

**PUBLIC**

**AI Index: AMR 51/173/2005**

**1 November 2005**

**Further Information on UA 221/05 (AMR 51/133/2005, 24 August 2005) and follow up (AMR 51/144/2005, 09 September 2005) - Death Penalty**

**USA (Ohio)**

**John Spirko (m)**

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The Ohio Parole Board has voted against recommending clemency for John Spirko. He remains scheduled for execution on 15 November.

On 19 October the Board voted 6-3 against a clemency recommendation. According to press reports, the three dissenting members concluded that there was too much doubt to allow the execution to go ahead, expressing concerns about crucial evidence not presented to the jury which placed his co-defendant, Delaney Gibson - who was charged but never tried, and against whom all charges were eventually dropped - 500 miles away at the time of the crime. They also reportedly raised concerns about the credibility of a key investigator for the state. John Spirko's lawyer has lodged an appeal based on these issues before the federal courts.

Former federal judge William Sessions, who has been active in an initiative to promote procedural safeguards in death penalty cases, two retired federal judges and a former federal prosecutor have reportedly raised concerns about John Spirko's conviction and death sentence.

John Spirko was sentenced to death in 1984 for the kidnap and murder of Betty Jane Mottinger in August 1982. He denies carrying out the murder and no physical or forensic evidence links him to the crime. Prosecutors at trial argued that Spirko and Delaney Gibson, his best friend and former cellmate, committed the crime together, saying that Gibson was seen in the vicinity of the crime on the day it took place.

#### **BACKGROUND INFORMATION**

Amnesty International opposes all executions, regardless of issues of guilt or innocence. This is a punishment that is an affront to human dignity and a part of a culture of violence rather than a solution to it. It has not been shown to have any unique deterrent effect, and denies the possibility of rehabilitation and reconciliation. In the US the capital justice system is marked by arbitrariness, discrimination and error, and US authorities have frequently violated international standards in their pursuit of judicial killing of prisoners including people whose guilt remained in doubt.

**RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:**

- expressing concern that John Spirko is scheduled to be executed on 15 November;
- expressing sympathy for the family and friends of Betty Jane Mottinger, explaining that you are not seeking to excuse the manner of her death or to minimize the suffering caused;
- expressing concern at reports that prosecutors may have presented a false case against John Spirko at trial;
- noting that three Parole Board members have expressed their concern that there remains too much doubt to allow the execution to proceed;
- calling Governor Taft to grant clemency to John Spirko.

**APPEALS TO:**

Governor Bob Taft  
30th Floor  
77 South High Street  
Columbus, Ohio 43215-6117  
USA

**Fax: + 1 614 466 9354**

**Salutation: Dear Governor**

**COPIES TO:**

diplomatic representatives of the USA accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 15 November 2005.