

Urgent Action Office 3-1992 Yonge Street Toronto ON M4S 1Z7 Phone: (416) 363-9933 Fax: (416) 363-3103 urgentaction@amnesty.ca

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USA ALABAMA EXECUTION GOES AHEAD AFTER STAY LIFTED

Matthew Reeves was put to death by lethal injection in Alabama on the evening of 27 January after the Governor of Alabama declined to intervene and the US Supreme Court vacated an injunction against the execution imposed earlier in the month by a lower court and upheld on appeal.

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

Matthew Reeves was convicted in 1998 of a murder committed in Selma, Alabama, in 1996, when he was 18 years old. After a 90-minute sentencing phase, the jury voted 10-2 for the death penalty. The defense lawyers had presented no expert assessment on the question of Matthew Reeves' intellectual disability. At a state post-conviction hearing, an expert for the defense testified that Matthew Reeves had intellectual disability. The state presented a psychologist who testified that Reeves had an IQ of 68 and operated in the "borderline range of intellectual ability". In 2020, the 11th Circuit Court of Appeals ruled that the trial lawyers' performance was "deficient"; "the mitigating evidence that counsel failed to obtain and present was powerful" and its absence was "sufficient to undermine confidence in the outcome". However, in 2021, the Supreme Court overturned this without providing Reeves with an opportunity to brief the matter or provide oral argument. Three Justices dissented, with two of them noting that the decision "continues a troubling trend in which this Court strains to reverse summarily any grants of relief to those facing execution".

On 7 January 2022, a federal judge issued an injunction blocking Matthew Reeves' execution by any method other than nitrogen hypoxia. Alabama had granted those on death row a one-off opportunity to choose this new method, instead of the default method, lethal injection. Matthew Reeves did not fill in the election form; his lawyers said he would have chosen hypoxia. The federal judge agreed that because of his cognitive deficits, Matthew Reeves was unable to read and understand the form without assistance, and the failure of officials to provide such assistance was discriminatory on grounds of disability. The judge ruled it would not harm the state to delay the execution until it has developed its nitrogen hypoxia protocol, which was apparently only a matter of months away. The state appealed. On 26 January, a three-judge panel of the 11th Circuit upheld the injunction, noting among other things expert evidence that Matthew Reeves's "language competency was that of someone between the ages of 4 and 10", well below what was required to be able to understand the execution form.

The state appealed to the US Supreme Court and the execution, scheduled for 6pm local time, was delayed while the Justices considered the case. At 7.25pm, the stay was lifted after the Supreme Court voted 5-4 to vacate the injunction. In their dissent, three Justices noted that four judges on two courts – "after extensive record development, briefing, and argument" – had decided that the

execution should be blocked. Yet, the Supreme Court had “disregard[ed] the well-supported findings” made by the lower courts. A lawyer for Matthew Reeves said that it was “disappointing and disheartening” that the Supreme Court had “felt no need to explain its decision”.

Matthew Reeves made no final statement before his lethal injection was carried out. He was pronounced dead at around 9.24pm, about 21 minutes after the execution began.

In a statement, Governor Kay Ivey said that the death sentence was “fair, and tonight, justice was rightfully served,” Among those who had appealed to her for clemency was the European Union Ambassador to the USA, who wrote to the Governor on 20 January calling for the execution not to go ahead.

This was the first execution in Alabama in 2022, and the second in the USA. There have now been 1,542 executions in the USA since the US Supreme Court approved new capital laws in 1976. Alabama accounts for 69 of these executions.