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February 6, 2018

The Honorable Kay Ivey
Governor of the State of Alabama
600 Dexter Avenue
Montgomery, AL 36130

Re: Request for a commutation, or a reprieve, for Doyle Lee Hamm

Dear Governor Ivey,

I write on behalf of Doyle Lee Hamm, a citizen of the State of Alabama, who is scheduled to be executed by lethal intravenous injection. I have represented Doyle Hamm for 28 years now, and I beseech you to please extend mercy and grant Doyle Hamm a commutation, or in the alternative, a reprieve. I understand that this letter places a difficult burden on you to decide whether to allow Doyle Hamm's execution to go forward. But Doyle Hamm's case presents extraordinary and unique circumstances that make his situation markedly different from any other case that you have or may see as Governor of Alabama:

- Doyle Hamm suffers from lymphatic cancer and untreated carcinoma. Since undergoing extensive radiation and other therapy in July 2014, Doyle Hamm's health has continued to deteriorate. Doyle Hamm is now a frail and weak 60-year old man struggling against cancer.
- As a result of Doyle Hamm's battle with lymphatic cancer since 2014, and because of his other extensive medical conditions, Doyle Hamm's veins are now severely compromised and inaccessible. To attempt to execute him via intravenous lethal injection, as planned, will certainly be an extremely arduous and excessively painful procedure that will also put at risk the health of the personnel of the Alabama Department of Corrections, in part because Doyle Hamm has Hepatitis C. Given the extreme difficulty of venous access, the attempted execution of Doyle Hamm will likely result in what is colloquially referred to as a "botched" execution that would have the effect of halting executions in the State of Alabama, as similar cases have done in Oklahoma and elsewhere.

- Doyle Hamm will be turning 61 years old next week and he has already spent more than thirty years in isolation on Alabama’s Death Row, and if commuted, he would serve the rest of his short remaining time in prison.
- Doyle Hamm has received a large outpouring of support since his execution date was set in December 2017. Enclosed with this petition are letters from family, friends, and the broader community, including the international community, explaining why a commutation is warranted in Doyle Hamm’s case.¹
- The combination of all of these unique circumstances and Doyle Hamm’s medical problems and struggle against cancer call for mercy in his case.

Due to these unique circumstances, I urge you to consider exercising your clemency authority and to grant Doyle Hamm a commutation. Clemency is meant to prevent unjust executions. These extraordinary circumstances, which would make executing Doyle Hamm potentially inhumane and unconstitutional, unfortunately pose such a risk. In light of the cancer that Doyle Hamm already faces, as well as the high risk of a gruesome execution, I seek your mercy on Doyle Hamm’s behalf.

I. The Purpose of Clemency

The power to grant clemency is essential in our criminal justice system, and thus can never be taken lightly. Clemency has been widely accepted as a necessary safeguard to “prevent[] miscarriages of justice where judicial process has been exhausted.”² The United States Supreme Court has affirmed that clemency serves as a “fail safe in our criminal justice system” because “our judicial system, like the human beings who administer it, is fallible.”³ More specifically, in the context of a pending execution, clemency serves as another level of review to “afford relief from undue harshness.”⁴

In Alabama, the Governor holds the power to issue commutations and reprieves to those sentenced to death.⁵ Unlike judges, for whom the law serves as a restraint, the Governor must grapple with questions of mercy and justness, as dictated by her conscience, religion, and humanity. As one former Governor explained:

¹ See Appendix A (letters from Doyle Hamm’s family and friends) & Appendix B (letters from the domestic and international community).

² *Herrera v. Collins*, 506 U.S. 390, 411-15 (1993).

³ *Herrera*, 506 U.S. at 411-15.

⁴ *Ex parte Grossman*, 267 U.S. 87, 120-21 (1924).

⁵ See Ala. Const. V § 124; *Wilson v. State*, 105 So. 2d 66 (Ala. 1958).

Some would characterize executive clemency as little more than grace, to be bestowed by a governor on the basis of personal whim or caprice. This view is totally wrong. In a civilized society such as ours, executive clemency provides the state with a final deliberative opportunity to reassess the moral and legal propriety of the awful penalty which it intends to inflict.⁶

With this broad discretionary power in your hands to ensure that executions in Alabama are legal and moral, I respectfully ask you to give Doyle Hamm's request for a commutation, or a reprieve in the alternative, the consideration that his unique circumstances demand.

II. The Crime

This case grows out of the tragic death of Patrick Cunningham in Cullman County, Alabama. On the night of January 24, 1987, Mr. Cunningham was working as the night clerk at the Anderson Motel and was fatally shot during the course of a robbery. This was a terrible tragedy and a horrific loss for Patrick Cunningham's family. It is impossible to imagine the pain and suffering of the Cunningham family. And we continue to extend our deepest condolences to Patrick Cunningham's family and friends, and to the citizens of Alabama.

Shortly after the shooting, two individuals were initially found in the car used to commit the crime: Regina Roden and Douglas Roden. The Rodens claimed that they had been kidnapped by Doyle Hamm and held in captivity at gunpoint. But after time in detention in the county jail, the two changed their story and told the police that they were the accomplices to Doyle Hamm, whom they identified as the triggerman. At the guilt-phase, the State presented the accomplice testimony of the Rodens, who both testified in exchange for lenience, and additionally a statement obtained from Doyle Hamm, produced after a lengthy interrogation. Apart from that, there was no direct, independent evidence, nor any physical evidence, as to who actually pulled the trigger. Doyle Hamm was convicted of intentional capital murder during a robbery.

The penalty phase lasted barely one day. Appointed counsel at the penalty phase presented only 19 minutes of witness testimony about Doyle Hamm, and the jury quickly returned with a death sentence by a non-unanimous vote of 11 to 1. The circuit court sentenced Doyle Hamm to death. That was back in 1987.

III. Reasons to Grant Doyle Hamm A Commutation

Today, more than thirty years later, there are at least four compelling reasons to commute Doyle Hamm's sentence. First, Doyle Hamm suffers from cancer. It is difficult to imagine why the State of Alabama would move to execute someone whose battle with lymphatic cancer and

⁶ Winthrop Rockefeller, *Executive Clemency and the Death Penalty*, 21 Catholic L. Rev. 94, 95 (1971).

carcinoma has already placed him face-to-face with death. Second, because Doyle Hamm's veins are so severely compromised, lethal intravenous injection poses a significant risk to him, the prison staff, and the future of the State of Alabama's death penalty system. Third, for over thirty years, Doyle Hamm has successfully lived on death row as a model prisoner. He has already suffered a severe punishment, waiting for his execution for over thirty years, and there is no reason to doubt that he could not live out peaceably his remaining short life in prison. Fourth, Doyle Hamm received an inadequate sentencing process and state post-conviction review, which leaves significant remaining doubts about the propriety of his death sentence.

A. Doyle Hamm has cancer.

Doyle Hamm currently faces two death sentences: one, at the hands of the State of Alabama; the other, very soon, at the hands of his cancer.

Since his diagnosis about four years ago with lymphatic cancer and carcinoma, Doyle Hamm's health has continued to deteriorate. He continues to develop and suffer from cancer-related symptoms and remains in significant pain each day. At nearly sixty-one years old, Doyle Hamm has received limited, ongoing treatment for his lymphatic cancer and no treatment for his carcinoma.

In Spring 2014, Doyle Hamm, who was suffering from severe bulging and pain in the left eye, was first diagnosed with cranial and lymphatic cancer. At the time, intense pain constantly shot down the left side of his head and face. Vision out of his left eye was blurry and almost non-existent. Doctors soon discovered a "poorly marginated mass within the left orbit [of the skull],"⁷ meaning a large tumor was discovered in the back of Doyle's left eye socket where the nerves from the brain meet the eye. The pathology reports soon indicated that these findings were consistent with a "large cell lymphoma."⁸

Later tests further confirmed this grave diagnosis. Tests found that Doyle Hamm's cancer extended into the eye through the holes where the nerves go through and down in the spaces near the cheekbone. Doctors also discovered numerous abnormal lymph nodes in his chest, lungs, and abdomen and reported that "the patient appears chronically ill."⁹ Doctors recommended immediate treatment and, in July 2014, Doyle Hamm underwent massive radiation treatment on his left orbit and skull base. While doctors initially thought there were signs of improvement, by early 2017 the cancer had apparently returned.

⁷ See Affidavit of Egon Von Conway, attached as Appendix E at 10 (summarizing and quoting Doyle Hamm's medical records).

⁸ See id. at 11.

⁹ See id. at 13.

Since then, Doyle Hamm has been provided limited, if any, follow-up observation or treatment. Doyle Hamm's symptoms have gotten progressively worse. In March 2017, he began to experience "knots" in his chest, which the prison medical team believed to be inflammation of the lymph nodes.¹⁰ Known as lymphadenopathy, this development is associated with his earlier diagnosis and worsening lymphoma cancer—and would interfere with a planned lethal intravenous injection.

Doyle Hamm also has a cancerous lesion, about the size of a quarter, which is eating through his left cheek and bone, right where he had his cancerous mass.¹¹ In 2014, a biopsy was performed on the lesion and it was found to be cancerous. Though surgery was ordered in 2014, and also twice in 2017 after two other biopsies confirmed the carcinoma, Doyle Hamm has still not been treated for that lesion. Today, Doyle Hamm is extremely frail and remains in significant pain, for which he took, at least until last week, 10 milligrams of Norco, a heavy-duty pain medication, three times per day.

In light of Doyle Hamm's cancer and deteriorating health, it would be unseemly and unconscionable for the State of Alabama to execute him. Doyle Hamm is already near his deathbed. It is simply a ghoulish pursuit to execute someone who has been diagnosed with and struggling against cancer for four years. It also serves no point for the citizens of Alabama. None of the traditional purposes of punishment are promoted by his execution. Even retribution, the only potential remaining reason to execute Doyle, carries little weight when the man is already dying and has spent more than three decades on death row.

Doyle Hamm's unique circumstances present the very situation that clemency was meant to address. Due to "the rigorous inflexibility of the judicial system,"¹² the courts may lack a valid basis to step in and stop his execution. But your power to grant clemency, Governor Ivey, faces no such limits. Doyle Hamm's dire medical situation is unique, and it calls out for mercy. No one, and no penological purpose, is served by killing a man who will shortly face this fate anyway in his long but futile struggle against cancer.

B. Doyle Hamm's veins are so severely compromised that executing him as planned imposes profound risks on Doyle Hamm and the State of Alabama.

To execute Doyle Hamm as planned would not only be extremely difficult, but it would be extremely dangerous and cruel. Because of his lengthy medical history, cancer, cancer treatment, and age, Doyle Hamm's veins are severely compromised and are essentially inaccessible for purposes of lethal injection. As Dr. Mark Heath, an expert anesthesiologist,

¹⁰ See *id.* at 15.

¹¹ See Drawing of Doyle Hamm, attached as Appendix F.

¹² Caleb Foote, *Pardon Policy in a Modern State*, 39 *The Prison Journal* 3 (Apr. 1959).

concluded after examining Doyle Hamm: “[I]t is my opinion that the state is not equipped to achieve venous access in Doyle Hamm’s case.”¹³ As such, with this substantial likelihood that the Alabama Department of Corrections (“ADOC”) will be unable to successfully accomplish this execution without putting Doyle Hamm through an unnecessarily painful process, a commutation is warranted.

a. Executing Doyle Hamm under Alabama’s current lethal injection protocol will amount to a difficult, painful, and cruel process.

Alabama traditionally performs lethal injections through peripheral intravenous access. But according to Dr. Heath, who visited and evaluated Doyle Hamm in September 2017, Doyle Hamm’s peripheral veins are too damaged to access. Dr. Heath found no usable veins on Doyle Hamm’s left arm and hand, left leg and foot, right leg and foot, and right arm. He found just one “small, tortuous vein” on Doyle Hamm’s right hand “that is potentially accessible with a butterfly needle.”¹⁴ But this is not suitable for lethal injection, which requires a large intravenous catheter and cannot be done with a butterfly needle. Dr. Heath concluded: “Based on my knowledge of previous Alabama lethal injection procedures and protocols, this small tortuous vein on his right hand would not provide reliable peripheral venous access.”¹⁵

If ADOC cannot access Doyle Hamm’s peripheral veins, it will likely attempt to do so via a central vein; however, this entails a complicated and risky procedure, which is difficult even for trained medical professionals in a hospital setting. Doyle Hamm’s ongoing battle with lymphatic cancer makes the procedure even riskier because of “intermittent waxing and waning tumors on his chest, neck, and groins.”¹⁶ Because central veins are typically located near the lymph nodes, potentially highly swollen in Doyle Hamm’s circumstances, this will likely further interfere with accessing his central veins.

Therefore, if ADOC attempts peripheral or central intravenous access on Doyle Hamm, it will almost certainly result in repeated and failed attempts to insert needles into Doyle Hamm’s inaccessible veins, inflicting on him significant, prolonged, and unnecessary pain. To make matters more complicated, Doyle Hamm has Hepatitis C, which is easily transmitted by blood. Any misguided attempt for peripheral or central venous access could easily result in a bloody mess that would put ADOC staff at great risk of contracting Hepatitis C.

¹³ See Affidavit of Dr. Mark Heath, attached as Appendix C. Dr. Heath is a leading anesthesiologist in the United States. He has almost thirty years of experience and practices at one of the country’s leading hospitals, performing anesthesia on a daily basis for open-heart surgeries. He also has experience with lethal injection procedures. He has been previously called upon to give expert medical opinion in a number of cases involving the use of lethal injection at both the federal and state level. For instance, he was an expert in the federal district court litigation surrounding the lethal injection of David Nelson in Alabama.

¹⁴ See id.

¹⁵ See id.

¹⁶ See id.

b. The State should consider the consequences that other States have faced following failed executions.

Recent experiences in other states offer guidance for why the State of Alabama should not attempt to execute Doyle Hamm. In November 2017, Ohio ignored a situation similar to Doyle Hamm's, which resulted in a failed execution. Beforehand, Ohio was aware that Alva Campbell had extensive medical issues resulting in a lack of usable veins for lethal injection. Still, Ohio refused to halt the execution. For 30 minutes, the execution team tried to find a vein in Mr. Campbell's arms, then his leg; 80 minutes after the procedures began, correction staff finally conceded that they could not find a vein, thus forcing Ohio to call off the execution. That day, Ohio's Department of Corrections announced that the execution was stayed for two years because "[a]ttempts by the medical team this morning to gain intravenous access were unsuccessful."¹⁷

Just a single failed execution can have serious ramifications for the future of a state's death penalty system. For instance, in 2014, Oklahoma executed Clayton Lockett in what became a highly publicized case that even made its way to the Supreme Court. After drugs were administered, Mr. Lockett should have been unconscious but instead remained awake. Oklahoma tried to halt the execution, realizing the procedure had failed, but Mr. Lockett passed away. Afterwards, Oklahoma had no choice but to suspend its upcoming executions. As of February 2018, Oklahoma has yet to resume its use of the death penalty.¹⁸

c. The ongoing and likely prolonged litigation on the question of Doyle Hamm's veins will expend considerable state resources.

Doyle Hamm's case is now in ongoing legal proceedings to ensure the constitutionality of executing Doyle Hamm in light of his compromised veins—which is, if course, required by the constitutional prohibition on cruel and unusual punishment. On January 31, 2018, at an evidentiary hearing in a federal court in the Northern District of Alabama, Chief Judge Karen O. Bowdre preliminarily found the planned execution of Doyle Hamm, given the existing evidence of his venous condition, potentially unconstitutional. As such, Judge Bowdre will be ordering the State to conduct medical examinations to provide a better understanding of Doyle Hamm's medical situation in the lead up to further litigation. This may place a heavy burden, including a financial burden, on ADOC, which a commutation could avoid. A commutation would eliminate these legal, financial, and ethical issues.

