

URGENT ACTION

ARIZONA CONDUCTS ITS FIRST EXECUTION SINCE 2014

Clarence Dixon, a 66-year-old Native American man, was executed on 11 May 2022. This was Arizona's first execution in nearly eight years. Clarence Dixon was sentenced to death in 2008 for a murder committed in 1978. He had a long history of mental disability, including multiple diagnoses of paranoid schizophrenia. A state court rejected the claim that he was mentally incompetent for execution and the federal courts upheld this ruling emphasizing the deferential standard for federal review of state court decisions. Executive clemency was not forthcoming.

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

On 3 May 2022, the Superior Court of Pinal County in Arizona held a hearing to determine whether Clarence Dixon's lacked a rational understanding of the State's rationale for his execution, which would render his execution unconstitutional. The judge determined that Clarence Dixon had not "met his burden to rebut" the presumption that he was competent for execution.

On 10 May 2022, the US District Court upheld this ruling, noting that the case was governed by the Antiterrorism and Effective Death Penalty Act (AEDPA), requiring deference to state court decisions. The federal judge found that the defence psychiatrist was "the most credible witness with respect to Dixon's diagnosis". He had testified that "Dixon understood that the State wanted to execute him, and he was aware that the State was executing him for the [1978] murder", but that due to his "delusion and fixation" about his legal theory, he "was unable to make a rational link between the crime and his execution and could not contemplate the severity of the crime or society's purpose in executing him". On the other hand, the state's expert, a psychologist who asserted Clarence Dixon was competent for execution, acknowledged he "had not previously evaluated a prisoner's mental competency for execution, does not treat patients, and has no experience treating people with schizophrenia". Later on 10 May, the US Court of Appeals for the Ninth Circuit also affirmed the state court ruling, noting that "the standard established by AEDPA is intentionally 'difficult to meet,' and that "a state-court factual determination is not unreasonable merely because the federal habeas court would have reached a different conclusion". The US Supreme Court did not intervene.

The execution went ahead, despite the Inter-American Commission on Human Rights (IACHR) having granted "precautionary measures" calling on the USA to refrain from executing Clarence Dixon until it could reach a decision on the merits of a petition filed on his behalf. International human rights law prohibits executions from being carried out until all rights to appeal have been exhausted and recourse to proceedings have been completed, including to international and regional bodies.

The state clemency board voted against recommending that Governor Doug Ducey commute the death sentence on Clarence Dixon. This was non-binding on the Governor, but he did not intervene, and voiced his support for the execution after it. This was the sixth execution in the USA this year, and the 1,546th since 1977. Arizona accounts for 38 of these executions.

NAME AND PRONOUNS: Clarence Dixon (He/His)

THIS IS THE SECOND AND FINAL OUTPUT FOR UA 34/22

LINK TO PREVIOUS UA: <https://www.amnesty.org/es/documents/amr51/5500/2022/en/>

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