

URGENT ACTION

EXECUTION SET AS STATE MISCONDUCT REVEALED

Jamie Mills is scheduled to be executed in Alabama on 30 May 2024. He was convicted in 2007 of the murder of an elderly couple in 2004 and sentenced to death after the jury voted 11-1 for the death penalty. There is new evidence that the key prosecution witness, then facing the same capital murder charges as Jamie Mills, was offered a plea deal in return for her testimony, something the state denied at the trial. We urge the Governor to recognize that executive clemency serves as a failsafe against injustices left unremedied by the courts and to commute this death sentence.

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

The Office of Governor Kay Ivey
State Capitol, 600 Dexter Avenue
Montgomery, AL 36130, USA

Email: <https://contact.governor.alabama.gov/contact.aspx>

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Dear Governor

I am writing to urge you to grant clemency to Jamie Mills, who is scheduled to be executed in Alabama on 30 May 2024. In so doing, I do not seek to downplay the seriousness of violent crime or its devastating consequences.

It is deeply troubling that after more than a decade and a half of the state denying that there was any plea deal promised to the prosecution's key witness in return for her testimony, it would now seem that this was false. That witness was herself facing capital murder charges in the same crime for which Jamie Mills now faces imminent execution. Her lawyer signed an affidavit earlier this year making clear that there was a deal agreed with the Marion County District Attorney in return for her testimony, that the capital murder charge, the death penalty, and the sentence of life without the possibility of parole would all be taken off the table if she testified against Jamie Mills.

The UN Guidelines on the Role of Prosecutors require prosecutors to "respect and protect human dignity and uphold human rights, thus contributing to ensuring due process and the smooth functioning of the criminal justice system." The District Attorney's conduct in this case appears to have failed to comply with this standard, thereby bringing the criminal justice system into disrepute and undermining the integrity of the trial process, as well as confidence in the jury's verdict. It is possible that, if the jury had known of any such deal, it would have weighed the testimony of this witness differently, and may have reached a different verdict, at either stage of the trial. International safeguards state that "Capital punishment may be imposed only when the guilt of the person charged is based upon clear and convincing evidence leaving no room for an alternative explanation of the facts."

Without a court fully examining this new evidence on the merits, executive clemency remains the only route for remedy. I urge you to take that path.

Yours sincerely,

ADDITIONAL INFORMATION

An 87-year-old man was found dead at his home in Guin, Alabama on 24 June 2004 with cause of death determined to be blunt and sharp force injury to his head and neck. His 72-year-old wife was also found, with multiple injuries. She was alive, but died two and a half months later, with cause of death deemed to be complications associated with blunt force trauma. Money and medication were taken from their home. Jamie Mills and his common-law wife JoAnn Mills were arrested after items were found in the boot (trunk) of their car, including medication belonging to the victims, as well as clothing and tools with the victims' blood on them.

Jamie Mills was charged with capital murder and tried in 2007. The state's evidence consisted primarily of the testimony of JoAnn Mills (who had also been charged with capital murder) and the evidence of the items found in their car. JoAnn Mills testified that the day before the murders, she and her husband had stayed up all night smoking methamphetamine, and that the following day they went to the victims' home to look for money for drugs and there Jamie Mills bludgeoned the couple. She testified that after they returned home, her husband called "BH", a known drug user in the area, who came and purchased some of the pills. Jamie Mills' defence was that he was innocent, that JoAnn Mills was lying, and that BH, who had been an initial suspect after being arrested with the victims' pills and a large amount of cash, and who had been at the Mills' home many times (including twice on the day of the murders), could have framed him, including by putting the items in the trunk of their car, which had no working lock.

JoAnn Mills had initially told police in two different statements that she suspected BH had planted the weapons in their car, and that he had brought stolen items to their home in the past. In a later, third, new and different statement, she implicated Jamie Mills. At the trial, the prosecutor told the jury in closing arguments that the defence had failed to impeach JoAnn Mills' credibility, and that she had been made no promises in return for her testimony. She herself testified that she had received no deal and asserted that her testimony would leave her still facing the possibility of the death penalty or life imprisonment without the possibility of parole. The prosecutor likewise testified there was no deal with JoAnn Mills. The defence lawyer further asked: "Not a promise, not a maybe, not a nudge, not a wink? Because we think it stretches the bounds of credibility that her lawyer would let her testify as she did without such an inducement." To which the prosecutor responded "There is none... Have not made her any promises, nothing".

The jury convicted Jamie Mills of capital murder. By 11 to one, the jury voted for the death penalty, which the judge imposed on 14 September 2007. Ten days later, the state dismissed the capital murder charges against JoAnn Mills. She pleaded guilty to murder and was sentenced to life imprisonment with the possibility of parole.

On 26 February 2024, JoAnn Mills' lawyer signed an affidavit stating that prior to his client's testimony in 2007, the prosecutor had indeed promised to forgo the death penalty in her case and agreed to a life sentence with the possibility of parole if she agreed to testify against Jamie Mills. The affidavit reads: "Prior to Jamie Mills' trial, I had several discussions" with the Marion County District Attorney (DA) "about a plea offer... Prior to testifying in Jamie Mills' case, JoAnn and I met with [the DA] and the victims' daughter. I presented JoAnn's tragic mitigation history. Based on JoAnn's terrible childhood, the victims' family agreed for JoAnn to get a plea to life with parole if she testified truthfully at Jamie Mills' trial" and the DA agreed that he would "not pursue the capital charge" but rather "would agree to a plea to murder".

This would mean that the DA lied when he told the trial court that JoAnn Mills testified without a "nudge", or a "wink" or a suggestion or promise of a plea deal. It also means that JoAnn Mills' response – "no" – elicited from her by the prosecutor's question to her on the witness stand – whether there had been "any deals, offers or anything like that made to you" – was false. Moreover, her statement that she understood that following her testimony she would still "get either life without parole or death by lethal injection" – was also untrue.

Not just at the trial, but during post-conviction proceedings and appeals in state and federal courts, the state has asserted that at the time of Jamie Mills' trial, the prosecution had no plea agreement with its central witness. When the US District Court upheld the conviction and death sentence in 2020, the federal judge wrote: "JoAnn testified at trial that she had not made any deals in exchange for her testimony. Mills thoroughly cross-examined her regarding whether she had made any deals in exchange for her testimony. The prosecutor stated that the State had not made any promises to JoAnn; that the State had not suggested that a promise might be made after she testified truthfully; and that there was not any inducement whatsoever for JoAnn's testimony." Lawsuits have now been filed by Jamie Mills' lawyers in state and federal court with this new evidence revealed in the affidavit.

Every capital defendant must be given all due process guarantees under Article 14 of the International Covenant on Civil and Political Rights, which the USA ratified in 1992. International safeguards state that "Capital punishment may be imposed only when the guilt of the person charged is based upon clear and convincing evidence leaving no room for an alternative explanation of the facts." There have been 1,587 executions in the USA since 1976, 73 of them in Alabama. Amnesty International opposes the death penalty unconditionally.

PREFERRED LANGUAGE TO ADDRESS TARGET: English. You may also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 30 May 2024.

NAME AND PRONOUNS: Jamie Mills (He/Him)

LINK TO PREVIOUS UA: n/a