¹⁷ See Chris Kenning, *Ohio Delays Another Execution After Struggling to Find Vein*, Reuters (Nov. 15, 2017), <https://www.reuters.com/article/us-ohio-execution/ohio-delays-another-execution-after-struggling-to-find-vein-idUSKBN1DF0NP>.

¹⁸ See, e.g., Kelsey Gibbs, *Death Sentences Continue in Oklahoma Despite Execution Moratorium*, Okla. News (Oct. 16, 2017), <http://kfor.com/2017/10/16/death-sentences-continue-in-oklahoma-despite-execution-moratorium/>.

d. The complexity of executing Doyle Hamm, in light of his compromised veins, therefore warrants a commutation.

Doyle Hamm's extensive medical history and poor medical health make venous lethal injection, as planned, impossible without inflicting pain and risk to all involved. Moving to execute Doyle Hamm carries the same, if not more, risk than what just happened in Ohio and Oklahoma. To impose this unnecessarily painful process on Doyle Hamm, despite being warned that he lacks accessible veins, would be inhumane. Although many or most citizens of Alabama may favor the death penalty, it is not likely that they would favor carrying out an execution that could result in an unnecessarily agonizing and painful death. It would, therefore, be prudent to take Dr. Heath's warning "that the state is not equipped to achieve venous access in Doyle Hamm's case," and commute Doyle Hamm's sentence.

C. Doyle Hamm has successfully lived on death row at Donaldson for more than three decades.

Doyle Hamm has already been on Alabama's death row for thirty years. Over this long period, he has become a thoughtful and caring person who has formed positive relationships with the staff and the other men on death row. To commute Doyle Hamm's sentence and let him live out his short remaining time in prison poses no risk to the people of Alabama.

Neil Segars, part of Kairos ministry, has known Doyle Hamm since 2002. Mr. Segars describes Doyle Hamm as "a caring person that each of the other 23 inmates on Death Row knew they could trust."¹⁹ "Every man on Death Row," Mr. Segars writes, "as well as the associated security officers responsible, have a high regard for Doyle."²⁰ Doyle Hamm, for instance, demonstrated his successful rehabilitation several years ago when another man on death row, Donnis Musgrove, became seriously ill. For three years at Donaldson, Doyle Hamm personally cared for Mr. Musgrove until his death.

Doyle Hamm's friends describe similar attributes, explaining that Doyle Hamm is a different man than he was thirty years ago. Alton and Marietta Johnson, parents of Keith Johnson who was executed in 2002, for example, speak in their letter of their long friendship with Doyle Hamm and the strength that Doyle Hamm brought them after their son's execution. Even after their son's death, Mr. and Mrs. Johnson continued to visit Doyle Hamm frequently.²¹

¹⁹ See Letter from Neil Segars, attached in Appendix A.

²⁰ See id.

²¹ See Letter from Alton & Marietta Johnson, attached as Appendix A.

Doyle Hamm also serves as a critical pillar of strength for his family. In letters enclosed with this petition, Doyle Hamm’s family members—his brother and sister, Linda and Danny Hamm, and his grandnephew, Jamias Hamm—speak about their close relationships with him despite being physically separated from each other for three decades. Doyle Hamm has even taken the initiative to get to know his grand-nephew, Jamias, and teach the thirteen year-old boy to follow a different life path than Doyle Hamm once did.

Considering how long Doyle Hamm has been confined to Alabama’s death row, his rehabilitation is noteworthy. This is especially true in light of the ample evidence of the mental and physical toll that comes with a lengthy confinement when awaiting an execution. Today, the average length of confinement prior to an execution is about eighteen years—something the United States Supreme Court has expressed concern about: “After such an extended time, the acceptable state interest in retribution has arguably been satisfied by the severe punishment already inflicted.”²² But Doyle Hamm has been on death row for nearly *double* what is the average length of confinement. Doyle Hamm has shown remarkable progress and success in his rehabilitation. As such, there is no risk to granting Doyle Hamm a commutation and allowing him to live out his remaining short time alive in prison.

D. Doyle Hamm received an inadequate criminal process.

There are also serious continuing concerns about the process that Doyle Hamm received at his penalty phase and in state post-conviction proceedings. Though Doyle Hamm can no longer formally raise these issues, the process he received also weighs in favor of a commutation.

a. Doyle Hamm’s did not receive a proper sentencing hearing at trial.

At the penalty-phase of his trial in 1987, Doyle Hamm’s appointed counsel presented just 19 minutes of evidence. Appointed counsel only made a two-transcript page opening statement and called two witnesses—Doyle Hamm’s sister and a bailiff. Counsel did not introduce the thousands of pages of documents that proved mitigation, nor challenge the validity of the State’s evidence. Despite a wealth of mitigating evidence in Doyle’s case, the jury heard none of it.

Counsel failed to conduct an adequate mental health investigation. It was not until state post-conviction proceedings that a full psychological evaluation of Doyle Hamm took place, and only then did Doyle Hamm’s substantial brain damage emerge. The expert, Dr. Dale Watson,

²² See *Lackey v. Texas*, 115 S.Ct. 1421, 1422 (1995), cert. denied; see also *Thomson v. McNeil*, 120 S.Ct. 1299, 1299 (2009), cert. denied (noting that the “dehumanizing effects” of living on death row are “undeniable”); *Knight v. Florida*, 120 S.Ct. 459, 463 (1990), cert. denied, (“It is difficult to deny the suffering inherent in a prolonged wait to execute—a matter which courts and individual judges have recognized.”).

found “neuropsychological impairment and presumptively brain damage,” as well as “indications of impaired ‘executive functions,’” after evaluating Doyle Hamm.²³

As such, a non-unanimous jury sentenced Doyle Hamm to death without a complete picture of his life history and mental health. Jurors lacked any evidence or witness before them to speak to Doyle Hamm’s upbringing, poor performance at school, seizures, or head injury history, or to connect how the later-found evidence of his brain damage contributed to his diminished criminal responsibility.

b. In state post-conviction proceedings, the state trial judge abdicated his judicial responsibility in adopting verbatim the Attorney General’s “PROPOSED MEMORANDUM OPINION.”

After Doyle Hamm’s post-conviction proceedings, the Alabama Attorney General filed a “PROPOSED MEMORANDUM OPINION” with the circuit court, and the very next business day, the state trial judge adopted *verbatim* the Alabama Attorney General’s 89-page “PROPOSED MEMORANDUM OPINION.” The judge did not even bother to make a single alteration to the submitted opinion. He did not even strike the word “proposed” from the document’s title.

By adopting this ghostwritten judicial opinion, the state trial judge abdicated his judicial responsibilities, but also rendered the judicial process in Doyle Hamm’s case unreliable. When the federal appellate judges on the Eleventh Circuit heard this, one federal judge expressed serious concern:

I don’t believe for a second that that judge went through 89 pages in a day and then filed that as his own. As if he had gone through everything, went through his notes, the transcript, the exhibits, and the like. It just can’t be done! It just can’t be done.

This cannot, as that judge explained, “make anybody feel good about the system.” Those issues and concerns continue to cast a long shadow over this death penalty case.

IV. Reasons to Grant Doyle Hamm an Indefinite Reprieve

In the alternative, there are critical and urgent reasons for why an indefinite reprieve of his execution should be granted to Doyle Hamm until a safer method of execution is devised. Doyle Hamm’s veins are so severely compromised that intravenous lethal injection, as planned, poses a significant risk of an unnecessarily painful, gruesome, and prolonged execution. Delaying the execution is, therefore, necessary for Doyle Hamm and the State of Alabama to

²³ See Affidavit of Egon Von Conway, attached as Appendix E.

implement a safer alternative to the current procedure. Doyle Hamm and the State are now engaged in legal proceedings on this very matter. A reprieve will ensure that Doyle is not executed before these issues are resolved and the judiciary has its final say on the constitutionality of his execution.

Due to the unique circumstances in Doyle Hamm's case, granting an indefinite reprieve would serve both Doyle Hamm's and the State's interests. Both parties are, or should be, primarily concerned that any execution is conducted safely and without unnecessary pain and suffering. In light of Doyle Hamm's successful record on death row, there is no harm in delaying the execution to ensure this. Moreover, granting a reprieve for this purpose has been previously done in Alabama, as discussed below.

A. In light of Doyle Hamm's medical condition regarding venous access, a reprieve is necessary to implement an alternative procedure.

Doyle Hamm has proposed an alternative method of lethal injection that is feasible, accessible, and legal, and would eliminate the substantial risk of severe pain and a prolonged execution. Judge Bowdre even acknowledged that Doyle Hamm's proposal, at a minimum, warrants serious consideration.

Doyle Hamm has proposed the following means of lethal injection: either a ten-gram dose of secobarbital injected orally in four ounces of liquid; or, a drug cocktail known to doctors as "DDMP II," which is composed of 1 gram of diazepam, 500 milligrams of digoxin, 15 grams of morphine sulfate, and 2 grams of propranolol. Dr. Charles David Blanke, an experienced physician who specializes in end-of-life care and specifically in medical-aid-in-dying (MAID), has confirmed that this protocol reliably results in death.²⁴ This oral injection plan would reduce the risk of serious harm—namely a botched execution—significantly as "[c]omplications are extremely rare."²⁵

Granting a reprieve to modify the State's lethal injection protocol has been done before. In September 2007, former Alabama Governor Bob Riley granted a 45-day reprieve to Thomas Arthur. The purpose was to give the State of Alabama time to modify its lethal injection protocol.²⁶ Therefore, with the same—if not more—considerations present in Doyle Hamm's case, a reprieve should similarly be granted here. Taking the necessary time to ensure that Doyle Hamm's execution proceeds safely is important to guarantee the people of Alabama that the State's death penalty system remains both constitutional and ethical.

²⁴ See Affidavit of Dr. Charles David Blanke, attached as Appendix D.

²⁵ See *id.*

²⁶ See Letter from Bob Riley, Governor, to Richard F. Allen, Commissioner of Alabama Department of Corrections (Sept. 27, 2007) (granting a reprieve to Thomas D. Arthur), <https://eji.org/sites/default/files/tommy-arthur-governor-letter-reprieve-09-27-07.pdf>.

B. A reprieve would ensure that the courts have sufficient time to review and determine the constitutionality Doyle Hamm's execution.

Doyle Hamm is currently engaged in ongoing legal proceedings on whether the method of lethal injection that the State plans to use is constitutional. These proceedings are unlikely to be resolved prior to the scheduled execution date. Doyle Hamm, therefore, should be permitted to await final word from the courts on this issue before any execution takes place.

On December 13, 2017, the very day that the Supreme Court of Alabama set his execution date, Doyle Hamm filed a §1983 lawsuit challenging the State's lethal injection protocol, *as applied to him*, in federal district court. He sought to stop the State from carrying out its normal lethal injection protocol on him due to his severely compromised veins. On January 9, 2018, the State filed its response. The following day, Judge Bowdre set an evidentiary hearing to further consider the matter. At the hearing, Judge Bowdre had serious concerns about the care provided to Doyle Hamm during his ongoing battle with lymphatic cancer and the lack of attention the State has paid to the inaccessibility of his veins. As such, Judge Bowdre has required the parties to engage in medical exams to resolve these questions before an execution takes place.

A reprieve, therefore, is necessary to not only ensure that Judge Bowdre's order is complied with but also to allow the judiciary time to review Doyle Hamm's case in full. If the execution is not delayed, the State risks executing a man before the courts may declare the action in violation of the Constitution.

Conclusion

The unique circumstances of Doyle Hamm's situation call out for mercy. A commutation would avoid executing a man who is already battling lymphatic cancer and carcinoma. Doyle Hamm's unique circumstances—struggling against cancer, facing the high risk of a flawed execution, and having already spent more than three decades on Alabama's death row—raise significant doubt about the penological purposes and the ethical nature of executing him. In light of the likelihood of a botched execution and its ensuing consequences for everyone involved, a commutation would prevent both Doyle Hamm and the State of Alabama from facing the likelihood of this unnecessarily and excessively painful and prolonged execution. In the alternative, Doyle Hamm urges you, Governor Ivey, to impose an indefinite reprieve until a proper alternative method of execution is devised, so that Doyle Hamm and the Attorney General can work together to ensure that any execution that may take place is safe for Doyle Hamm and those conducting it.

I respectfully urge you, Governor Ivey, to extend mercy and grant Doyle Hamm a commutation, or in the alternative a reprieve, because executing him as planned would be a grave miscarriage of justice.

Sincerely yours,

A handwritten signature in black ink that reads "Bernard E. Harcourt". The signature is written in a cursive style with a prominent, stylized initial "B" and a long, sweeping horizontal line extending to the right.

Bernard E. Harcourt

APPENDIX A

Letters From Family & Friends

Letter of Support from Danny Hamm

Dear Governor Ivey,

My name is Danny and I am Doyle's younger brother. I live with our sister, Linda, in Alabama.

There were once twelve of us. My mother and father had ten kids together, and my mother also raised my dad's two daughters from an earlier marriage. Doyle, Linda, and I were the youngest, all just about a year or so apart. Today only Linda, Doyle, and I are left. I now live with my sister, who has some medical issues including seizures. For this reason, I try to never leave her side and take care of the home for both of us.

As kids, there wasn't always that much to go around. My father tried to make things work but there just weren't many jobs then and it was especially hard with twelve kids in the house. But Doyle and I made what we could of it. We were inseparable. We were not just brothers but also best friends. We did everything together and we never fought. Even back then, I would do almost anything for Doyle. I remember for my 6th birthday that my grandfather gave me a bike but the bike didn't have a chain or rubber on it, just spoke wheels. For weeks I pushed Doyle around on that bike. Then one day, I realized shouldn't Doyle be pushing me on my bike? Still that was how we were, always doing things for each other. I also remember how almost every day we would meet up under a tree outside of the store, which our older brother, Horace, owned. Each day Doyle and I would sit out there and catch up on life.

Today I try to speak to Doyle as much as possible. We talk almost like normal, telling each other what we did today or what we heard. But when Doyle first got sick, he

tried to hide it from me. He normally would tell me everything but I knew something was wrong and he was hiding something. I told him that we had been through everything together and he had to be honest about what he was dealing with.

Still his sickness has not been easy on Linda or me. We have already lost so many family members to cancer. I remember when we were kids, Doyle and I watched our father die of cancer in the very house that Linda and I still live in. It was summer break so we had no school. We would sit with our father every day and hold his hand. Doctors had told him that he had six months to live but he only lived half of that time. Years later, our brother, Horace, also died of cancer. Because of our family history, I feel it is even more important that I be there for Doyle however much I can.


I feel this way also because I can personally understand some of Doyle's medical issues. He also told me how doctors have trouble drawing blood from him because they can't find any of his veins. Doctors have the same issue when trying to draw my blood. When I go to the doctor, they can't find any veins to use. Each time it requires a painful procedure where they have to get a surgeon, who cuts me open, either in the neck or the groin, just to find a vein. They then have close me up with stitches. This is scary for me when it is done in a hospital. I can't even imagine what this would look like in a prison. I even asked Doyle about how they planned to do this in the prison if they tried to kill him. Won't they have the same problem, if not worse? They will have to cut him open to find a vein. The thought of it is not just scary but makes me sick.

