

# URGENT ACTION

## OHIO TO EXECUTE 69-YEAR-OLD 'STATE-RAISED' MAN

**Alva Campbell, aged 69, is due to be executed in Ohio on 15 November. The governor can commute the death sentence despite a parole board vote against clemency.**

Charles Dials was shot dead in Columbus, Ohio on 2 April 1997. Police arrested **Alva Campbell**, who had earlier escaped from custody when being taken to court on an armed robbery charge, and he confessed to police. He was brought to trial and sentenced to death in April 1998. This was vacated on appeal, but he was resented in 2001.

Alva Campbell, who would turn 70 in April 2018, has spent most of his adult life in prison. According to a sociologist who has reviewed the case, after a horrific early childhood, Alva Campbell "spent most of his adolescent years" in various state institutions and effectively became a "state-raised youth", with no treatment plan ever developed by his custodians. In 2012, the Sixth Circuit Court of Appeals agreed that this period in state care had a "largely negative" impact upon Alva Campbell, details of which the trial jury had not heard because defence counsel focused on the first 10 years of his childhood. In those years, the Sixth Circuit noted, he endured "the utterly awful conditions of his childhood home – conditions that included repeated instances of rape, incest, and physical and emotional abuse". Because the jury heard evidence of those years, the mitigating detail of abuse and neglect from the time in state care would have been merely "cumulative", the Court of Appeals held.

The defence lawyer from the trial told the parole board on 12 October 2017 that by concentrating on the horrific first 10 years of Alva Campbell's life, he and his co-counsel had inadvertently misled the jury into a false narrative depicting the state's intervention as having rescued the boy and bringing positive change to his life. However, while the board acknowledged that Alva Campbell's childhood experiences both at home and while in state care were "no doubt traumatic", it voted against clemency. One of the 12 board members voted for mercy, concluding that Alva Campbell's family home comprised "unstable, inhumane living conditions and the absence of any moral or other parental guidance from his parents all prevented Campbell from maturing and developing psychologically and emotionally. Rather than improve his situation, Campbell's eventual removal from that home only served to further stunt his psychological and emotional growth". Clemency, she said would "further the interest of justice".

A recent appeal details how Alva Campbell's health has "progressively, and acutely, worsened, with multiple severe and life-threatening ailments arising almost every year" since 2003. It argues that his profound ill-health renders it likely that he will have a "paradoxical reaction" to any lethal injection drug, "thus rendering any attempt of the State to execute him unconstitutional". On 25 October, the Sixth Circuit dismissed the petition. One of the three judges dissented: "There are situations in which killing a person whose mental biology has deteriorated would be an exercise in mindless vengeance, and there are situations in which killing a person whose physical biology has worsened would be an exercise in mindless vengeance." The lawyers had raised sufficient evidence of the latter, she said, to warrant remand to the lower federal court to decide whether the execution would be unconstitutional.

**Please write immediately in English or your own language, in your own words using any of the above:**

- Calling on the Governor to stop Alva Campbell's execution and commute his death sentence.

**PLEASE SEND APPEALS BEFORE 15 NOVEMBER 2017 TO:**

Governor John Kasich

Riffe Center, 30th Floor, 77 South High Street, Columbus, OH 43215-6117, USA

Fax: +1 614 466 9354

Email (via website): <http://www.governor.ohio.gov/Contact/ContacttheGovernor.aspx>

Twitter: @JohnKasich

**Salutation: Dear Governor**

**Also send copies to diplomatic representatives accredited to your country.** HIS EXCELLENCY WOODY JOHNSON, Embassy of the United States of America, 24 Grosvenor Square W1A 6AE, tel: 020 7499 9000, Please check with your section office if sending appeals after the above date.

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## ADDITIONAL INFORMATION

The parole board was told how Alva Campbell's early childhood was marked by his parents' alcoholism and particularly the abuse meted out by the father. The father was white and the mother African American. According to the lawyers, the father was an overt racist who banned his mixed race children from having any contact with black children, deepening their isolation from the community. The father was physically and sexually abusive towards the children, including playing sadistic "games" such as chasing them with dead animals, and the "electric game" where he had them hold hands while he ran an electric current through them. The father also forced the children to witness him beating their mother, sometimes to the point of her losing consciousness. When Alva Campbell was 10, the father was removed from the family after he raped one of his daughters. The children lived with the mother, but were later placed in state care when they were found begging for food.

In 2012, the Sixth Circuit Court of Appeals agreed that Alva Campbell's experience in state care had been "largely negative", and that his trial lawyers "did not describe the negative conditions that Campbell faced – and the negative reactions that Campbell had to those conditions – in the juvenile facilities" in which he was placed. Moreover, the Sixth Circuit noted, the prosecution had turned the lack of mitigating evidence about Alva Campbell's time in state care "to its advantage", portraying this period as having been one of rescue and opportunity for him. The Sixth Circuit concluded that it did not appear that the defence lawyers had "any strategic reason" not to present this mitigating evidence, but under the deferential standard required in US law for federal review of state court decisions, the Court of Appeals upheld the death sentence.

Alva Campbell's traumatic childhood was followed by an adulthood mostly spent in prison, having served three years for armed robbery committed when he was 19, and another 20 years for a murder committed when he was 23. He has been on death row for almost 20 years. Alva Campbell told the parole board that he accepted responsibility for his criminal conduct, apologized to the family of Charles Dials and others whose lives he had affected, and said that he was deeply sorry for what he had done.

In their petition to the Sixth Circuit in August 2017, Alva Campbell's lawyers laid out the year-on-year deterioration they say has occurred to his health over the past 15 years and which they argue renders his execution unconstitutional: "2003 – diagnosis of pulmonary hypertension; 2004 – diagnosis of increased scarring in the lungs and growing nodules in the upper lungs and severely worsening emphysema leading to concerns with air hunger; 2006 – diagnosis of Chronic Obstructive Pulmonary Disease (COPD) and emphysema classified as "end stage," diagnosis of collapsed lung and respiratory failure, sarcoidosis (for which there is no cure), coronary artery disease, atrial fibrillation, hypertension, deep vein thrombosis and pulmonary embolism; 2012 – hypoxemic respiratory failure (starving for oxygen), histoplasmosis, atrial fibrillation with rapid and out of rhythm heartbeats; 2014 – diagnosis of worsening COPD exacerbation, increasing nodules in lungs, emphysema increasing in lungs, discovery of an aortic aneurysm; 2015 – diagnosis of prostate cancer and surgical prostatectomy, spontaneous collapsed lung requiring a life flight to OSU Hospital; and a diagnosis of MRSA while at OSU Hospital; 2016 – hip replacement surgery after being knocked down by another inmate, while at OSU Hospital staff discovered a gangrenous colon and 2 surgeries were required to remove the colon and equip him with an external colostomy bag; 2017 – diagnosis of pneumonia after being hospitalized for coughing up blood. In addition to these physical characteristics that inhibit his ability to breathe, Campbell must take oxygen treatments four times a day in order to function, and he relies on a [walking frame] for very limited mobility".

Amnesty International opposes the death penalty unconditionally. Today 141 countries are abolitionist in law or practice. There have been 1,463 executions in the USA since 1976, 55 of them in Ohio. Ohio has conducted two of the 21 executions in the USA so far this year. Ohio currently has 27 prisoners scheduled for execution before September 2022.