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Death penalty / Legal concern

USA (Ohio)

Jeffrey D. Hill (m), black, aged 44

Jeffrey Hill is due to be executed in Ohio on 3 March. He was sentenced to death in 1992 for the murder of his mother in 1991. The state parole board has unanimously recommended that Ohio's Governor, Ted Strickland, commute Jeffrey Hill's death sentence. The recommendation is not binding on the Governor.

Emma Hill, aged 61, was stabbed to death in her apartment in Cincinnati on 23 March 1991. Three days later, her 26-year-old son Jeffrey Hill confessed to police that he had killed her. At the time of the murder, he had consumed large amounts of crack cocaine, to which he has said he became addicted after his father was diagnosed with cancer and died.

Jeffrey Hill's court-appointed lawyers called no witnesses on his behalf at the guilt/innocence stage of the June 1992 trial, and allowed their client to sit in jail clothing during the proceedings, which can prejudice the jury against the defendant. Defence counsel's preparation for the sentencing phase was minimal, only hiring a psychologist for mitigation purposes the night before the sentencing. The psychologist spoke to Jeffrey Hill once, shortly before testifying. The US Court of Appeals for the Sixth Circuit upheld Jeffrey Hill's death sentence in 2005 despite acknowledging that "doubtless, [the psychologist's] testimony would have benefited had he been hired earlier and had he been given more time to review Hill's record and background." The Court of Appeals noted that "the State has not argued that Hill's lawyers performed effectively", but concluded that Hill had not proved that he had been prejudiced by their ineffectiveness.

When the Ohio Supreme Court upheld the death sentence in 1995, two of the judges dissented, stating that "the sentence of death is inappropriate, given the particular facts of this case... Hill did not commit murder with prior calculation and design. The record reflects that Hill simply snapped due to his drug-induced state prior to the offense. He had been up all night smoking crack cocaine. He smoked crack cocaine in his mother's basement immediately before speaking with her the morning of the murder. After receiving twenty dollars from his mother, he bought and smoked more crack cocaine. Hill testified under oath that when he returned to his mother's house, he remembers speaking with her and the next thing he knew, she was on the floor. Hill testified that he did not remember stabbing his mother and told his brother that he did not mean to kill her. The state does not dispute this as part of Hill's confession... It is undisputed that the offense occurred in large part as a result of Hill's drug use and dependency."

On 21 January 2009, members of the Ohio Parole Board interviewed Jeffrey Hill by video-conference as part of their deliberations on his clemency petition. Jeffrey Hill told them that, while he did not remember any of the details of the murder, he did not seek to escape responsibility for it. According to the Board, the interview was "very emotional and tearful. He said that he remembers everyday that he took the life of his mother, and wishes that he could take it back. He said that he will never get over it." At the clemency hearing before the eight-member Board on 29 January 2009, a psychologist testified that in more than 30 years of practice, he had never met anyone as genuinely remorseful as Jeffrey Hill.

Numerous members of the Hill family appealed for clemency, and the Board also noted that Emma Hill's late mother, the prisoner's grandmother, had signed an affidavit before she died opposing the execution. In a statement to the Board, Emma Hill's sister and two brothers said: "As a family, we have endured the tragic death of our sister, an aunt to our children, mother to Vernon and Jeffrey, and a grandmother to their children. We were greatly distressed by her murder and have been forever touched by the life she led... We are a small

family who has endured a huge tragedy. Never in our lives, would we believe that we would have to ever come before you pleading for the life of one of our own convicted for the murder of one of our own. As a family, we have already gone through enough. We acknowledge the crime and the need for punishment, but to execute Jeffrey would drag use though yet another tragedy.”

The Board voted unanimously that clemency was warranted for a number of reasons. It stated that Emma Hill’s family had “suffered tremendous loss, and execution would add further to their suffering”. It pointed to the “minimal mitigation preparation and presentation” by Jeffrey Hill’s trial lawyers, which it said “should not be tolerated as acceptable conduct by counsel in a case where the death penalty is a potential sentence”. It noted the “genuine remorse” shown by Jeffrey Hill “to many who have come in contact with him”, including the Parole Board. It also concluded that the death sentence was “disproportionate to other sentences imposed in matricides and patricides where offenders receive life sentences. Similar offenders with often more heinous offenses have received life sentences with parole eligibility”.

On 6 February 2009, the Parole Board published its unanimous decision to recommend that Governor Ted Strickland commute Jeffrey Hill’s death sentence to life imprisonment with parole eligibility after 25 years.

BACKGROUND INFORMATION

Amnesty International opposes the death penalty in all cases, unconditionally. To end the death penalty is to abandon a destructive, diversionary and divisive public policy that is not consistent with widely held values. It not only runs the risk of irrevocable error, it is also costly, to the public purse as well as in social and psychological terms. It has not been proved to have a special deterrent effect. It tends to be applied in a discriminatory way, on grounds of race and class. It denies the possibility of reconciliation and rehabilitation. It promotes simplistic responses to complex human problems, rather than pursuing explanations that could inform positive strategies. It prolongs the suffering of the murder victim’s family, and extends that suffering to the loved ones of the condemned prisoner. It diverts resources that could be better used to work against violent crime and assist those affected by it. It is a symptom of a culture of violence, not a solution to it. It is an affront to human dignity. It should be abolished.

Today, some 138 countries are abolitionist in law or practice. In 2007, the UN General Assembly called for a moratorium on executions worldwide and for retentionist countries to work towards abolition. There have been 1,145 executions in the USA since judicial killing resumed there in 1977, 28 of them in Ohio. There have been nine executions in the USA so far in 2009, none in Ohio.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in your own words:

- acknowledging the suffering endured by Emma Hill’s family, and explaining that you are not seeking to excuse the manner of her death;
- welcoming the Ohio Parole Board’s unanimous decision to recommend clemency for Jeffrey Hill;
- endorsing the Board’s conclusion that the execution of Jeffrey Hill would compound the suffering of the Hill family, and noting that the Board recognized Jeffrey Hill’s “genuine remorse” for what he did;
- pointing out that two Ohio Supreme Court Justices concluded that the death penalty was disproportionate in this case, as has the eight-member Ohio Parole Board;
- expressing concern at the lack of preparation and presentation by Jeffrey Hill’s trial lawyers, particularly for the sentencing phase of the trial, which left the jury ill-informed to make its life-or-death decision; and
- calling on Governor Strickland to accept the Parole Board’s recommendation.

APPEALS TO:

Governor Ted Strickland
Governor’s Office, Riffe Center, 30th Floor, 77 South High Street
Columbus, OH 43215-6108, USA

Fax: +1 614 466 9354

Email: From the USA: <http://www.governor.ohio.gov/Assistance/ContacttheGovernor/tabid/150/Default.aspx>

Email: From outside USA: governor.strickland@das.state.oh.us

Salutation: Dear Governor

PLEASE SEND APPEALS IMMEDIATELY.