I write this long letter and share our family history with you because Doyle has been through a lot, but he has never failed to be there for me and Linda. We don't have much family left and Doyle means everything to us. We would do anything for Doyle, in

part, because he has always done everything he could for us. Even our community feels this way. At least one neighbor or friend calls me or Linda each day to ask me how Doyle is doing.

I know that what we are asking for—to spare his life—is not easy for you to do. I understand that he has caused pain to others. But today he is sick and dying. And to kill him would require a scary procedure that I personally can't even begin to think about. Please allow him the chance to live out what little time he has remaining. He has lived for more than thirty years without causing trouble. We ask you to consider carefully whether it feels right to kill a man who is already in pain and dying of cancer. Please do the merciful thing here and do not kill my brother.


Danny Hamm


Date

Letter of Support from Linda Hamm

Dear Governor Ivey,

My name is Linda Hamm and I am Doyle's sister. I am fifty-nine years old and live with my brother, Danny, in Cherokee, Alabama. I suffer from several serious medical issues, including chronic lung disease and seizures. Danny helps take care of me and we live together in the house where Danny, Doyle, and I grew up.

I have read Danny's letter to you. I believe it correctly expresses just how close we were and still are to Doyle. Growing up, the three of us were the youngest of twelve kids. But it was the three of us who were always together. I remember being sad a kid because I got sick a lot and couldn't play outside with Doyle and Danny like I wanted to. I would sit inside and watch them play waiting for them to come home. But as soon as they got back, Doyle would always check on me.

Today, little has changed. I am grateful to be able to speak with Doyle often. Even though he has his own serious pain and medical problems, he always asks first me about me and how I am doing. It is hard for me to travel but I finally got to see Doyle this past November. It was hard to see him in that way. Doyle looked sick. The dark spot on his left cheek, where the cancer is, made me very worried.

One thing that few people know about Doyle is that he is a great artist. Since he was a kid, he has been drawing. Being in prison hasn't stopped him. He draws pictures and portraits to send to us. Danny and I keep them on our mantle to know that Doyle remains close and that we are all in each other's hearts and minds. I have included a few of his drawing with this letter for you to see how talented he is.

Danny's letter to you expresses how much Doyle means to both of us, but I want to share my own feelings and appeal for your mercy. I once had twelve brothers and sisters. Today I only have Doyle and Danny left. Though Doyle is not physically with me, he still provides me love and support. I know this can't be easy on you to decide. But Doyle is sick with cancer. I watched my father and brother also get sick and die from cancer and I remember the pain that they were in. I know that we may lose Doyle one day to cancer, but I ask that you not take him from us before that time comes. He is a good man who continues to support me and Danny, and he has served his time without problems.

I ask you to please spare my brother's life.


Linda Hamm

1-23-18
Date

Letter of Support from Jamias Hamm

I am thirteen years old and live in Baldwin, Mississippi. Doyle is my great uncle. I got to know him in the past year. We have spoken a few times on the phone and wrote each other some letters. He is very important to me and has taught me a lot.

I am in 8th grade and I am a straight A student. I plan to be a lawyer. I want to be a lawyer to help people. I try to read about the law, like Doyle's case, to learn. I also like to draw just like Doyle. I have seen some of his drawings and they are really good. I think I got my artistic skill from Doyle. I hope one day I can be as good as him.

I feel lucky to have gotten to know Doyle. He taught me a lot. I won't ever make the same choices that Doyle made. Being able to talk to Doyle and have him tell me what happened in his life is one reason for that. He told me how important it is that I do something good with my life and that I support my family.

Another reason that I want you to keep Doyle alive is that there are not many Hamms left. Doyle is still here and that is important to me, Danny and Linda, and the rest of our family. I want the chance to talk to Doyle more and learn more from him. I also hope to meet him one day.

My grandfather, Danny, who is Doyle's brother, told me that Doyle is sick. I heard that Doyle has no veins. Doyle himself never told me this, but I get scared to think what will happen to him if prison doctors try to kill him.

Please let Doyle live. Let me have a chance to learn more from him and to one day meet him.

Please Governor.

Jamias Hamm
1/28/18

Letter of Support from Alton & Marietta Johnson

To Governor Ivey:

We are close friends of Doyle Hamm. My wife and I first met Doyle through our son, Keith Johnson, who was also housed in Donaldson Correctional Facility until his death in December 2002. Keith and Doyle first met when Donaldson opened its death row. The two were close friends over the years, and Keith introduced us to Doyle.

By the 1990s, my wife and I were already retired. I had worked for more than three decades at a factory in Decatur. Each week, we would go visit Keith. During these visits, we would also see Doyle. He didn't receive many visitors so he was always grateful for the time we spent with him and what little else we could give him. Over the years, we grew close to Doyle and he became like family.

Since our son's passing about sixteen years ago, we have continued to visit, speak with, and support Doyle. Until my recent accident, which has made it hard for me to travel, my wife and I would still visit Donaldson to see Doyle about once a month. Unfortunately, we have not been able to visit him in the past year. This has been especially hard because of Doyle's poor health and cancer. But we still speak with Doyle once a week. The calls are expensive, but we happily accept them to hear from him. At first, he didn't want to talk about his health struggles with us. But slowly he opened up and it is hard to hear about how much pain he is in. We also try to help Doyle financially as much as we can so that he can buy a few goods from the commissary.

Since Doyle got sick in 2014, he has put up a good front. He is tough and fighting hard to improve his health. However, after many years, Doyle has come to terms with

whatever he must face next. Still this does not make this execution right. Doyle may be strong, but he is sick. My family has already suffered through the experience of having the state take someone from us in this cruel way. We understand the unspeakable pain that comes along with this. For this reason, we have tried to provide what emotional and financial support we can for Doyle over the last two decades.

We now ask you to search your heart and conscience to spare Doyle's life. Considering his poor health and that he has already spent over three decades in prison, it is the merciful thing to do.

SIGNATURE

Alton & Marietta Johnson

DATE

1/10/18

134 Timber Gap Cir.

Hartselle, AL

35640

Alton & Marietta Johnson
134 Timber Gap Circle
Hartselle, AL 35640

Neil Segars
2600 Creekview Drive
Hoover, AL 35226
nsegars@msn.com
205-427-8155 Cell

January, 4th 2018

Bernard Harcourt
Columbia Law School
Jerome Green Hall
435 West 116th St.
Room 603
New York, NY 10027

Re: Mr. Doyle Hamm

As a means of introduction I've included copies of two pictures which illustrate Doyle and me on a couple of Death Row Kairos prison ministry three day weekends. I have known Doyle since before 2002 and visited with him and the other men on Donaldson's Death Row the third Saturday of each month for many, many years. From these meetings over the years I feel I know Doyle as well as any person can know another person. I am 79 years old, an engineer and lawyer by education and was CEO for 22 years of a large systems integration business with five offices in three states. It has been imperative in my career to be able to interview people in all kinds of environments and make quality judgments concerning them. I feel very qualified to discuss Doyle Hamm as a person I know and like based on the time I have personally spent with him.

Over the years Doyle slowly developed into a caring person that each of the other 23 inmates on Death Row knew they could trust. When his close friend, Donnis Musgrove became seriously ill, Doyle took it on himself to be Donnis' caregiver for the approximately three years it took for Donnis to eventually pass away. Every man on Death Row as well as the associated security officers responsible, have a high regard for Doyle. On the death of his friend, Doyle made sure the wishes of Donnis were carried out as to funeral arrangements, etc.

Doyle's own health the last five years or so has been poor. He had terrible headaches and eventually had surgery to remove a malignant tumor on his brain behind his left eye. Doctor's were unable to get all of the tumor and it is growing back. In effect Doyle has two death sentences.

All of us who know and love this man as a friend pray that his life would be spared from the State executing him and that he be allowed to die at Donaldson surrounded by his "family."

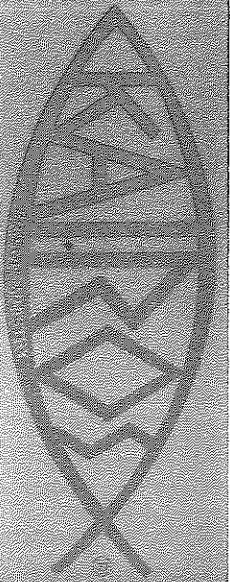
Please let me know if there is anything further I can do.

Regards,



Neil Segars

Donaldson



DR Retreat



Matthew



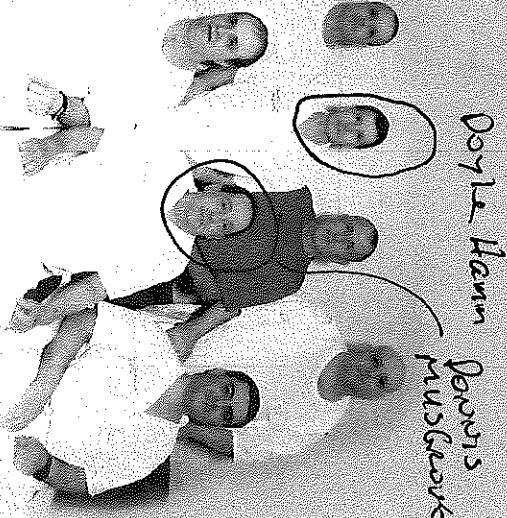
Lawrence



John



Neil Segers

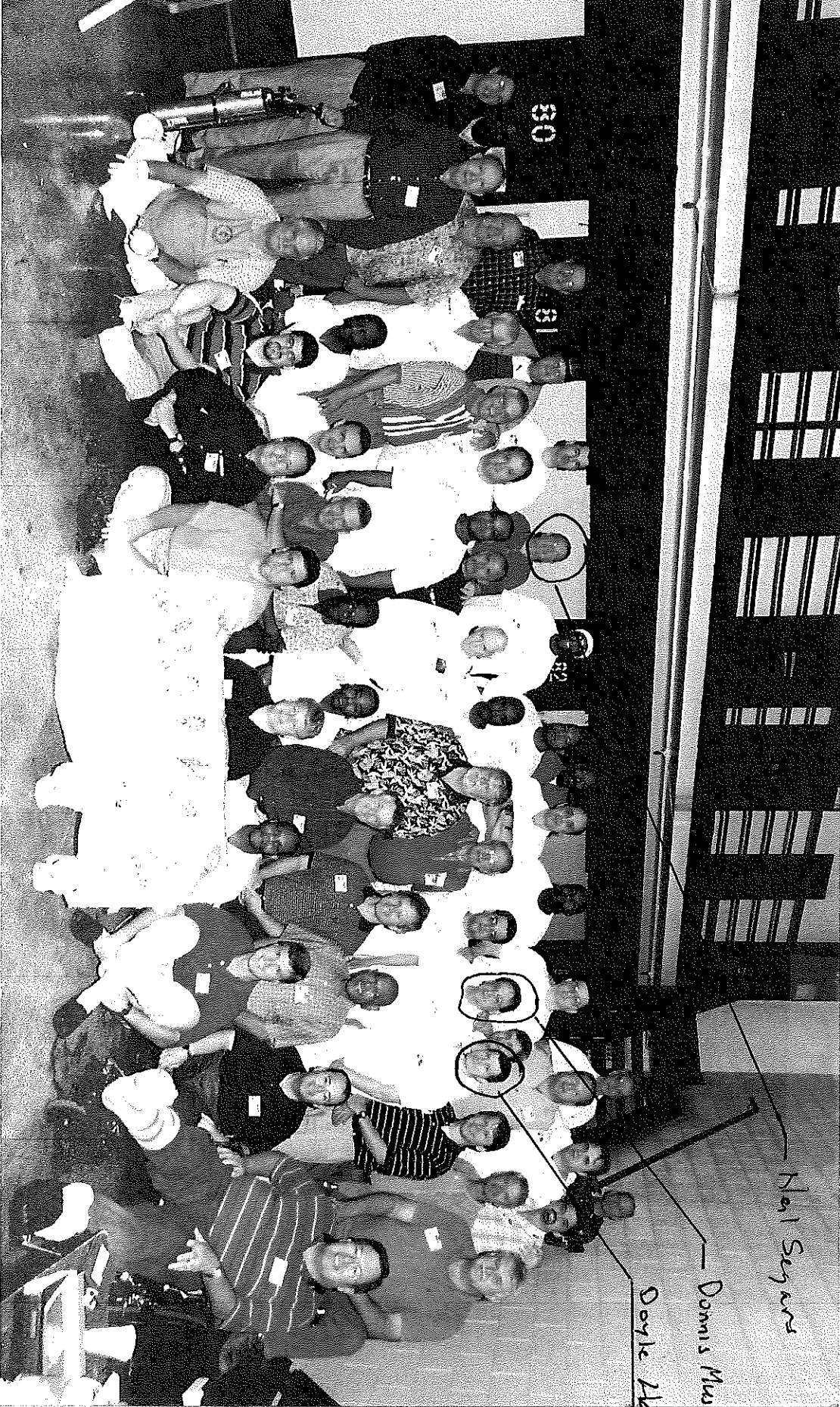


Doyle Hann
Dennis Musgrave

Mois

June 14-16, 2013

**DEATH ROW
KAIROS #2
DONALDSON PRISON
MAY 2002**



Neil Segars

Donnis Murgrove

Doyle Hamm

VALERIE SEILING JACOBS
11 Compo Parkway
Westport, CT 06880
203.222.8867 (H)
860.490.7800 (C)
valeriseilingjacobs@gmail.com

January 25, 2018

The Honorable Kay Ellen Ivey
Governor of the State of Alabama
State Capitol
600 Dexter Avenue
Montgomery, AL 36130

Re: Clemency Request for Death Row Inmate Doyle Lee Hamm (Inmate #Z479)

Dear Governor Ivey:

I am the mother of four grown children, a college English teacher, and a friend of Doyle Lee Hamm. I am writing today to ask that you grant Mr. Hamm clemency and commute his sentence to “life.”

I got to know Mr. Hamm about five years ago when I began researching the case of another death row inmate who has since died of natural causes. During that time, I learned of Mr. Hamm’s kindnesses toward other inmates. I heard about how, when other inmates were ill, Mr. Hamm would help them with their laundry and lend a hand when they had trouble walking. I heard how he would comfort others with readings from the Bible. When Mr. Hamm heard that my own daughter was ill, he signed a get-well card and donated a precious stamp to mail it.

During the last few years, I was also privy to Mr. Hamm’s health travails. At one point, the tumor behind his eye was so large that his eyeball was literally bulging out of his head. And I heard about the unremitting pain. He may be in remission now, but I understand his cancer is merely dormant—and likely to kill him.

I did not know Mr. Hamm before 2012. But I believe that he is not the same man who shot a motel clerk more than 30 years ago. He is a gentle man who spends his days reading the Bible. He is close to his spiritual advisors and sorry for his crime.

Mr. Hamm has had a terrible life. He grew up in poverty, in a house with 11 siblings and an alcoholic father who drank moonshine and did not hesitate to beat the children. (Mr. Hamm has a history of head injuries and probably brain damage.) Mr. Hamm’s father was a frequent resident of the county jail and all six of Mr. Hamm’s older brothers had arrest records. Given those conditions, it should come as no surprise that Mr. Hamm began drinking and became addicted to drugs at an early age.

The Honorable Kay Ellen Ivey

January 25, 2018

Page 2

I understand that a poor home life is not an excuse for committing a crime, but I believe that these are mitigating circumstances should have been (but were not) considered by the jury. And I believe that these facts help explain what happened. I respectfully request that you and the State of Alabama show this man some mercy and commute his sentence.

