



Rocky Myers, © Private
ACT 50/4408/2021, 10 July 2021

ALABAMA'S DEATH PENALTY

Four key facts

1. Alabama has carried out [67 executions](#) since 1976. Three were carried out in 2019 and one in 2020.
2. As of July 2021, [169 people](#), including 5 women, are on death row in Alabama. All men under sentence of death are held at the Holman Correctional Facility in Atmore, in Southern Alabama. All women sentenced to imprisonment or death are at Julia Tutwiler Prison for Women in Wetumpka, near Montgomery.
3. All Alabama executions were carried out by electrocution until 2002, and then by lethal injection. Due to shortages in the supply of lethal injection substances and changes to the execution protocol, in 2018 Rocky Myers and others were asked to choose if they wanted to die through the use of new drugs or gas asphyxiation. He chose the latter.
4. Alabama is building a new gas execution chamber – a cruel, inhuman and degrading punishment. Once the preparations are finalized, Rocky and others could become at risk of execution.

abandoned his case without notifying him, nor telling him that his appeal had been rejected. His new lawyers asked for an extension, but the federal courts denied the request, relying primarily on IQ tests – a standard which the US Supreme Court found to be inadequate in 2014 – to reject his claim that he has an intellectual disability, and holding that the **gross negligence of his lawyer** was not enough as he should have shown better “due diligence” himself. This also meant that the courts did not weigh how the intellectual disability might have affected Rocky Myers’ account of the events, including in relation to the inconsistencies between the unrecorded police interrogation and his trial testimony, or his interaction with counsel to prepare his defence.

There are concerns that **racial and class bias** have also tainted Rocky Myers’ trial. The surviving victim of the attack stated twice that she could not see if the perpetrator was white or black, but could tell from his voice that he was “a coloured man” – a statement that went unchallenged by Rocky Myers’ appointed defence lawyers. The lead defence counsel, who had maintained a public connection to the white supremacist hate group *Ku Klux Klan* for many years before representing Rocky Myers, described in his opening statement to the jury the neighbourhood in which the crime was committed, predominantly populated by Black people from disadvantaged socio-economic backgrounds, as “*like looking into the very pit of hell. It's an area in Decatur [...] which people really don't live there [...] Nobody could have any legitimate business there unless you just absolutely are so poor that you can't live any place else because I tell you what, the rent is awfully cheap. You can understand why if you live there because you couldn't have anything. If you went to work they would cart it all off.*” His current attorneys stated that jurors from Rocky’s trial had used racial slurs in conversations with them; and that they found the use of a racial slur in the notes from the trial defence team. They also learned from a trial juror that racial bias was an issue during the jury deliberations.

Rocky Myers **faced execution** in 2004 and again in 2012. We urge the Governor of Alabama to review the case of Rocky Myers, as well as of all those on death row, with a view to commuting the death sentences. Amnesty International opposes the death penalty in all cases.

ROCKY MYERS: THREE DECADES ON ALABAMA'S DEATH ROW, SEEKING JUSTICE

Rocky Myers will spend his 60th birthday at the Holman Correctional Facility in Alabama, USA. He has been under sentence of death for 27 years. In 1994, a jury composed of **11 out of 12 white jurors** convicted him, a Black man, in relation to the 1991 stabbing of a white woman, his neighbour, and her cousin during a house burglary which resulted in the death of one of the women. The jury sentenced him to life without the possibility of parole, but the **judge overrode the jury recommendation** and imposed a death sentence – a practice banned in Alabama in April 2017. Those already on death row have not benefitted from this new ban, despite international human rights standards granting the benefit of legislative changes to convicted prisoners when lighter punishments are introduced.

Rocky Myers grew up in New Jersey in **poverty** and is **literate at primary school level**. At age 11, he was diagnosed with an **intellectual disability**. His children and those who knew him described him as a loving father, who struggled with daily challenges linked to his intellectual disability and drug use.

Rocky Myers maintains his innocence. There is **no forensic evidence** from the crime scene implicating him. The only evidence linking him to the murder is a videocassette recorder stolen during the house burglary, which he says he found abandoned in the street and had traded for drugs on the night of the murder. Initial witness statements given to the police connected the recorder and the victims’ description of the clothes worn by the attacker to another man, who was arrested and charged with non-capital murder in relation to this crime. A month later, after the governor issued a reward for information, a new witness came forward who had connections with the arrested man. At his trial, **key testimonies against Rocky Myers were tainted by inconsistencies and allegations of police pressure**, with one later recanted as untrue.

The federal courts never considered the evidence of the **recanted testimony** because of missed appeal deadlines. Rocky Myers’ post-conviction **lawyer**



TAKE ACTION: ASK THE GOVERNOR OF ALABAMA TO INTERVENE

You can also reach out to the Governor of Alabama, Kay Ivey, directly to express your concern at the flaws in Rocky Myers' case and ask her to intervene and immediately review Rocky Myers' case, as well as all those on death row, with a view to commuting their death sentences. You can write to:

Governor of Alabama Kay Ivey
Office of the Governor of Alabama
600 Dexter Avenue
Montgomery, AL 36130 – USA
info@governor.alabama.gov

**END THE
DEATH PENALTY**

Dear Governor,

I am greatly concerned by the many flaws that have affected the case of Rocky Myers, who is currently held on death row at Holman Correctional Facility in Atmore, Alabama. I urge you to intervene and ensure that his case is immediately reviewed, and death sentence commuted, ending the injustice that has tarnished his case for more than a quarter of a century.

Rocky Myers was convicted by a nearly all-white jury who sentenced him to life without the possibility of parole for the murder of his white neighbour. The trial judge overrode their decision and imposed a death sentence – a practice now outlawed in Alabama. No evidence linked him to the murder of which he was convicted, except for a video-recorder stolen from the victim, which he maintains he had found abandoned in the street. Key testimonies against him were tainted by inconsistencies and allegations of police pressure, with one later recanted as untrue.

Aged 11, Rocky Myers was diagnosed with an intellectual disability and reads at primary school level. His assigned lawyer for post-conviction appeals abandoned his case without notice, making him miss key deadlines for judicial appeals. The courts relied primarily on IQ tests, a standard which the US Supreme Court found to be inadequate in 2014, to reject his request for a deadline extension submitted on the grounds that he is a person with an intellectual disability. Racial and class bias also affected the proceedings against him.

Rocky Myers faced execution in 2004 and 2012. As the Governor of Alabama, you can use the power of clemency to alleviate the flaws in the case against him that the criminal justice system could not address and even heightened. I urge you to halt all executions in the state and conduct a review of the case of Rocky Myers as well as of others on death row including those affected by similar concerns, with a view to commuting their death sentences.

Yours sincerely,