teenage years and beyond. Former prison staff and officials are among those who are supporting commutation of his death sentence.

I also urge you to consider how the jury was not allowed to hear expert opinion that James Coddington's use of drugs on the day of the murder prevented him from being able to form the necessary intent for "malice aforethought", as charged. The Oklahoma Court of Criminal Appeals found that the trial judge had been wrong to exclude this testimony but decided that the error was "harmless" and would not have altered the outcome of the trial. I urge you to recognize that the trial judge's decision did not allow the defence to fully explain to the jury how James Coddington's drug dependence impacted his capacity for rational decision-making, but also that this issue is relevant to his petition for clemency, which provides a compelling description of the capacity of human beings to make positive change in the face of adverse circumstances.

I welcome the Pardon and Parole Board's decision to recommend that you grant clemency to James Coddington. I urge you to follow their recommendation and to commute his death sentence.

Yours sincerely,

ADDITIONAL INFORMATION

In early 1997, 24-year-old James Coddington ran out of money to feed his crack cocaine dependence into which he had recently relapsed. On 5 March 1997, he visited his 73-year-old friend who refused to lend him money and told him to leave. As he was leaving, James Coddington picked up a hammer that was in the kitchen and struck his friend in the head with it. He took some money and left. His friend died in hospital 24 hours later. James Coddington was arrested on 7 March 1997. He admitted to the assault, saying that he had visited his friend solely with the intent to borrow money (he was unarmed), not to rob or kill him.

James Coddington was tried and sentenced to death in 2003. In 2006, the Oklahoma Court of Criminal Appeals (OCCA) ordered a new sentencing because of errors at the 2003 penalty phase (At a resentencing in 2008, Coddington was again sentenced to death). The OCCA upheld the convictions for murder in the first degree (malice aforethought) and robbery with a dangerous weapon. At the guilt stage of the 2003 trial, a psychiatrist testified for the defence that cocaine affects the user's thinking and can cause paranoia and anxiety, that the defendant had smoked crack cocaine and cannabis, as well as drinking alcohol, on the day of the murder, and that, in his expert opinion, he would not have been "thinking reasonably and rationally" at the time. The defence sought to have the psychiatrist also testify that James Coddington would not have been able to form the necessary intent for "malice aforethought", but the trial judge refused to allow that. The OCCA found that the judge's decision was wrong, saying "The normal experiences and qualifications of laymen jurors likely do not provide an understanding of the effects of cocaine intoxication on one's ability to control behavior, to think rationally, and to form an intent to kill. An expert's opinion on the effects of cocaine intoxication would have been helpful to the trier of fact... [The psychiatrist] could have properly testified that, in his opinion and based upon his specialized knowledge, he believed [Coddington] would have been unable to form the requisite deliberate intent of malice aforethought." However, the OCCA excused the trial judge's error as "harmless", and the federal courts have upheld this decision under the deferential standard in US law for federal review of state court decisions.

The psychiatrist who testified at the trial stated that James Coddington's childhood had left him vulnerable to drug dependence. According to evidence at the sentencing, the defendant's mother was in prison for most of the first eight years of his life, and so the child was shuttled between his father and his paternal grandmother. At his father's home, the boy was subjected to abuse and exposed to drugs and alcohol. According to family members, when James Coddington was a baby, his father and brothers would put alcohol in his bottle to stop him from crying; in addition, the boy was physically abused by his father, including by being whipped, hit and knocked out. The father left the family when James was seven years old, by which time the boy had already begun huffing paint. Medical records from several months of in-patient treatment at a children's hospital at this time, describe a disturbed child. After being discharged, he was placed in the care of his mother. Again, he was exposed to family members' use of drugs, especially methamphetamines. He himself began using cannabis at the age of 10 and cocaine at 14, which within a year he was using heavily. At the age of 17, he asked for help for his drug dependency. He voluntarily entered treatment, but the progress he made "unravelling when he returned to the same people and places that engendered his [drug dependence]". During his teen years, struggling with drug dependence, he had begun to come into conflict with the law. At the age of 19 he was convicted of burglary and an unauthorized use of a vehicle. After his release from prison, he was employed at a salvage yard, but in late 1996, he "relapsed back into his destructive crack cocaine [dependence]". He voluntarily checked himself into inpatient treatment, stating that he was doing so "Because I have a drug problem and I can't stop on my own. I tried." He completed a 30-day program, but in early 1997, after his long-term girlfriend left him, he again relapsed into crack cocaine dependence, which culminated in his arrest for the murder of his friend.

The state Pardon and Parole Board held a clemency hearing on 3 August 2022. By video link, James Coddington expressed his remorse and apologised to the victim's family. For the state, an Assistant Attorney General told the Board that "there will be no justice if Mr Coddington receives clemency from his death sentence". After the Board voted for clemency, Attorney General John O'Connor said his office would "continue to stand...with the family of [the victim] and with all Oklahomans, by opposing Coddington's request for relief from the Governor".

Amnesty International opposes the death penalty in all cases, unconditionally. There have been eight executions in the USA this year, two in Oklahoma. Oklahoma accounts for 116 of the 1,548 executions carried out in the USA since the US Supreme Court approved new capital statutes in 1976, second only to neighbouring Texas. Combined, Texas and Oklahoma account for 10% of the USA's population and 45% of its executions. Twenty-five executions are scheduled to take place in Oklahoma by the end of 2024, beginning with that of James Coddington. Eight of the 16 executions in six states of the USA since President Biden took office in 2021 on a promise to work for abolition of the death penalty at federal and state level have occurred in these two states (see www.amnestyusa.org/wp-content/uploads/2022/06/The-Power-of-Example-Whither-the-Biden-Death-Penalty-Promise-.pdf).

PREFERRED LANGUAGE TO ADDRESS TARGET: English.

You may also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 25 August 2022

NAME AND PRONOUNS: James Coddington (He/His).