Finally, if granting a man mercy is not enough of a reason, then I ask you to consider what will happen if the state tries to execute him. Mr. Hamm's doctors say that his veins are so damaged from years of IV drug abuse that the executioner will probably be unable to find an accessible vein. As a result, the procedure is likely to be bloody and cause Mr. Hamm excruciating pain. Does Alabama really want the publicity of a what will likely be a cruel execution?

Again, I ask that you commute Mr. Hamm's sentence and thank you for your time and consideration.

Sincerely,

A handwritten signature in blue ink that reads "Valerie Kelling Deolis". The signature is written in a cursive style with a long horizontal flourish at the end.

APPENDIX B

Letters From the Community



Antonio Pele
Professor of the Human Rights' Center (Núcleo de Direitos Humanos)
Pontifical Catholic University of Rio de Janeiro
Edifício da Amizade, Ala Frings, 7 andar
Rua Marques de São Vicente, Gávea
CEP: 22451-900, Rio de Janeiro
Brazil

Office of the Governor of Alabama
Attn. Clemency: Doyle Lee Hamm
Alabama State Capitol
600 Dexter Avenue
Montgomery, Alabama 36130

Rio de Janeiro, January 25, 2018

Madam Governor,

Thank you for taking the time to read this letter. The Human Rights' Center of the Pontifical Catholic University of Rio de Janeiro has been active since the late 1980s in order to foster the issues related to human rights, justice and equality in Brazil and abroad. Among its activities, it has been engaged in addressing human rights' values carrying out different university courses. Thanks to the 'amicus curiae' procedure, it also collaborates with the Brazilian judiciary and the Inter-American Court of Human Rights.

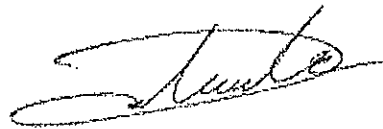
The concern of this correspondence is in regard the impeding execution of Doyle Lee Hamm set for February 22, 2018. Mister Hamm is ill with a metastasized cancer. He is also going through a treatment that is likely to interact negatively with Alabama's lethal injection. The execution will be inhumane and will damage



severely the sacred value of human dignity. Moreover, the present case raises many questions concerning the rule of law and the independence of the Alabama judiciary inasmuch as the Alabama Attorney general wrote the state court's judicial opinion.

For all those reasons, and along with all the members and professors of the Human Rights Center of the Pontifical Catholic University of Rio de Janeiro, we would like to ask you to show compassion towards Mister Hamm who does not deserve such an ending in the light of the values and principles of our shared humanity.

Sincerely,



NÚCLEO DE DIREITOS HUMANOS
Departamento de Direito
PUC-Rio

The following members and professors of the Human Rights Center of the Pontifical Catholic University of Rio support the present letter:

Andrea Schettini
Bethania Assy
Carolina de Campos Melo
Florian Hoffmann
João Ricardo Dornelles
José Maria Gomez
Marcia Bernardes
Nina Barrouin
Rodrigo Ferrari



January 10, 2018
Office of the Governor of Alabama
Attn. Clemency or Reprieve: Doyle Lee Hamm
Alabama State Capitol
600 Dexter Avenue
Montgomery, Alabama 36130
Phone: (334) 242-7100

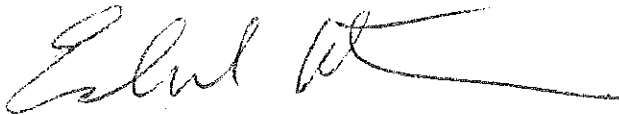
Dear Governor Kay Ivey,

I write in support of Doyle Hamm's plea for clemency or a reprieve from his execution. As you may know, Doyle Hamm suffers from cancer and does not have long to live. He does not expect to live long, and will die in prison of natural causes soon in any event. In the name of Christian mercy, the right thing to do is let him finish his natural life and let God be his judge. I ask you to please grant him clemency or a reprieve of his execution.

Mr. Hamm is ill with lymphatic cancer and going through treatment. Because of his cancer treatment, and because his medical conditions predating his time in prison, the executioners will have great difficulty inserting the IV into his body. There is a high likelihood of a botched execution. This will be cruel and unusual punishment for Hamm and will cause trauma to those who much carry out the sentence. It not to spare Mr. Hamm from a torturous death, then have mercy on those people charged with carrying it out.

I ask you, in the name of justice and in the name of Christian charity and compassion, to please grant Mr. Hamm clemency or a reprieve of his execution.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Edward Kastenmeier". The signature is fluid and cursive, with a long horizontal stroke at the end.

Edward Kastenmeier

Office of the Governor of Alabama
attn. Clemency or Reprieve: Doyle Lee Hamm
Alabama State Capitol
600 Dexter Avenue
Montgomery, Alabama 36130
Phone: (334) 242-7100

Re. Doyle Lee Hamm

Dear Governor Kay Ivey,

I write in support of Doyle Hamm's plea for clemency or a reprieve from his execution. As you may know, Doyle Hamm suffers from cancer and does not have long to live. He has spent 30 years in isolation on death row for his crime, the tragic murder of Mr. Patrick Cunningham during the course of a robbery, and has already been punished severely--and will continue to be punished in prison. He does not expect to live long, and will die in prison of natural causes soon. In the name of Christian mercy, the right thing to do is to let him finish his natural life and let God be his judge. I ask you to please grant him clemency or a reprieve of his execution.

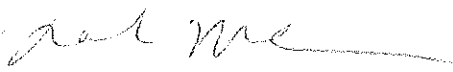
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I can only imagine that botched executions cause trauma to those who must carry out the sentence. If not to spare Mr. Hamm from a torturous death, then have mercy for those who would have to cause it.

I am sure that you agree that a death sentence should only be given after serious thought and deliberation. In Mr. Hamm's case, the Alabama Attorney General wrote the state court's judicial opinion, and there is good reason to believe that the judge did not even read the opinion before signing it. By not reading the opinion he signed, the judge demonstrated a lack of seriousness towards sentencing someone to death. Our legal system is adversarial, and assumes an impartial judge will weigh both sides of the argument. The judge's disregard for his responsibility reveals a failure of the adversarial system. By signing the opinion written in full by the Attorney General, the judge revealed that he was partial and in favor of the prosecution. The judge's actions throw into doubt the independence of the Alabama judiciary.

I ask you, in the name of justice and in the name of charity and compassion, to please grant Mr. Hamm clemency or a reprieve of his execution.

Sincerely yours, and with faith in God,


(Sarah McGrath)

Office of the Governor of Alabama
attn. Clemency or Reprieve: Doyle Lee Hamm
Alabama State Capitol
600 Dexter Avenue
Montgomery, Alabama 36130
Phone: (334) 242-7100

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I ask you, in the name of justice and in the name of charity and compassion, to please grant Mr. Hamm clemency or a reprieve of his execution.

Sincerely yours, and with faith in God,



Sign

Please print your name and address here:

Chloe Martin
600 W 117th St. Apt 3W
New York, NY 10025

Office of the Governor of Alabama
attn. Clemency or Reprieve: Doyle Lee Hamm
Alabama State Capitol
600 Dexter Avenue
Montgomery, Alabama 36130
Phone: (334) 242-7100

12/23/17

Re. Doyle Lee Hamm

Dear Governor Kay Ivey,

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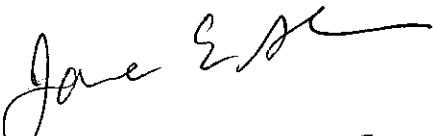
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I ask you, in the name of justice and in the name of charity and compassion, to please grant Mr. Hamm clemency or a reprieve of his execution.

Sincerely yours,


-- JAMES E SILVERMAN

attn. Clemency: Doyle Lee Hamm

Alabama State Capitol

600 Dexter Avenue

Montgomery, Alabama 36130

To whom it may concern:

I am writing in support of clemency for Doyle Hamm. His is a sad situation and one of the reasons I don't support the death penalty- unequal access to the means of justice. The deck is stacked against so many children from birth, but we compound those inequities when underprivileged suspects languish in prison without the means of defense that more connected people would have. Like most people, I want more criminals off the street, but we also have to see the incarcerated as human beings and not all of them are guilty.

It appears that this man may not have received a fair and impartial trial. Part of what disturbs me about this case is that the prosecutor wrote the judge's decision.

It also appears from the records that Hamm was abused as a child and may suffer brain damage. As you know, Hamm is currently terminally ill with cancer and it seems inhumane to execute him under such conditions.

Thank you for your consideration and attention to this matter.

Sincerely,

 12-19-17

Suzanne LaPierre

8803 Aunt Lilly Lane

Annandale VA 22003

Cc: Ann Krauthamer, Columbia Law

Office of the Governor of Alabama
attn. Clemency: Doyle Lee Hamm
Alabama State Capitol
600 Dexter Avenue
Montgomery, Alabama 36130
Phone: (334) 242-7100

Dear Governor Ivey,

I write to you concerning the scheduled execution of Doyle Lee Ham. I'm sure before for any scheduled execution, you and your staff receive innumerable letters such as this—so I deeply appreciate if this letter finds you well.

I'm sure most letters attempt to shed light on facts about the condemned or express general opposition to the death penalty. I don't intend on doing any of those with this letter. Instead, I simply ask you and the people of Alabama to show the rest of us how to deal with tragedy. Mr. Hamm is now suffering himself. He is ill and going through treatment for an aggressive cancer—which will likely make his execution gruesome, and take his life either way.

It is too late at this stage—at least on this earth—to re-litigating Mr. Hamm's underlying culpability for the horrific crime he is accused of and for which he now awaits execution. I confess to having no experience in my own life with such a tragedy. I can speak of violence of this sort only in the abstract and theoretical. The crime he is convicted of committing was against the People of Alabama, and it is in their and, by virtue of your office, your hands his fate lies. If he is to meet such a solemn fate at the hands of the public, I beg you to ensure that the process is done with more than a judicial opinion written verbatim by the Attorney General and signed by the habeas judge—without even amending a single word. The public deserves more than that.

With your power, comes the opportunity to demonstrate a grace so sorely needed in our country today. Mr. Hamm is not long for this world, and he is suffering immensely while still here. His suffering may or may not match that for which he is convicted of inflicting, but his present condition virtually guarantees that his execution will be a fate one would not wish upon their worst enemies. I do not say this out of any desire to evoke sympathy for Mr. Hamm. I only ask that you to consider the opportunity this presents: a chance to show a grace that the rest of us can only aspire to show in our own lives. I beg you to consider the message it would send.

Thank you for taking the time to read this letter and consideration of my thoughts.

Sincerely,



Charles Philip Sucher

419 West 115th Street, Apartment 51C
New York, New York 10025

Joel Sucher
460 Ridge Road
Hartsdale, NY 10530
914 478 1900
joe@pacificstreetfilms.com
www.pacificstreetfilms.com

January 17, 2018

Office of the Governor of Alabama
Attn.: Clemency: Doyle Lee Hamm
Alabama State Capitol
600 Dexter Avenue
Montgomery, Alabama 36130

Dear Governor Ivey,

I'm writing to you as both a concerned citizen and a journalist/filmmaker to ask you to consider clemency for Doyle Lee Hamm.

His grievous medical condition cries out for mercy and I believe – regardless of political perspectives – that justice will best be served by rescinding the use of the death penalty.

I understand that the combination of drugs Mr. Hamm is taking, together with the drug protocol used in Alabama executions may, in fact, result in a botched and excruciatingly painful result.

With close to a half-century of experience in producing documentary films of a social nature and writing on issues impacting public policy for a variety of platforms I would hope that you, as Governor, will exercise a call for compassion in Mr. Hamm's case.

Yours sincerely,


Joel Sucher

Paris, Friday, December 22, 2017

Copy: Columbia University Law School

Dear Governor Ivey,

As a friend of the United States and Alabama, I would like you to consider clemency for Doyle Lee Hamm, who is currently waiting for his execution.

There is no doubt that a working judicial system is key to the functioning of our democracies, and I am confident in your efforts to provide Alabama citizens with such pillars for freedom.

Nonetheless, justice sometimes fails in reinforcing this equilibrium, most notably in the case of death penalty. The Rule of Law should end the spiral of violence by letting deadly passions and morals outside the courtroom, and make examples through the understanding of both the Law (and its fluctuations) and the broader context. In this regard, I would like to bring to your attention that doubts were formulated by Mr. Hamm's lawyers about the past independence of the court that judged him.

Mr. Hamm does not represent any threat to society that would justify an execution. Only the tides of time wash away the victims' pain and suffering, while the metamorphosis of judicial trials into cathartic medication only reinforce the worst of what justice can offer.

I firmly believe that granting clemency to Mr. Hamm is not a service lent to him, and does not absolve him from his crime. I do believe it is a service you lend to the judicial system of the United States, the United States Constitution and your fellow citizens who would be reassured of living in a country that respects the fundamental rights of any of them. And most particularly when the case is a consequence of the collective failure to end a vicious circle that began with a troubled and violent family.

I join my efforts with the defenders of Mr Hamm and I share their belief that death penalty is a penalty for us all. I sincerely hope that you would consider their efforts in improving our system, at least *inter partes*.

In this warming period of holidays, I wish you and your family a happy new year 2018.

Yours sincerely,

Antonin Thyraud,

Public sector consultant, graduate student at EHESS, Paris



Michael Soeding-v.Blomberg

Hauptstr. 146

85579 Neubiberg

Deutschland

E-Mail soedingblo@aol.com, Telefon 0049 89 66002320

Michael Soeding-v.Blomberg Hauptstr. 146, 85579 Neubiberg

Doyle Lee Hamm

c/o Anna Krauthamer

Columbia Law School

435 West 116th Street West

New York NY 10027

USA

Neubiberg, December 27, 2017

Dear Doyle,

I found Your name in the Newspaper "Süddeutsche Zeitung" in an article by Mrs. Carolin Emcke, a friend of Bernard E. Harcourt, Your attorney. I have the impression that Mrs. Emcke has lost hope that the state of Alabama will leave You to live as long as Your illness will allow.

I am 78 years old and death will not wait much longer for me. But I am Christian and I hope for the clemency of God for You and me. I have written many letters to kings and presidents and heads of security organs in many states and asked them to release captives or let them live. So I shall write a letter to the governor of Alabama too. And I shall pray and ask God to do wonders also in Your case, as is written: "Sing a new song to the Lord, because he does wonders."

And the God who came to us as a little child may give You hope and strength in the days to come.

Sincerely Yours



copy

Office of the Governor of Alabama
attn. Clemency: Doyle Lee Hamm
Alabama State Capitol
600 Dexter Avenue
Montgomery, Alabama 36130
Phone: (334) 242-7100

22 December 2017

Dear Gov. Kay Ivey,

I write to you to ask that you grant clemency to Doyle Lee Hamm.

Your parents instilled in you the values of faith, family, and community, says your website. As a United States citizen, I, too, share these values.

I still have faith, despite everything, in the power of democracy in this country to value and protect the ideals of freedom, fairness, and the equality of citizens. Carrying out a death sentence against a terminally ill citizen goes against those ideals.

I, too, value the care and support that family can give. But not all of our co-citizens have been so lucky as to receive that care and support. Some, like Doyle Hamm, were deprived from the get-go of any of that. He is the son of an alcoholic who beat his children, and them to steal. Consider that mercy for those less fortunate is a virtue.

And I, too, value community. And that includes the democratic community that is supposed to be the United States of America. But the execution of Doyle Hamm would rend that community, which relies on faith in the judiciary. Hamm's case raises many issues about the independence of the Alabama judiciary, especially given that the Alabama Attorney General wrote the state court's judicial opinion.

