

URGENT ACTION

SECOND OHIO EXECUTION OF THE YEAR GOES AHEAD

Gary Otte was executed in Ohio on the morning of 13 September. Twenty years old when he was sent to death row in 1992, he was 45 at the time of his death.

Robert Wasikowski, aged 61, and Sharon Kostura, 45, were shot dead in their apartments in Parma, Ohio on 12 and 13 February 1992 respectively. **Gary Otte** was arrested on 13 February and the following day confessed to the two murders. He waived his right to a jury trial, and in September 1992 was tried and convicted by a three-judge panel. At the sentencing phase in October 1992, after hearing some mitigating evidence of the defendant's difficult childhood, his depression and drug and alcohol dependence from an early age, the judges sentenced him to death.

In February 2017, the Ohio Adult Parole Authority voted against clemency, and on 1 September, Governor John Kasich announced that he was accepting that recommendation. The US Supreme Court refused to issue a stay of execution on 12 September.

On 13 September, about two hours before the scheduled execution, the Ohio Supreme Court dismissed a final appeal in which Gary Otte's lawyers raised his young age at the time of the murders, and cited a ruling from a Kentucky judge in August 2017 that recent scientific research into adolescent brain development led him to conclude that the execution of offenders for crimes committed when under the age of 21 was unconstitutional.

The execution went ahead on the morning of 13 September. Gary Otte was pronounced dead at 10.54am.

There have been 18 executions in the USA this year, bringing the total nationwide to 1,460 since 1976, when the US Supreme Court approved new capital statutes. Ohio has carried out 55 executions since resuming judicial killing in 1999, including two this year. A quarter of these executions in Ohio – 14 – have been carried out during Governor Kasich's time in office which began in January 2011. Due to term limits, he cannot stand for a third term and is due to leave office on 14 January 2019. Currently, there are five men scheduled to be put to death in Ohio before that date. Another 20 executions are currently scheduled to be carried out in Ohio after that (six in 2019, six in 2020, six in 2021 and two in the first four months of 2022).

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

This is the first update to UA: 207/17. Further information: <https://www.amnesty.org/en/documents/amr51/7073/2017/en/>

Name: Gary Otte
Gender m/f: m

Further information on UA: 207/17 Index: **AMR 51/7096/2017 Issue Date: 13 September 2017**

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