

AMNESTY INTERNATIONAL

Public Statement

AI Index: AMR 51/026/2007 (Public)

News Service No: 029

12 February 2007

USA: Serious miscarriage of justice in Louisiana must be rectified

Amnesty International is renewing its call to the Louisiana authorities for a pardon to be granted to Gary Tyler, a 49 year-old African-American man who has been in prison in Louisiana since the age of 17, and whose 1975 trial was infected with racial prejudice.

Tyler was convicted in 1975 of the murder of Timothy Weber, a white 13 year-old schoolboy who was shot outside Destrehan High School, St Charles Parish, during racial disturbances. Tyler had been one of many black students on a bus carrying black students back to their homes which was being attacked by white people throwing stones and bottles, and from which the shot had allegedly come. Following the shooting, all male students on the bus were searched immediately, and the bus was searched twice. No gun was found. The bus was then taken with the students to the police station, where following questioning, one female student said she had been sitting next to Tyler and had seen him fire a gun into the crowd. Following this testimony, police then "found" a .45 automatic gun stuffed inside a seat, through a long, visible tear in the seat. The same seat had previously been searched, shaken and turned upside down several times, and nothing had been found. Gary Tyler was detained in the police station where there is strong evidence that he was savagely beaten. He did not make any statement implicating himself in any way.

At the time of the incident, racial tensions in the area were running high as whites attempted to resist racial integration. There were frequent clashes in which the Klu Klux Klan played a leading role. Gary Tyler was tried by an all white jury from which members of the black community had been deliberately excluded. He received seriously deficient legal representation at his trial from a white lawyer who specialized in civil cases and who spent only one hour with Tyler during the whole year previous to his trial. Furthermore, he did not interview witnesses, present any expert witnesses or conduct tests on physical evidence offered by the state, and failed to object to gross errors committed by the trial judge, later found in the appeal court to have made Tyler's trial "fundamentally unfair". Since the trial, evidence has come to light indicating that Tyler did not shoot the victim, including witnesses who testified against Tyler at trial and later recanted, saying that they were coerced by the police to make statements against him, and questionable forensic evidence which did not clearly and definitely implicate Tyler in the murder.

Originally sentenced to death, Tyler's death sentence was overturned in 1977 following a ruling by the US Supreme Court in 1976 which declared the state's death penalty unconstitutional, and his sentence was commuted to life imprisonment without parole, probation, or suspension of sentence for 20 years.

In two decisions a federal appeals court ruled that Tyler had been "convicted on the basis of unconstitutional charge" which had "infected the trial" to the point of rendering it "fundamentally unfair". In its first decision, the court vacated Tyler's conviction and ordered a retrial. However, following an appeal by the state, the court reversed its previous decision ordering a new trial, although it did not dispute its

finding of unconstitutionality, and reiterated its view that the trial had been fundamentally unfair. On at least three separate occasions the Louisiana Board of Pardons recommended to two state governors that Gary Tyler's sentence should be reduced, on one occasion, making him immediately eligible for parole, but these recommendations were rejected.

If Louisiana's death penalty had not been found unconstitutional, it is very likely that Gary Tyler would have been executed before now. Amnesty International is calling on Governor Blanco to rectify this shocking injustice by granting a pardon to Gary Tyler with immediate effect and by ordering a full, independent investigation into his case so that anyone found to have been involved in any cover-up or abuse is brought to justice.

For more information on Gary Tyler's case and full details of Amnesty International's concerns, see: USA: "The Case of Gary Tyler", AMR51/89/94.