You have the power to enact the values of faith, family, and community by granting Doyle Hamm clemency. I urge you to do so.

Sincerely,



Dr. Lori A. Allen

Tina Ruyter

90 Fork Mountain Rd

Equinix, PA 18917

December 25, 2017

Dear Governor Ivey,

I am writing to support Doyle Hamm's plea for clemency or a reprieve from his execution. As you likely know, Doyle Hamm suffers from cancer and has a high likelihood of dying in prison of natural causes in the near future.

I believe the right thing to do is to allow him to finish his natural life, especially given the high likelihood of slow, painful and terrifying death if the state of Alabama does try to execute him. Because of a medical condition that existed before his imprisonment and because of the treatments for his cancer, the executioner will have a difficult time inserting the intravenous needles to his veins. Executing him at this time would constitute cruel and unusual punishment.

There are also legal issues related to Doyle Hamm's case. The Alabama Attorney General wrote the state court's judicial opinion and it seems very probable that

To Governor May, from Mrs. Doyle

The judge did not read the opinion before signing it, demonstrating his lack of consideration and judgement in sentencing Doyle Hamm to death.

Our adversarial legal system requires an impartial judge to weigh both sides of an argument. By signing an opinion as written by the attorney general, the judge revealed his partiality in favor of the prosecution.

Please, show your commitment to compassion and justice and grant Doyle Hamm clemency or a reprieve from execution.

Sincerely yours,

Tina Ruyter

Paris, January 4th, 2018

From: Catherine Martin
12 rue de la Tour des Dames
75009 Paris, France

To: The Honorable Kay Ivey
Governor of Alabama
Alabama State Capitol
600 Dexter Avenue
Montgomery, AL 36130

Subject: Clemency Letter for Doyle Lee Hamm

Dear Governor,

I am writing to ask for clemency for Doyle Lee Hamm, scheduled to be executed on February 22, 2018. I know that as a French citizen I have no right to request such a decision from you. My letter is by no mean meant as a criticism of the United States judicial system; it is simply my personal plea for the case of Doyle Lee Hamm.

On June the 6th, 1944, over 6,600 Americans soldiers, most of them younger than 20 years old, died on the beaches of Normandy to free my country from the madness of a dictator whose cruelty had led to the massacre of six million Jews. Seventy years later, their own country is using forms of execution that are comparably cruel to those put in place by the Nazi regime they fought against, thus making their sacrifice pointless.

Doyle Lee Hamm's cancer already condemns him. According to every doctor, he doesn't have much longer to live. By executing a terminally ill man, justice would, in fact, play her part. But the same type of argument was advanced by the Nazi war criminals during the Nuremberg trial.

Could you, Madam Governor, allow Doyle Lee Hamm to continue his medical treatment and let him die naturally?

His execution cannot possibly help the image of the United States abroad, the first world power and the only great nation whose Presidents take an oath on the Bible, a pledge of empathy and peace.

I thank you in advance for considering my request.

Sincerely,

*Tout sincèrement, avec toute ma
gratitude pour votre clemence*

Dear Governor Ivey,

I am writing about the case of Doyle Hamm. As I followed the case, I reacted with increasing distress and horror as I learned of his terminal cancer, whose symptoms include no usable veins for administering the lethal injection. Insisting on execution in such a case surely constitutes cruel and unusual punishment, and it would not reflect favorably on American justice.

Perhaps even more to the point, the case raises serious doubts about the independence of the Alabama courts, as the state court's judicial opinion was written by the Alabama attorney general, surely not an unbiased party. Judicial opinions are the responsibility of the judge or judicial panel charged with the case; in fact, in the state of Texas, for example, attorneys general do not issue opinions from their offices on issues still involved in pending litigation. In New York state, even the practice of law clerks ghostwriting judicial opinions for the judges they serve has raised ethical questions.

Given these troubling circumstances, I urge you to exercise clemency and allow his appeal to have his sentence reduced to life imprisonment without parole, as was the case with another Alabama death-row inmate, David Nelson.

Sincerely,

Wendy Lochner

Publisher

Columbia University Press

New York

12/27/2017

Office of the Governor of Alabama
attn. Clemency: Doyle Lee Hamm
Alabama State Capitol
600 Dexter Avenue
Montgomery, Alabama 36130
Phone: (334) 242-7100

Dear Governor Ivey,

I am writing concerning the imminent clemency plea of Mr. Doyle Lee Hamm, a death row inmate in your state who has been incarcerated awaiting execution since 1987. In the past three years Mr. Hamm has developed multiple forms of cancer that will likely kill him, and the treatment for his illness has left him without any peripheral veins usable for lethal injection. Mr. Hamm's medical situation is significantly beyond the scope of what execution procedure is equipped to handle humanely and moving forward with his execution will likely constitute a violation of the 8th amendment. Additionally, the state court's judicial opinion precipitating Mr. Hamm's execution was in fact written by your Attorney General, which should raise serious concerns about the independence of this legal decision. I wish that I was a more important person so that this letter might hold more weight in Montgomery, but the fact remains that Mr. Hamm is a dying man who has suffered far more than anyone deserves for a crime committed decades ago under questionable social circumstances. Granting him clemency would not undermine the legitimacy nor the deterrent power of Alabama's justice system; on the contrary, clemency is the only option in this situation which could stand to be called justice.

Sincerely,

Matthew Mautarelli
M.A, Committee on Global Thought, Columbia University
P.O Box 767
Mattituck, NY 11952

Office of the Governor of Alabama
attn. Clemency: Doyle Lee Hamm
Alabama State Capitol
600 Dexter Avenue
Montgomery, Alabama 36130
Phone: (334) 242-7100

December 21, 2017

Dear Governor Kay Ivey,

Please grant Doyle Lee Hamm clemency of life in prison. It is cruel to execute an inmate in such ill health whose medications will interfere with the lethal injection. Additionally, this case raises issues about the independence of the Judiciary given that that the Alabama Attorney General wrote the state court's judicial opinion.

Sincerely,

Laura Miller

360 W. 127th Street
New York, NY 10027

Office of the Governor of Alabama
attn. Clemency or Reprieve: Doyle Lee Hamm
Alabama State Capitol
600 Dexter Avenue
Montgomery, Alabama 36130
Phone: (334) 242-7100

Re. Doyle Lee Hamm

Dear Governor Kay Ivey,

I write in support of Doyle Hamm's plea for clemency or a reprieve from his execution. As you may know, Doyle Hamm suffers from cancer and does not have long to live. He has spent 30 years in isolation on death row for his crime, the tragic murder of Mr. Patrick Cunningham during the course of a robbery, and has already been punished severely--and will continue to be punished in prison. He does not expect to live long, and will die in prison of natural causes soon. In the name of Christian mercy, the right thing to do is to let him finish his natural life and let God be his judge. I ask you to please grant him clemency or a reprieve of his execution.

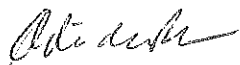
Mr. Hamm is ill with lymphatic cancer and going through treatment. Because of his cancer treatment, and because of medical conditions predating his time in prison, the executioners will have great difficulty inserting the IV into his body. There is a high likelihood of a botched execution, causing a slow, painful, and terrifying death. This will be cruel and unusual punishment for Mr. Hamm.

I can only imagine that botched executions cause trauma to those who must carry out the sentence. If not to spare Mr. Hamm from a torturous death, then have mercy for those who would have to cause it.

I am sure that you agree that a death sentence should only be given after serious thought and deliberation. In Mr. Hamm's case, the Alabama Attorney General wrote the state court's judicial opinion, and there is good reason to believe that the judge did not even read the opinion before signing it. By not reading the opinion he signed, the judge demonstrated a lack of seriousness towards sentencing someone to death. Our legal system is adversarial, and assumes an impartial judge will weigh both sides of the argument. The judge's disregard for his responsibility reveals a failure of the adversarial system. By signing the opinion written in full by the Attorney General, the judge revealed that he was partial and in favor of the prosecution. The judge's actions throw into doubt the independence of the Alabama judiciary.

I ask you, in the name of justice and in the name of charity and compassion, to please grant Mr. Hamm clemency or a reprieve of his execution.

Sincerely yours, and with faith in God,



Sign

Please print your name and address here:

Adin Denbender

2996 Altschul

New York NY 10027

Office of the Governor of Alabama
attn. Clemency or Reprieve: Doyle Lee Hamm
Alabama State Capitol
600 Dexter Avenue
Montgomery, Alabama 36130
Phone: (334) 242-7100

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I ask you, in the name of justice and in the name of charity and compassion, to please grant Mr. Hamm clemency or a reprieve of his execution.

Sincerely yours, and with faith in God,



Sign

Please print your name and address here:

Maria MacArdle
2255 Atlabul New York
NY 10027

Office of the Governor of Alabama
attn. Clemency or Reprieve: Doyle Lee Hamm
Alabama State Capitol
600 Dexter Avenue
Montgomery, Alabama 36130
Phone: (334) 242-7100

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I ask you, in the name of justice and in the name of charity and compassion, to please grant Mr. Hamm clemency or a reprieve of his execution.

Sincerely yours, and with faith in God,



Sign

Please print your name and address here:

Kan Zhong

500 Cathedral Parkway Apt. 3B
New York NY 10025

245 West 107th Street, #8C
New York, NY 10025

Governor Kay Ivey
Office of the Governor of Alabama
Alabama State Capitol
600 Dexter Avenue
Montgomery, AL 36130

January 22, 2018

Dear Governor Ivey:

I write as a concerned citizen in support of Doyle Lee Hamm's plea for clemency. As you know, he has been incarcerated for decades for his crime and he is now terminally ill. I believe that putting him to death would be a cruel act and that the State should be, in fact, must be, better than the worst impulses we have as individuals. Government action should represent the best of who we are as a nation. Putting a person to death surely does not represent that.

I hope you will call upon your conscience and do the humane thing: grant Doyle Lee Hamm clemency.

Thank you for your thoughtful consideration.

Sincerely,



Leyla Vural

Office of the Governor of Alabama
attn. Clemency or Reprieve: Doyle Lee Hamm
Alabama State Capitol
600 Dexter Avenue
Montgomery, Alabama 36130
Phone: (334) 242-7100

Re. Doyle Lee Hamm

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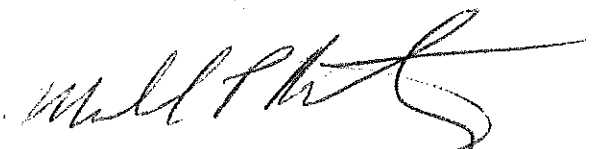
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I am sure that you agree that a death sentence should only be given after serious thought and deliberation. In Mr. Hamm's case, the Alabama Attorney General wrote the state court's judicial opinion, and there is good reason to believe that the judge did not even read the opinion before signing it. By not reading the opinion he signed, the judge demonstrated a lack of seriousness towards sentencing someone to death. Our legal system is adversarial, and assumes an impartial judge will weigh both sides of the argument. The judge's disregard for his responsibility reveals a failure of the adversarial system. By signing the opinion written in full by the Attorney General, the judge revealed that he was partial and in favor of the prosecution. The judge's actions throw into doubt the independence of the Alabama judiciary.

I ask you, in the name of justice and in the name of charity and compassion, to please grant Mr. Hamm clemency or a reprieve of his execution:

Sincerely yours, and with faith in God,


Matt Phelan, Virginia

Office of the Governor of Alabama
attn. Clemency or Reprieve: Doyle Lee Hamm
Alabama State Capitol
600 Dexter Avenue
Montgomery, Alabama 36130
Phone: (334) 242-7100

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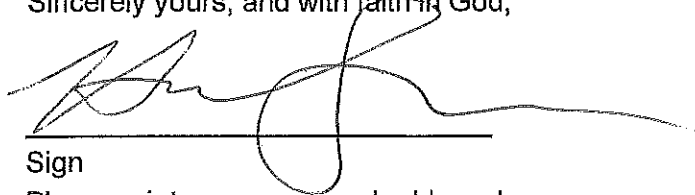
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Sincerely yours, and with faith in God,



Sign

Please print your name and address here:

Hanna Scholze
4588 Aitschul
New York, NY 10027

Office of the Governor of Alabama
attn. Clemency or Reprieve: Doyle Lee Hamm
Alabama State Capitol
600 Dexter Avenue
Montgomery, Alabama 36130
Phone: (334) 242-7100

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Sincerely yours, and with faith in God,



Sign

Please print your name and address here:

STEPHANE GROVE
594 RIVENEAK ST
BIRMINGHAM MI 38209

Office of the Governor of Alabama
attn. Clemency or Reprieve: Doyle Lee Hamm
Alabama State Capitol
600 Dexter Avenue
Montgomery, Alabama 36130
Phone: (334) 242-7100

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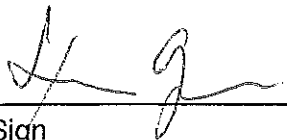
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Sincerely yours, and with faith in God,



Sign

Please print your name and address here:

Sorell Gerber
583 W 215th St
NY, NY 10034

Office of the Governor of Alabama
attn. Clemency or Reprieve: Doyle Lee Hamm
Alabama State Capitol
600 Dexter Avenue
Montgomery, Alabama 36130
Phone: (334) 242-7100

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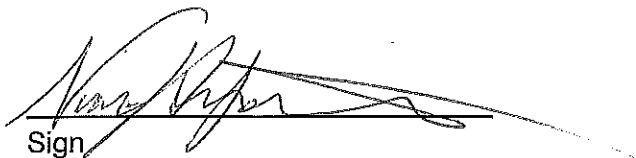
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Sign

Please print your name and address here:

NICOLAS EMILIA DELGADILLO
615 W 122 ST APT 45
NEW YORK, NY 10027

January 16, 2018

Carol B. Schaefer
604 Pine Ridge Trails Ct
Unit 101A
St. Louis, MO 63021

Governor Kay Ivey
Office of the Governor of Alabama
Attn: Clemency or Reprieve: Doyle Lee Hamm
Alabama State Capitol
600 Dexter Avenue
Montgomery, AL 36130
Phone (334) 242-7100

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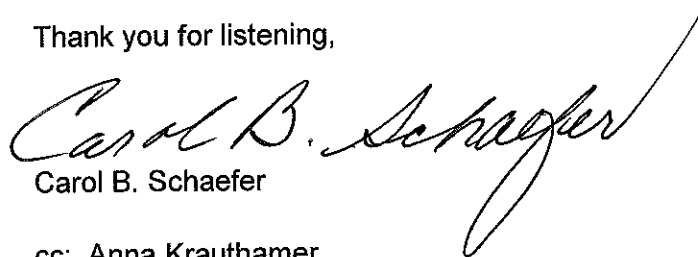
May this letter serve as a plea for clemency or a reprieve from Doyle Hamm's execution. I am a concerned United States citizen with a voice that wants to be heard.

Mr. Hamm has spent 30 years on death row for his crime, the awful murder of Mr. Patrick Cunningham during the course of a robbery. He has been punished severely and will continue to be punished in prison. His life expectancy is very short due to his diagnosis of lymphatic cancer. Because of his cancer treatments and pre-existing medical conditions, inserting an IV into his body will be met with great difficulty. This in turn will lead to the high likelihood of a bungled execution which would cause a slow, agonizing, and terrifying death. In my opinion, this is cruel and unusual punishment for Mr. Hamm.

I consistently oppose the death penalty but the circumstances facing Mr. Hamm make it particularly important that there is a review of reasonableness. Under Mr. Hamm's extenuating circumstances, a reexamination of such a torturous death is warranted.

