

URGENT ACTION

CLEMENCY DENIED, ALABAMA CARRIES OUT EXECUTION

Jamie Mills was 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. The courts denied final appeals, including the claim that the key prosecution witness, JoAnn Mills, then facing the same capital murder charges as Jamie Mills, was offered a plea deal to avoid the death penalty in return for her testimony. The governor denied clemency. This was the second execution of the year in Alabama.

NO FURTHER ACTION IS REQUESTED. MANY THANKS TO ALL WHO SENT APPEALS.

The curtain to the witness room of the death chamber opened at 6:07pm, the execution proceeded, and Jamie Mills was pronounced dead at 6:27pm.

Final appeals based on an affidavit signed on 26 February 2024 by JoAnn Mills' lawyer were unsuccessful. His affidavit stated that prior to his client's testimony at Jamie Mills' trial in 2007, the then District Attorney (DA) had promised to forgo the death penalty in her case and agreed to a life with the possibility of parole if she agreed to testify against Jamie Mills. If true, this would mean that the prosecutor lied when he told the trial court that JoAnn Mills testified without any offer, suggestion or promise of a plea deal. During appeals in state and federal courts, the state asserted that at the time of Jamie Mills' trial, the prosecution had no plea agreement with its central witness. Ten days after Jamie Mills' sentencing, JoAnn Mills was permitted to plead guilty to a single count of murder and was sentenced to life imprisonment with the possibility of parole.

In an affidavit signed on 6 March 2024, the former DA denied that he had offered "any sort of offer to JoAnn Mills prior to Jamie Mills' trial", and that he could not make such an offer because relatives of the victims "had made their position very clear", which was that "we pursue the death penalty". He claimed that the offer was only made after Jamie Mills's trial when the relatives accepted it. On 15 April 2024, a state court dismissed Jamie Mills's appeal on the grounds that there was no evidence before the Court as to why the affidavit from JoAnn Mills's lawyer could not have been secured earlier. Jamie Mills's lawyers turned to the federal District Court which ruled on 17 May 2024 that the claim was untimely, and no reason had been given for why an affidavit from JoAnn Mills' lawyer could not have been obtained earlier. The US Court of Appeals for the 11th Circuit upheld the decision. One of the three judges, concurring, nevertheless concluded: "Unfortunately, even when a petitioner's life hangs in the balance, our case law does not extend sufficient procedural and substantive due process protections".

On 21 May 2024, another federal District Court in Alabama dismissed a motion for injunctive measures brought by Jamie Mills's lawyers in relation to the execution process, based on what had occurred in recent cases in Alabama, including prolonged, torturous and sometimes unsuccessful attempts to carry out lethal injections. The Chief Justice of the District Court denied the motion, echoing the US Supreme Court's hostility to "last-minute" challenges to execution methods ("Courts should police carefully against attempts to use such challenges as tools to interpose unjustified delays" (2019)). She said that no "reasonable explanation" had been given as to why the challenge had not been filed earlier. She said that the delay in filing the case was "inexcusable", and that "the practice of filing lawsuits and requests for stay of execution at the last minute where the facts were well known in advance is ineffective, unworkable, and must stop". The three-judge panel of the 11th Circuit Court of Appeals affirmed, with the same judge as in the affidavit case again concurring. This time she noted the "troubling" conduct and "pattern of delay during executions" in Alabama, including in four recent "botched" executions, and added that Mills's fears were "valid".

The US Supreme Court dismissed final appeals without comment, and Governor Kay Ivey denied clemency, then Jamie Mills was executed. Attorney General Steve Marshall issued a statement that "his assigned punishment has never been more deserved". The Equal Justice Initiative (EJI), whose lawyers represented Jamie Mills on appeal, issued a statement, saying: "Jamie Mills became another person needlessly killed by state officials who comfortably tolerate state deception, violation of the law, and breach of fundamental constitutional rights in an effort to carry out a death sentence they claim upholds the rule of law. There will come a day when governments recognize the perverse injustice of this process and the wrongfulness of this punishment". There have been six executions in the USA this year, bringing to 1,588 the total number of there since 1976 when the US Supreme Court upheld new capital statutes. Alabama accounts for 74 of these, including two this year.

NAME: Jamie Mills

THIS IS THE FIRST AND FINAL OUTPUT FOR UA 35/24

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/amr51/7986/2024/en/>

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