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First UA: 61/24 Index: AMR 51/8259/2024 USA of July 3, 2024

## USA

### ALABAMA'S THIRD EXECUTION OF 2024 IMMINENT

Keith Gavin is scheduled to be executed in Alabama on July 18, 2024. He was convicted of a 1998 murder and sentenced to death in 1999. The jury vote was 10-2 for the death penalty. In 2020, a federal judge ruled that Gavin's legal representation during sentencing was constitutionally inadequate. However, the Court of Appeals reversed this decision in 2022. International legal standards require effective legal assistance at all stages for those facing the death penalty. This standard was not met in Gavin's case. We urge the Governor to commute Keith Gavin's death sentence.

#### **Write to the Governor of the State of Alabama urging her to:**

- Grant clemency and to commute Keith Gavin's death sentence

#### **Write to:**

The Office of Governor Kay Ivey

State Capitol

600 Dexter Avenue

Montgomery, AL 36130, USA

Email: <https://contact.governor.alabama.gov/contact.aspx>

Fax: +1 334 353 0004

*Salutation: Dear Governor,*

#### **And copy:**

His Excellency David Louis Cohen

Ambassador

Embassy of the United States of America

490 Sussex Drive

Ottawa, ON K1N 1G8

Tel: (613) 238-5335 / 688-5335 (24h) Fax: (613) 688-3082

### ADDITIONAL INFORMATION

Keith Gavin, now 63, was convicted in 1999 for the murder of a delivery driver. The incident occurred on March 6, 1998, in Centre, Cherokee County, Alabama. Gavin, then 37, was arrested the same day. The murder weapon, belonging to Gavin's cousin, was found days later. The cousin, initially charged, became a key witness for the state. Gavin's prior 1982 murder conviction, for which he was on parole, made this a capital crime.

During the sentencing phase, Gavin's defense called only two witnesses: a Jehovah's Witness minister and Gavin's mother. The lawyer mispronounced the minister's name and had only spoken to him

briefly. The minister provided damaging testimony, saying Gavin blamed others, even God, and suggested mercy might override justice. Gavin's mother testified without preparation, sharing her hopes for her son's potential to help others. The jury deliberated for 75 minutes before recommending the death penalty by a 10-2 vote, which the judge accepted in January 2000.

Appeal lawyers later found significant mitigation evidence not presented at trial. This included Gavin's exposure to violence and gang activity during his childhood and adolescence. Growing up in a violent environment in Chicago's public housing projects, Gavin and his siblings faced frequent beatings and gang violence. At 17, gang members severely beat him. His long prison sentence after the 1982 conviction deeply affected him, making it hard to adjust to life after parole. Despite this, two jurors voted for life. Appeal lawyers argued that with proper evidence, more jurors might have voted against the death penalty.

In 2020, a US District Court judge ruled that Gavin had been denied effective legal representation at sentencing. She noted the lawyers' lack of preparation and failure to uncover mitigating evidence. She believed proper representation might have led to a life sentence instead of death. However, in 2022, the US Court of Appeals for the 11th Circuit reversed this ruling. They decided the District Court had erred by not deferring to the Alabama court's decision that the defense's efforts were reasonable. An investigation revealed the jury had prematurely deliberated and voted on the sentence before the penalty phase, but appeals courts rejected claims of juror misconduct.

Since 1976, there have been 1,591 executions in the USA, 74 in Alabama. Two of the nine executions in 2024 have been in Alabama. Amnesty International opposes the death penalty in all cases. Given the numerous issues at trial, the missed mitigation evidence, and the questionable jury conduct, we urge the Governor to commute Keith Gavin's death sentence.

***Please take action as soon as possible until July 18, 2024! The UA will be duly updated should there be the need for further action.***