Please grant Mr. Hamm clemency or a reprieve of his execution in the name of humanity.

Thank you for listening,



Carol B. Schaefer

cc: Anna Krauthamer
Columbia Law School

Office of the Governor of Alabama
attn. Clemency or Reprieve: Doyle Lee Hamm
Alabama State Capitol
600 Dexter Avenue
Montgomery, Alabama 36130
Phone: (334) 242-7100

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I ask you, in the name of justice and in the name of charity and compassion, to please grant Mr. Hamm clemency or a reprieve of his execution.

Sincerely yours, and with faith in God,



Sign

Please print your name and address here:

5109 W. 151st
New York NY 10031

KATHARINE HOMANS
142 FIFTH AVENUE
NEW YORK, NEW YORK 10011

January 22, 2018

Office of the Governor of Alabama
attn. Clemency or Reprieve: Doyle Lee Hamm
Alabama State Capitol
600 Dexter Avenue
Montgomery, Alabama 36130
Phone: (334) 242-7100

Re. Doyle Lee Hamm

Dear Governor Kay Ivey,

I write in support of Doyle Hamm's plea for clemency or a reprieve from his execution. As you may know, Doyle Hamm suffers from cancer and does not have long to live. He has spent 30 years in isolation on death row for his crime, the tragic murder of Mr. Patrick Cunningham during the course of a robbery, and has already been punished severely--and will continue to be punished in prison. He does not expect to live long, and will die in prison of natural causes soon. In the name of Christian mercy, the right thing to do is to let him finish his natural life and let God be his judge. I ask you to please grant him clemency or a reprieve of his execution.

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Katharine Homans

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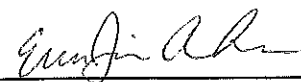
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Sincerely yours, and with faith in God,



Sign

Please print your name and address here:

ANNIE EVN JIN ANN
70 MORNINGSIDE DRIVE #1070
NY, NY 10022

PATTERSON SIMS
142 FIFTH AVENUE
NEW YORK, NEW YORK 10011

January 22, 2018

Office of the Governor of Alabama
attn. Clemency or Reprieve: Doyle Lee Hamm
Alabama State Capitol
600 Dexter Avenue
Montgomery, Alabama 36130
Phone: (334) 242-7100

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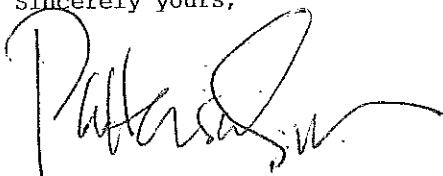
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Sincerely yours, and with faith in God,



Sign

Please print your name and address here:

Amy E. JOHNSON
700 Ocean Ave. 56
Brooklyn, NY 11226

Office of the Governor of Alabama
attn. Clemency or Reprieve: Doyle Lee Hamm
Alabama State Capitol
600 Dexter Avenue
Montgomery, Alabama 36130
Phone: (334) 242-7100

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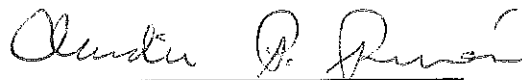
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Sincerely yours, and with faith in God,



Sign

Please print your name and address here:

Claudia P. Kincon
114 East 98 St, #5w
NY, NY 10024

Office of the Governor of Alabama
attn. Clemency or Reprieve: Doyle Lee Hamm
Alabama State Capitol
600 Dexter Avenue
Montgomery, Alabama 36130
Phone: (334) 242-7100

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Sign

Please print your name and address here:

Sahar Ullah
555 W 156th St. Apt 2D
NY, NY 10032

Office of the Governor of Alabama
attn. Clemency or Reprieve: Doyle Lee Hamm
Alabama State Capitol
600 Dexter Avenue
Montgomery, Alabama 36130
Phone: (334) 242-7100

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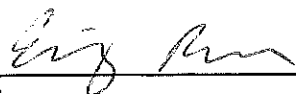
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Sincerely yours, and with faith in God,



Sign

Please print your name and address here:

Emily Bloom

560 Riverside Dr Apt 16D

New York, NY 10027

Office of the Governor of Alabama
attn. Clemency or Reprieve: Doyle Lee Hamm
Alabama State Capitol
600 Dexter Avenue
Montgomery, Alabama 36130
Phone: (334) 242-7100

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Sign

Please print your name and address here:

Allyson Tsai
217 Manhattan Avenue
New York, NY 10025

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Alabama State Capitol
600 Dexter Avenue
Montgomery, Alabama 36130
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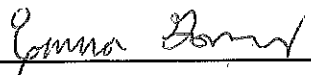
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Sincerely yours, and with faith in God,



Sign

Please print your name and address here:

Emma Gomez

76 Morningside Drive #2634

NY, NY, 10037

Office of the Governor of Alabama
attn. Clemency or Reprieve: Doyle Lee Hamm
Alabama State Capitol
600 Dexter Avenue
Montgomery, Alabama 36130
Phone: (334) 242-7100

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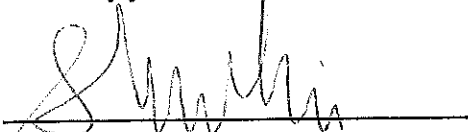
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Sincerely yours, and with faith in God,



Sign

Please print your name and address here:

Sarah Brady - Opra
70 Maryland Drive
NY New York 10027

Office of the Governor of Alabama
attn. Clemency or Reprieve: Doyle Lee Hamm
Alabama State Capitol
600 Dexter Avenue
Montgomery, Alabama 36130
Phone: (334) 242-7100

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Sign

Please print your name and address here:

Leora Gintge
2777 Kati Sacks Ave
Box # 10463

Office of the Governor of Alabama
attn. Clemency or Reprieve: Doyle Lee Hamm
Alabama State Capitol
600 Dexter Avenue
Montgomery, Alabama 36130
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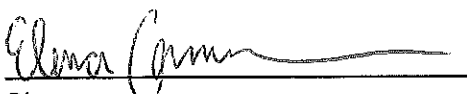
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Sign

Please print your name and address here:

Elena Cammer
2612 W Sunnyside
Chicago, IL 60625

Office of the Governor of Alabama
attn. Clemency or Reprieve: Doyle Lee Hamm
Alabama State Capitol
600 Dexter Avenue
Montgomery, Alabama 36130
Phone: (334) 242-7100

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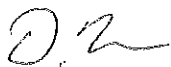
Mr. Hamm is ill with lymphatic cancer and going through treatment. Because of his cancer treatment, and because of medical conditions predating his time in prison, the executioners will have great difficulty inserting the IV into his body. There is a high likelihood of a botched execution, causing a slow, painful, and terrifying death. This will be cruel and unusual punishment for Mr. Hamm.

I can only imagine that botched executions cause trauma to those who must carry out the sentence. If not to spare Mr. Hamm from a torturous death, then have mercy for those who would have to cause it.

I am sure that you agree that a death sentence should only be given after serious thought and deliberation. In Mr. Hamm's case, the Alabama Attorney General wrote the state court's judicial opinion, and there is good reason to believe that the judge did not even read the opinion before signing it. By not reading the opinion he signed, the judge demonstrated a lack of seriousness towards sentencing someone to death. Our legal system is adversarial, and assumes an impartial judge will weigh both sides of the argument. The judge's disregard for his responsibility reveals a failure of the adversarial system. By signing the opinion written in full by the Attorney General, the judge revealed that he was partial and in favor of the prosecution. The judge's actions throw into doubt the independence of the Alabama judiciary.

I ask you, in the name of justice and in the name of charity and compassion, to please grant Mr. Hamm clemency or a reprieve of his execution.

Sincerely yours, and with faith in God,



Sign

Please print your name and address here:

Desmond Francis
703 Howard ave
Brooklyn NY 11212

Office of the Governor of Alabama
attn. Clemency or Reprieve: Doyle Lee Hamm
Alabama State Capitol
600 Dexter Avenue
Montgomery, Alabama 36130
Phone: (334) 242-7100

Re. Doyle Lee Hamm

Dear Governor Kay Ivey,

I write in support of Doyle Hamm's plea for clemency or a reprieve from his execution. As you may know, Doyle Hamm suffers from cancer and does not have long to live. He has spent 30 years in isolation on death row for his crime, the tragic murder of Mr. Patrick Cunningham during the course of a robbery, and has already been punished severely--and will continue to be punished in prison. He does not expect to live long, and will die in prison of natural causes soon. In the name of Christian mercy, the right thing to do is to let him finish his natural life and let God be his judge. I ask you to please grant him clemency or a reprieve of his execution.

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Sincerely yours, and with faith in God,



Sign

Please print your name and address here:

Nicole Callahan
345 W. 137th St #6B
NY NY 10014

Office of the Governor of Alabama
attn. Clemency or Reprieve: Doyle Lee Hamm
Alabama State Capitol
600 Dexter Avenue
Montgomery, Alabama 36130
Phone: (334) 242-7100

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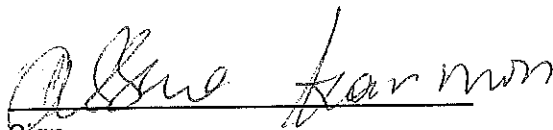
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Sincerely yours, and with faith in God,


Sign

Please print your name and address here:

ASSEWE SENYEJI
1075 Gerard Avenue #607
Bronx, NY 10452

Dear Governor Ivey,

I am writing you concerning the execution of Doyle Hamm set by the Alabama Supreme Court for February 22, 2018.

The 60-year-old man you are going to execute - as you may know - is affected by a lymphatic cancer which - as reported by doctors - has left him without any usable peripheral veins.

The lethal injection would then require a long-lasting examination of Doyle Hamm's body and various attempts to establish intravenous access to his Cardiovascular System.

In a too cruel way (even for an execution) he would be humiliated and injured.

I ask you not to proceed with the execution, in order to respect law first, and that part of ancient human ethic that tells us to respect the other's body, even the enemy's body.

I am a 23-year-old girl living in Paris, but I don't want to be an accomplice of what you are doing.

I hope you will listen,

Claudia Magrelli

Office of the Governor of Alabama
attn. Clemency or Reprieve: Doyle Lee Hamm
Alabama State Capitol
600 Dexter Avenue
Montgomery, Alabama 36130
Phone: (334) 242-7100

Re. Doyle Lee Hamm

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Sincerely yours, and with faith in God,



Sign

Please print your name and address here:

Sofia Hernandez
540 W 114th St NY, NY 10025

APPENDIX C

Affidavit of Dr. Mark Heath

Preliminary Report of Mark. J. S. Heath, M.D.

1. My name is Mark J. S. Heath. I am a medical doctor with an active, licensed, full-time medical practice in New York State. I am board certified in anesthesiology. I practice daily at the New York-Presbyterian/Columbia Hospital in New York City, where I provide anesthesia for open-heart surgeries. Core features of my daily practice include obtaining both peripheral and central intravenous (IV) access, the administration of large doses of anesthetic agents, and intensive monitoring to ensure that my patients are both safe and fully anesthetized. On average, I conduct these activities on more than one open-heart surgery every working day. I am board certified in anesthesiology, and have been practicing within this specialty for 29 years (3 years of residency, 1.5 years of fellowship in cardiothoracic anesthesiology and research, and 24.5 years as an attending physician). I hold an appointment as an Assistant Professor of Clinical Anesthesiology at Columbia University in New York City, where I teach medical students, residents, and fellows, primarily regarding the practice of anesthesiology in cardiothoracic cases.
2. Because of my extensive experience in anesthesiology, I have been called upon to give expert medical opinion in a number of cases involving the use of lethal injection at both the federal and state level, including with the Federal Bureau of Prisons and in the correctional systems of California, Florida, Ohio, and Texas, among others. I have previously been involved in the federal litigation surrounding the lethal injection of inmate David Nelson in the state of Alabama, as well as in the cases of other Alabama inmates.

3. At the request of counsel Bernard Harcourt I examined Mr. Doyle Hamm on Saturday, September 23, 2017, in the William E. Donaldson Correctional Facility in Bessemer, Alabama.

4. Prior to the medical examination, Mr. Harcourt provided me with a copy of the medical records that he had received from Donaldson Correctional Facility that included diagnoses and descriptions of the care Mr. Hamm has received for his lymphatic cancer; as well as other medical reports Mr. Harcourt had obtained, including a report by Dr. Fred Dumas dated May 16, 2014; a follow up report by Dr. Dumas dated June 6, 2014; a report by Dr. Sandra Tincher dated July 14, 2014; and an affidavit by Dale G. Watson, PhD, dated July 19, 1999.

5. I brought medical equipment to assist in the medical examination. Unfortunately, because of prison security at the front gate, I was courteously but insistently prevented from bringing the equipment into the prison. This limited my ability to perform a complete examination.

6. I began my examination at approximately 1:45 pm on Saturday, September 23, 2017. Mr. Hamm was cooperative, although somewhat subdued in affect. He appears gaunt and frail, and had a prominent facial lesion and deformity that was causing him pain, but he was not in acute distress. He was breathing comfortably and able to converse and ambulate. Because of equipment limitations, I was not able to measure vital signs. The medical examination was politely but firmly ended at 3:30pm by the correctional staff.

7. I first obtained a medical history from Mr. Hamm. I then assessed Mr. Hamm's peripheral veins, with and without a tourniquet. I used Mr. Harcourt's necktie because I was not

permitted to bring a medical tourniquet into the prison. Mr. Hamm has extremely poor peripheral venous access. There are no accessible veins on his left upper extremity (arm/hand) or either of his lower extremities (legs/feet). He related that all of the veins on these extremities were “used up” by chronic intravenous drug use. There are no accessible peripheral veins on his right arm. On the dorsum of the right hand there is a small, tortuous vein that is potentially accessible with a butterfly needle. Insertion of an intravenous catheter into this vein would be challenging and would have a high chance of rupturing the vein and being unsuccessful. Mr. Hamm related that this vein was previously accessed with a butterfly needle in order to inject contrast dye for a CT scan to assess his facial/intracranial malignancy in 2014, prior to his cancer treatments. A butterfly needle is significantly easier to insert than an intravenous catheter because it is thinner and sharper. The nurse/technician failed to access the vein during the first several attempts, but was ultimately able to access it with that butterfly needle. The access was “positional”, meaning that the ability to infuse fluid through the needle was intermittent and depended on the precise depth and angle of the needle. The nurse/technician injected the contrast into this vein while standing right next to his hand and slowly and carefully infused the contrast at a slow and cautious rate. This is the appropriate and necessary practice when injecting fluid into a tenuous vein. Mr. Hamm also related that this vein was accessed with great difficulty in 2014 when he underwent a surgical procedure to biopsy the malignancy behind his left eye. One practitioner (perhaps a CRNA (Certified Registered Nurse Anesthetist)) was unable to access the vein. She called for assistance from a middle-aged man (perhaps a senior anesthesiologist) who was, with difficulty, able to insert a very small intravenous catheter. Based on my knowledge of previous Alabama lethal injection procedures and protocols, this small, tortuous vein on his right hand would not provide reliable peripheral venous access.

8. Mr. Hamm relates that he has intermittent waxing and waning tumors on his chest, neck, and groins. This likely represents lymphadenopathy (swollen lymph nodes) related to his lymphatic malignancy. There are many other possible causes of lymphadenopathy, and the only way to determine the actual cause would be to biopsy one or more of these lesions. The extent of these lesions could be assessed with diagnostic studies such as a CT scan, an MRI, or a PET scan.

