

URGENT ACTION

ALABAMA'S THIRD EXECUTION OF 2024 IMMINENT

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

TAKE ACTION:

- Write a letter in your own words or using the sample below as a guide to one or both government officials listed. You can also email, fax, call or Tweet them.
- [Click here](#) to let us know the actions you took on **Urgent Action 25.24**. It's important to report because we share the total number with the officials we are trying to persuade and the people we are trying to help.

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

Dear Governor Ivey,

Keith Gavin is scheduled to be executed on July 18, 2024. I am appealing for your intervention to stop the execution.

I urge you to consider how little mitigation evidence was presented to the jury for their life-or-death decision-making at the sentencing phase of Keith Gavin's trial in 1999. Yet there was much evidence available about his formative years in the public housing projects of Chicago, and his exposure to violence in the home and outside it. The jury heard none of this humanizing and mitigating evidence because the defense lawyers simply failed to investigate and present it.

International human rights standards require that anyone facing the death penalty be provided with effective legal assistance at all stages of the proceedings and that this should go "above and beyond the protections afforded in non-capital cases". I submit that this standard was not met here.

I urge you to grant clemency and to commute Keith Gavin's death sentence.

Yours sincerely,

ADDITIONAL INFORMATION

Keith Gavin, now aged 63, was convicted in 1999 of the murder of a delivery driver who was fatally shot in his van on March 6, 1998 in Centre, a city in Cherokee County, Alabama. Keith Gavin, then 37 years old, was arrested on the day of the shooting. The murder weapon was found a few days later. The murder was made a capital crime because of Keith Gavin's 1982 conviction for another murder, for which he was on parole in March 1998.

The defense put only two witnesses on the stand at the sentencing phase, a Jehovah's Witness minister and Keith Gavin's mother, while at the same time betraying its own lack of preparation. After 75 minutes out of the courtroom for deliberation, the jury returned to recommend the death penalty by 10 votes to two. The judge accepted the recommendation in January 2000.

After the trial, appeal lawyers discovered much mitigation evidence not heard by the jury, including multiple psychological risk factors from Keith Gavin's childhood and adolescence, including his exposure to violence at home and in the community. He was one of 12 siblings growing up in a dilapidated apartment in Chicago's notorious public housing projects. He was subjected to more paternal beatings than the others because he "accepted responsibilities for things he had not done because he felt he was strong enough to accept the whippings". Outside the home, the exposure to violence took the form of pervasive gang activity. At 17, Keith Gavin was taken to a hospital after gang members beat him using guns and baseball bats. Also, because he had spent most of his adult life in prison, his lawyers were given the name of, and were advised to engage, an expert on the psychological effects of institutionalization. They did not do so.

If the lawyers had conducted the necessary investigation, "they could have uncovered the wealth of mitigating evidence" provided on appeal. She concluded that the lawyers "were deficient", and if they had offered the sort of evidence presented in post-conviction proceedings, "a reasonable probability exists that he would have been sentenced to life imprisonment rather than death". In 2022, the US Court of Appeals for the 11th Circuit reversed this ruling, deciding that the District Court had erred in not deferring to the Alabama court's decision that the mitigation efforts had been reasonable.

An investigation by the appeal lawyers uncovered that the jury had engaged in premature deliberation on sentencing and had taken a vote on it before the penalty phase had even begun. The jury foreman revealed that before the guilt phase vote, one of the jurors had asked the others if they thought he would vote differently because he and the defendant were both Black, and he wanted them to know that he was going to vote for death. Each juror then wrote down their vote, on both guilt and sentence. The vote then was 10-2 for death, the same as it was after the sentencing phase. The appeal courts have rejected the claim that this premature deliberation constituted juror misconduct.

There have been 1,591 executions in the USA since 1976, 74 of them in Alabama. Two of the nine executions in 2024 have been in Alabama. Amnesty International opposes the death penalty unconditionally in all cases.

PREFERRED LANGUAGE TO ADDRESS TARGET: English or your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: July 18, 2024

NAME AND PRONOUN: Keith Gavin (He, him)