9. Because of equipment limitations it was not possible to assess the accessibility of the deep veins in Mr. Hamm's neck (internal jugular vein), chest (subclavian vein (behind the collar bone)), or groin (femoral veins).

10. Mr. Hamm has a facial defect under his left eye. There is a discolored lesion with diffuse margins, approximately 2-3 cm in diameter. The lesion is tender, limiting my ability to palpate the underlying bone. There is likely a bone defect in the infraorbital margin (the bone under the eye), in the region of the junction of the zygoma and maxilla. This region of his face (in lay terms, his left cheek) is partially collapsed, resulting in prominent facial asymmetry. As with the lymphadenopathy described above, a biopsy and imaging diagnostic study would be needed in order to assess the cause and extent of this lesion.

11. In October 2006, I was present at Holman Prison when Mr. David Nelson was examined by a cardiac anesthesiologist. Mr. Nelson's situation was very similar to Mr. Hamm's, in that his peripheral venous access was compromised by prior intravenous drug abuse. In Mr. Nelson's

case, a special master was appointed to supervise the litigation. The magistrate approved an examination by an Alabama-licensed board certified practicing cardiothoracic anesthesiologist, Dr. Warren Bagley, to assess Mr. Nelson's veins. I was present during that examination. Dr. Bagley inspected Mr. Nelson's peripheral veins and central veins using physical exam and ultrasonography. Based on my examination and finding of very poor venous access in Mr. Hamm, my opinion is that lethal injection should not be attempted without first obtaining an examination such as that performed by Dr. Bagley on Mr. Nelson.

12. Based on my examination of Mr. Hamm on September 23, 2017, and review of his medical records, I am of the opinion that there are two significant medical problems that require further review before attempting a lethal injection.

13. First, my examination revealed that Mr. Hamm has extremely poor peripheral vein access and that it very likely that the prison will need to resort to obtaining central venous access. It is extremely doubtful, given the way that the correctional staff in Alabama administers the anesthetic agents from another room at distance from the inmate rather than at his bedside, that they will be able to achieve peripheral IV access. To the best of my knowledge, Alabama has limited experience with obtaining central vein access for lethal injection procedures.

14. Second, Mr. Hamm has active B-cell lymphoma, a form of cancer that involves the lymph nodes. A large tumor was diagnosed in 2014 and extended from his left eye into multiple areas of the skull behind the face, and through the skull into the middle cranial fossa (the area surrounding the temporal lobe of the brain). In 2014 he also had enlarged lymph nodes in his

chest, and it is unclear whether these nodes were or are involved in the malignant process. The lymphoma was treated with radiation and medication, with some improvement; however, recent reported symptoms indicate that the malignancy has returned. There appears to have been no follow-up evaluation to determine whether the cancer has spread into lymph nodes beyond his face and skull. Lymphoma, like other cancers, is a progressive disease if not cured. At this point, there may be significant involvement and enlargement of lymph nodes in other areas of his body, including his neck, chest, and groin. If there are enlarged lymph nodes surrounding the veins in his neck, chest, or groin, it would likely complicate or thwart attempts to obtain central venous access.

15. In addition to the pain that would be caused by repeated futile attempts to obtain IV access, there is the risk that the execution team might inadvertently inject the execution drugs into a catheter that is not properly situated in the lumen of the intended vein. If this occurs the execution drugs will infiltrate in the tissue around the vein, and it will not exert its full anesthetic effect. The paralytic drug will very likely be absorbed from the tissue into the circulation more rapidly than the anesthetic drug, which will cause Mr. Hamm to become paralyzed and consciously suffocate. This would be an agonizing death.

16. In summary, the progressive nature of Mr. Hamm's cancer warrants that a contemporary evaluation of any cancer spread be undertaken before execution is contemplated. In particular, no execution should be contemplated without imaging the central veins to determine whether lymph nodes surrounding these veins are enlarged from the lymphoma. Mr. Hamm's difficult peripheral venous access makes it highly likely that an execution by lethal injection cannot

proceed without obtaining central venous access. It is not clear whether the Alabama prison is prepared to perform central venous cannulation, particularly in light of the possibility of malignant (cancerous) lymph nodes impeding the procedure. I have not seen the exact protocol for venous access for lethal injection from the state of Alabama, but based on what I know from the David Nelson case, it is my opinion that the state is not equipped to achieve venous access in Mr. Hamm's case. Mr. Hamm's difficult IV access greatly increases the likelihood of an inhumane execution due to infiltration of the execution drugs, with the onset of paralysis preceding the attainment of adequate anesthesia.

17. This report represents the chief findings and opinions resulting from my examination of Mr. Hamm. I reserve the right to amend my opinions should the advent of additional information so warrant.



Mark J. S. Heath, M.D.
October 1, 2017

APPENDIX D

Affidavit of Dr. Charles David Blanke

**Division of Hematology &
Medical Oncology**

Mail code: L586
3181 S.W. Sam Jackson Park Road
Portland, Oregon 97239-3098
tel 503 494-8534
fax 503 494-4285

www.ohsu.edu/cancer

AFFIDAVIT OF DR. CHARLES DAVID BLANKE

Before me, the undersigned notary public, personally appeared Charles David Blanke, who, after being duly sworn by oath, did depose and say as follows:

1. My name is Charles David Blanke. I am a licensed physician in the State of Oregon, a Professor of Medicine in the Division of Hematology and Medical Oncology at Oregon Health and Science University's Knight Cancer Institute, and current Chair of SWOG, a publically-funded cancer research network.
2. I specialize in end-of-life care, specifically in medical-aid-in-dying (MAID).
3. The standard MAID medication used in Oregon, and which I do regularly prescribe, is known as secobarbital.
4. Secobarbital is in production and available in the United States.
5. The dosage used is 10 grams of secobarbital.
6. The medication is taken by mouth, in 4 ounces of liquid.
7. The median time to coma is 5 minutes.
8. The median time to death is 25 minutes.
9. MAID medication, when administered as detailed above, causes death in more than 99% of cases.
10. Complications are extremely rare.

11. I have also regularly prescribed an alternative drug cocktail, usually referred to by prescribers as "DDMP II," which consists of 1 gram of diazepam, 50 milligrams of digoxin, 15 grams of morphine sulfate, and 2 grams of propranolol. I have prescribed this regularly in situations involving patients who wanted a lower-cost prescription.
12. In my experience, the drug cocktail has been equally reliable in causing death.
13. In my 19 years of experience with MAID, I have had no complications with the above procedures.

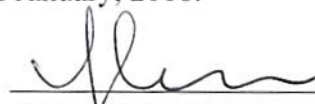
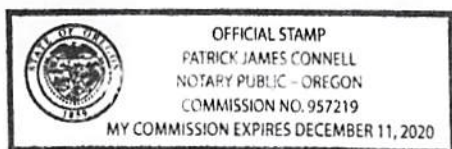
Further affiant sayeth not.

I, Charles David Blanke, declare under penalty of perjury that the foregoing is true and correct and is based on my own personal knowledge.



Dr. Charles David Blanke

Sworn to and subscribed before me on this __16th__ day of January, 2018.



NOTARY PUBLIC

My Commission Expires: 12/11/2020

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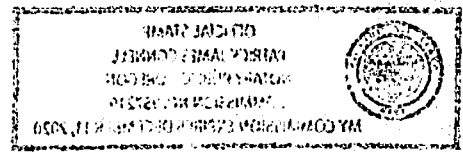
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APPENDIX E

Affidavit of Egon Von Conway

AFFIDAVIT OF EGON VON CONWAY

Before me, the undersigned notary public, personally appeared Egon Von Conway, who, after being duly sworn by oath, did depose and say as follows:

1. My name is Egon Von Conway. I am 22 years old. I am a graduate of Columbia College at Columbia University. I just graduated in May of 2016. I am a former research assistant of Bernard Harcourt.
2. While I was studying for my undergraduate degree at Columbia College, I applied for a position as research assistant with Professor Harcourt and he hired me to do research. As one of the projects I worked on, I reviewed all of the medical records of Doyle Lee Hamm.
3. In the course of reviewing Doyle Hamm's medical history, I discovered an extensive history regarding head injuries and seizures, intellectual disabilities, intravenous drug use, and cancer.
4. I will summarize here what I found in Doyle Hamm's medical records.

A. Early Head Injuries and Seizure Disorders

5. Gaye Nease, an expert who worked on Doyle Hamm's case in the early 1990s, reported that on "10.11.58 [...] Jimmy [Hamm] remembers that when 'Doyle was just starting to walk. [...] a rooster flew up and spurred Doyle on the sides of the head 4 or 5 times. Doyle fell out of the door way and down the steps that were about 3 feet high. I ran and

picked Doyle up, there was blood everywhere coming from the sides of Doyle's head.”

This was in Volume 11 of the Federal District Court record on Doyle Hamm's federal habeas corpus petition from the Post-Conviction Record in state post-conviction proceedings in state court (hereinafter referred to as "PCR"), at p. 136.

6. Gaye Nease also reported that on "09.25.64 [...] Doyle and Jimmy were walking around the top of the second story. Doyle fell off and landed on the sidewalk. When Doyle fell, Jimmy decided to jump off the roof and help him. When Jimmy jumped he landed right on Doyle's nose because Doyle had moved from where he first landed. Doyle's nose was broken when Jimmy landed on his face. Jimmy thought that Doyle would bleed to death." Vol. 11 - PCR – 139.
7. Gaye Nease also noted that Doyle Hamm reported that in 1973, "he cracked his head on a beam at the park in Sheffield." Vol. 11 - PCR – 142.
8. In an Affidavit submitted to the court on July 19, 1999, Dr. Dale Watson stated that Doyle Hamm "has a significant history of head injuries. At 4-5 years of age he was knocked unconscious and hospitalized after a fall from a two-story building. He fell out of a tree at age 6 and was unconscious for an uncertain period of time. At 7-8 he hit a tree stump on his bicycle and was knocked unconscious. At 11 he was dazed from a fall off of a horse. At 14-15 he stumbled and hit a steel beam which knocked him unconscious." Vol. 11 - PCR – 163.

9. Gaye Nease reported that on “10.11.58 [...] Geneva reports that ‘Doyle had seizures real bad when he was little. He would be playing in the yard and Mama would find him in the yard jerking. Doyle would just be playing and then he would start jerking. [...] Doyle would black out. Mama would use a spoon to keep Doyle from swallowing his tongue. [...] When he was little Doyle would have 2 or 3 seizures a week.’” Vol. 11 - PCR – 136.

10. In ¶ 22 of his affidavit, Dr. Dale Watson reports that Doyle Hamm “has a history of seizures. The first such event occurred in 1977 and was not related to substance withdrawal inasmuch as he had been incarcerated for 5-6 months. He subsequently had two seizure-like episodes in 1980. He also experienced withdrawal seizures in 1987. He has taken Dilantin, an anti-seizure medication, at times.” Vol. 11 - PCR – 163.

11. In a physical examination, a Parchman Prison doctor in Mississippi diagnosed Doyle Hamm with “Chronic Seizure Disorder [...]” and prescribed “Dilantin BID for Chronic Seizure Disorder” (Parchman Medical Records - Initial Physical Examination 3.7.81) Vol. 17 - PCR - 1331. There are a number of other records indicating, for instance in a record from 2/23/1981, that Doyle Hamm was “Epileptic since 1977 [...] having on + off seizures [...] Dilantin 100mg t tab B.I.D. #60”(Parchman Medical Records - Progress Notes from 2/23/1981) Vol. 17 - PCR – 1328; “Refill: Dilantin 100mg tab B.I.D #60” (Parchman Medical Records - Progress Notes from 3/25/1981) Vol. 17 - PCR – 1328; and “Refill: Dilantin 100mg tab ÷ B.i.D #60” (Parchman Medical Records - Progress Notes from 4/28/1981) Vol. 17 - PCR – 1327.

12. From the Discharge Summary of the North Mississippi Medical Center, it is noted that “This 23 year old white male was admitted on 11-20-80, with a seizure disorder, possibly, or a nervous tic. Neurological examination was normal and the routine laboratory work was normal. The chest x-ray and the skull x-rays were negative. He was placed on Dilantin and he had an EEG, which the results are not back at this time.” (North Mississippi Medical Center - Discharge Summary) Vol. 17 - PCR – 1264.
13. In the Taylor Hardin Report from the original mental health evaluation of Doyle Hamm after his arrest in Alabama, Dr. Kamal A. Nagi records that “The patient did report a seizure history dating back to 1980.” Dr. Kamal A. Nagi - Lunacy Commission Evaluation Summary Report in the Taylor-Hardin Report - 1.

B. Intellectual Disability

14. When Doyle Hamm entered the 8th grade, the Tennessee Reception and Diagnostic Center recorded these tests: “Test Results: IQ 96; C.A.T. Grade Placement: Read: 3.5; Arith.: 5.3; Lang.: 3.4; Aver.: 3.6” (State of Tennessee Reception and Diagnostic Center Admission Summary 5-9-78 page 3) Vol. 14 - PCR – 721, also Vol. 17 - PCR – 1368.
15. Gaye Nease reports that when Doyle Hamm was in 4th grade, his reading level was measured at a 1st grade level, relying on this educational record: “09/25/68 Doyle enrolled in Reading Lab. attended 140 days of lab reading level end of year 1.5 May 27, 1969” Vol. 11 - PCR – 140.

16. From the State of Tennessee Reception and Diagnostic Center, it is noted of Doyle Hamm that "The Revised Beta suggests that the resident is capable of functioning within the lower limits of normal intellectual ability and such is consistent with the interview impression. There is some discrepancy between this and the lower general knowledge sub-test score on the GATB which can perhaps be attributed to the verbal aptitude and resident's impoverished academic abilities. Most of the GATB scores were considered relatively low although resident did achieve a few medium scores suggesting that he could participate in some vocational training in the event he were adequately motivated to do so. While he reports to have completed the eighth grade he currently has a CAT average of only 3.6 recorded certainly indicative of some academic deficiency of which this individual appears keenly aware. The validity of the MMPI profile is highly questionable as is demonstrated by the elevated F scale. It does; however, seem to confirm his rather poor self-concept and would also suggest a degree of restlessness and impulsivity." State of Tennessee Reception and Diagnostic Center Admission Summary 5-9-78 page 3 in Vol. 14 - PCR – 721.

17. From that same report from the State of Tennessee Reception and Diagnostic Center, it is noted that Doyle Hamm "had to repeat the first grade and was suspended once for smoking. In the eighth grade at the age of sixteen he terminated his formal education because he did not enjoy going to school and he had a learning problem." State of Tennessee Reception and Diagnostic Center Admission Summary 5-9-78 page 4 in Vol. 14 - PCR – 722.

18. In sixth grade Mr. Hamm's report card stated: "Chron. Age: 12-08; M.A.: 6-11; I.Q.: 66; Grade Placement: 3.6." Not that M.A. stands for 'Mental Age.' See Elementary Pupil Cumulative Record Card, 6th grade - October 1969 in Vol. 14 - PCR – 679.
19. In Colbert County, Mr. Hamm's IQ test results were: "L I.Q. 67, ML I.Q. 57, T I.Q. 59." See Colbert County Pupil Test Record - October, 1969 in Vol. 17 - PCR – 1299.
20. In his report, Dr. Dale Watson diagnosed Doyle Hamm as suffering from brain impairments: "Summary indices from the Halstead-Reitan Battery are indicative of neuropsychological deficits and/or brain dysfunction. Mr. Hamm's Neuropsychological Deficit Scale (NDS) (Reitan, 1993) score of 54 falls within the Moderate Neuropsychological Impairment range. In addition, his Halstead Impairment Index (HII), a measure of consistency of findings of brain impairment, was 0.9 and falls clearly within the brain-damaged range. Further, his Average Impairment Rating (AIR), a measure of the consistency and severity of brain damage, was 2.00 which also falls within the brain impaired range." Vol. 11 - PCR - 164-5.
21. In his report, Dr. Dale Watson adds that "In summary, Doyle Lee Hamm has significant impairment of intellectual, academic, language, motor, problem solving and executive functions associated with moderate levels of neuropsychological impairment and presumptively brain damage. Most notably, there are significant limitations in his verbal intellectual abilities, indications of impaired 'executive functions,' academic deficits likely due to learning disabilities and motor impairments. These impairments are sufficient to have a significant impact on his daily functioning." Vol. 11 - PCR – 168.

22. Dr. Dale Watson defined executive functions as “those brain-related abilities associated with planning, problem solving and controlling behavior. Duffy and Campbell (1994) note that executive functions ‘are necessary to produce context-appropriate, goal-oriented behavior, including motivation, planning, self-regulation, and self-monitoring. A deficit in any of these supervisory mental processes will result in a breakdown in autonomous behavior and render the individual incapable of generating self-determined rather than environmentally determined (stimulus bound) behavior.’” Vol. 11 - PCR – 167.
23. Dr. Watson also reported that “It is probable that these deficits are the result of a long *history of head trauma and extensive polysubstance abuse. He has clearly been dependent on a number of substances including alcohol, inhalants and narcotics. It is likely that these substances have had a neurotoxic impact upon his nueropsychological functioning and brain status*” Vol. 11 - PCR - 168-9.
24. Dr. Watson reported on Mr. Hamm’s I.Q., noting that “On the Wechsler Adult Intelligence Scale-Revised (WAIS-R) Mr. Hamm obtained a Verbal Intelligence Quotient (VIQ) of 74 (Borderline), a Performance IQ (PIQ) of 93 (average) and an overall Full Scale IQ (FSIQ) of 82, which places him in the borderline range of measured intellectual ability overall. His verbal intellectual abilities are at only the 4th percentile (meaning that 96% of the normative sample scored higher) and his nonverbal abilities are at the 32nd percentile). The difference of 19 points between VIQ and PIQ is significant; he has significantly stronger skills in nonverbal areas than in verbal abilities. Such a discrepancy is not necessarily diagnostic of brain damage though it increases the probability of left

hemisphere brain dysfunction. Such a difference occurs in only 5 percent of 'normals' within his IQ range." Vol. 11 - PCR - 165-6.

25. Overall, Dr. Dale Watson found that "The results of this comprehensive neuropsychological evaluation provided evidence of intellectual, academic, language, motor, problem solving and executive deficits associated with moderate levels of neuropsychological impairment. The evidence for this dysfunction was seen in a deficient 'level of performance' across a number of tests as well as in deficits associated with unusual performance differences seen in comparisons of the right and left sides of the body and pathognomonic signs of brain dysfunction. The test results suggest a degree of lateralization of impairment to the left hemisphere of the brain - though there are also signs of right hemisphere involvement as well." Vol. 11 - PCR - 163-4

C. Intravenous Drug Use

26. The Donaldson Prison Medical Records reports Mr. Hamm's history of IV drug use:

"Substance Abuse Hx: IV 1st 1974 Last 1987." See Donaldson Medical Records 6/30/2017, p. 606.

27. The Donaldson Prison Medical Records record that Doyle Hamm "complains of pain in R foot 'shooting up' in 1981. Has recently become worse." Donaldson Medical Records 6/30/2017, p. 087.

28. Dr. Dale Watson stated that “Mr. Hamm has been a severe polydrug abuser for much of his life... Between 1980 and his incarceration in 1987 he was using marijuana and narcotics extensively. He used such drugs as morphine, Demerol, Valium, Percocet, Quaaludes, and Dilaudid. He experienced withdrawal symptoms including headache, nose bleeds, sweats, chills and pain each time he was incarcerated...He has also experimented with a plethora of other drugs including LSD, PCP, Jimson seeds, and psychedelic mushrooms.” Vol. 11 - PCR - 162-3.
29. Gaye Nease notes that in 1980, “Cammie Crab reports that she started dating Doyle when *he got out of prison. ‘The whole time she knew Doyle his whole existence was hustling for drugs. He did whatever was necessary to obtain the drugs he needed. He used darvon, percadan, mepragan and Dilaudid that she knew of. He would try any kind of drug that anyone suggested or had access too.’* Vol. 11 - PCR – 151.
30. During trial, counsel for Doyle Hamm, Mr. Harris, questioned Doyle’s sister Ruthie Murphy, and she indicated that he was using “Dilaudid.” (Trial Record Vol. 7 - Ruthie Murphy Direct Examination - R-1232)
31. In the Tailor-Hardin Report, Dr. Kamal A. Nagi reports of Doyle Hamm: “The history he relates includes school truancy, substance abuse, and various arrests.” Dr. Kamal A. Nagi - Lunacy Commission Evaluation Summary Report , Tailor-Hardin Report - 1. Dr. Bernard Bryant records a “history of alcohol and drug abuse, trouble with school authorities, and subsequent arrests and convictions in the criminal justice system.” Dr. Bernard Bryant - Lunacy Commission Evaluation Summary Report, Tailor Hardin Report

- 2. Dr. Alexander Salillas writes, "Again, the history of drug and alcohol abuse and difficulty with authorities in the criminal justice system was noted." Dr. Alexander Salillas - Lunacy Commission Evaluation Summary Report // Tailor Hardin Report - 3.

D. Cancer

32. On February 3, 2014, Mr. Hamm received a preliminary diagnosis, "There is a poorly marginated mass within the left orbit with both intraconal and extraconal components. This appears to extend through the orbital apex via the superior and inferior orbital fissures both of which appear enlarged. The left foramen rotundum is asymmetrically enlarged. The cortex along the lateral aspect of the left vidian canal appears mildly slightly eroded. The lesion probably extends into the left cavernous sinus. There is mild left proptosis." Donaldson Medical Records 6/30/2017, p. 189.
33. On 2/3/14, Mr. Hamm received a preliminary diagnosis, "Impression: Left orbital neoplasm with possible perineural tumor spread to the left cavernous sinus and left masticator space. This may represent an adenoid cystic carcinoma, given this pattern" Donaldson Medical Records 6/30/2017, p. 189-190
34. On 2/11/14, an examination of biopsy tissue was completed, "Pathologist Comment: The orbital tissue reveals a small-sized lymphocytic infiltrate invading into libroadipose tissue [fatty tissue] and skeletal muscle. Immunohistochemistry stains were performed. The lymphoid cells stain positively for CD20 with about 10 to 15% proliferation rate by

K[illegible]7. These cells stain negatively for CD10, CD5, CD3, BCL-6, and BCL-1.

Controls [illegible] appropriately. These findings are consistent with a low grade, small-sized B-cell lymphoma.” Donaldson Medical Records 6/30/2017, p. 165.

35. On 2/28/14, Mr. Hamm visited Dr. John P. Donahue, who noted, “The epidermis is ulcerated. Budding from the dermal epidermal junction are geometrically shaped tumor islands consisting of basaloid cells. The tumor islands are mitotically active and demonstrate peripheral palisading. There is peritumoral reactive fibroplasia and cellularity. [...] Specimen A.: basal cell carcinoma” Donaldson Medical Records 6/30/2017, p. 174.

36. On 4/18/14, Mr. Hamm received three CT scans. The report from the scan of the neck follows, “CT scan of the neck ... Left orbit is abnormal large soft tissue masses seen in the left orbit resulting in expansion of the bony orbit. Proptosis seen. This mass is surrounding the left optic nerve complex. Posteriorly, the mass extends up to the orbital apex. There is also extension through the inferior orbital fissure into the pterygopalatine fossa, masticator space and the buccal space. There is also suggestion of extension to the left vidian canal.” Donaldson Medical Records 6/30/2017, p. 151.

37. On 4/18/14, Mr. Hamm received three CT scans. The report from the scan of the abdomen states “CT of the abdomen without intravenous contrast ... numerous small calcified granulomata throughout the spleen. There are a couple of small calcified hepatic granulomata. There are also faintly calcified lymph nodes in the porta hepatis ... There

are atherosclerotic calcifications involving abdominal aorta without aneurysm”

Donaldson Medical Records 6/30/2017, p. 140.

38. *On 4/23/14, Dr. Brian Adler examined Doyle Hamm and found that “Quite possible this is a MALT lymphoma or marginal zone lymphoma. If it is localized the best treatment may well be radiation therapy. If there is evidence of systemic disease, he should receive most likely a Rituxan based regimen that will probably include some cytotoxic chemotherapy.”* Donaldson Medical Records 6/30/2017, p. 135.

39. *On 5/27/14, Mr. Hamm received an MRI and the following indication: “Report from MRI [...] there is extension into the cavernous sinus region and because of this, there may be extension into the medial aspect of the middle cranial fossa. The left cavernous sinus region is expanded and there is mild mass effect on the medial temporal lobe. There is asymmetrically prominent dural enhancement in this region as well, which may be reactive, although local spread cannot entirely be occluded.”* Donaldson Medical Records 6/30/2017, p. 128.

40. *On 5/27/14, Mr. Hamm received an MRI and the following indication: “Pre- and postcontrast MRI of the facial region [...] Exophthalmos is noted on the left. There is a soft tissue lesion filling most of the retro-orbital region on the left. There is extension posteriorly through the orbital fissures to involve the pterygopalatine fossa and cavernous sinus regions. From the cavernous sinus region, there may be extension into the middle cranial fossa with some degree of asymmetrical dural enhancement noted. There is mass effect on the left temporal lobe, although no reactive vasogenic edema is seen.*

There is also extension of tumor laterally into the infratemporal fossa and masticator space region on the left. Enhancing tumor surrounds portions of the pterygoid musculature, as well as the inferior aspect of the temporalis muscle. There is also tumor surrounding the gasserian ganglion and extending inferiorly along the foramen ovale into the masticator space. Some component of tumor near foramen lacerum portion of the carotid canal cannot be excluded.” Donaldson Medical Records 6/30/2017, p. 129.

41. On 6/6/14, Dr. Fred Dumas examined Mr. Hamm and noted: “Since his last visit he has undergone an MRI scan of the head and face area. This confirms the presence of a tumor extending through the foramina into the pterygoid space and into the middle cranial fossa. There is involvement of the cavernous sinus as well as extension into the left side of the nasopharynx. [...] I have asked that he be placed on dexamethasone.” Donaldson Medical Records 6/30/2017, p. 111.

42. On 6/6/14, Dr. Fred Dumas examined Mr. Hamm and noted that “The patient appears chronically ill. There is massive proptosis and redness of the left eye. There is proptosis on the left. The conjunctiva is extremely reddened. There is no drainage or exudate [...] There is minimal movement medially here is only a trace of movement superiorly and laterally on the left side. The right eye moves normally. Patient is able to discern shapes faces and light but cannot read with the left eye.” Donaldson Medical Records 6/30/2017, p. 111.

43. On 6/6/14, Dr. Fred Dumas recommended radiation therapy and chemotherapy: “There is *some risk of involvement of the spinal fluid. We are going to request approval from the*

prison medical clinic for the patient to have a lumbar puncture with cytology. In the interval I recommended that we proceed with radiation therapy as he is going to require some form of local treatment even if he takes systemic chemotherapy.” Donaldson Medical Records 6/30/2017, p. 111.

44. On 9/16/15, Mr. Hamm was examined at the Brookwood Medical Center which reported:

“Abnormal enhancement is seen in the left orbit with involvement in the left pterygopalatine fossa and left infratemporal fossa/masticator space region. Abnormal enhancement is also seen in the inferior orbital fissure and in foramen ovale, and along foramen rotundum on the left. [...] Overall, these areas of abnormal enhancement are improved in appearance when compared with 3/10/2015 and markedly improved from 9/29/2014. No definitive signs of bulky mass seen on the current stu[illegible] involvement of the left cavernous sinus region cannot be excluded” Donaldson Medical Records 6/30/2017, p. 629.

45. *In March of 2017, Mr. Hamm was examined by the Alabama Department of Corrections,*

“Chief Complaint: [illegible] lumps in chest. Onset Date: 4 wks. ago” Donaldson Medical Records 6/30/2017, p. 470.

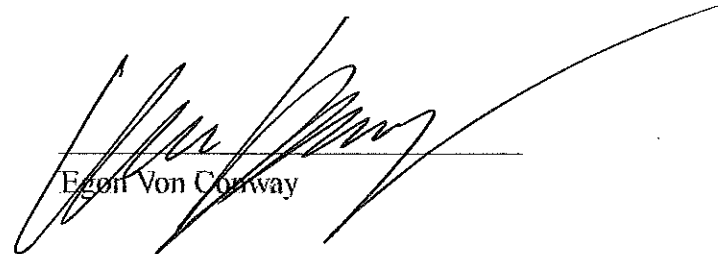
46. On 3/4/17, Mr. Hamm asked to see the Alabama Department of Corrections doctor, stating “Need to see the doctor I have lumps in my chest.” Donaldson Medical Records 6/30/2017, p. 472.

47. In a 3/7/17 examination, a nurse recorded Mr. Hamm's complaint and reported as follows: "S- 'knots' on my chest - in 3 [illegible] are mildly tender. ... A- These feel like lymph nodes but could be [illegible] but could be [illegible] as their [illegible] against [illegible]" Donaldson Medical Records 6/30/2017, p. 453.

48. In a report comparing an MRI from 9/16/2015 with an MRI from 3/10/2015, Dr. Arthur D Sandy reported that the earlier 3/10 MRI showed, "There is extension of disease into the superior orbital fissure and cavernous sinus and through the inferior orbital fissure and into the region of the left pterygoid palatine fossa and the masticator space. There was interval of improvement between 3/10/2015 and 9/16/2015." Donaldson Medical Records 6/30/2017, p. 616.

Further affiant sayeth not.

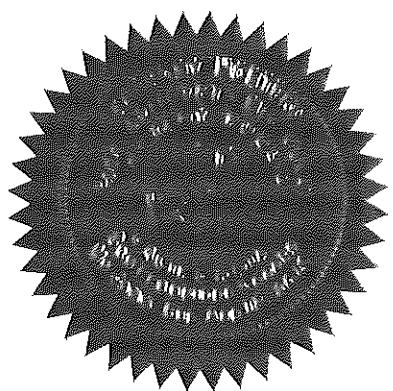
I, Egon Von Conway, declare under penalty of perjury that the foregoing is true and correct and is based on my own personal knowledge.



Egon Von Conway

Sworn to and subscribed before me on this 15TH day of January, 2018.

Anthony Montano
NOTARY PUBLIC
My Commission Expires: 3/10/2019



ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of SAN FRANCISCO)

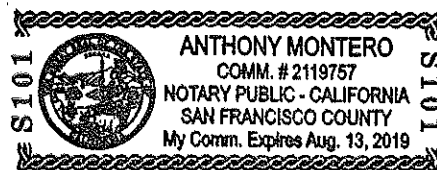
On JANUARY 15, 2017 before me, ANTHONY MONTERO, NOTARY PUBLIC
(insert name and title of the officer)

personally appeared EGON VON CONWAY *****
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Anthony Montero (Seal)



APPENDIX F

Drawing of Doyle Hamm

Doyle Lee Hamm
Sept 23, 2017
Donaldson Prison



Drawn by Bernard E. Arroust while
Dr. Mark Heath interviewed Doyle Hamm.