

URGENT ACTION

EXECUTED AFTER 32 YEARS ON DEATH ROW

Carlton Gary, aged 67, was executed in Georgia on 15 March after spending almost half of his life on death row. He was convicted in 1986 of the murders of three women which the jury was told were part of a series of similar killings committed in 1977 and 1978.

The State Board of Pardons and Paroles announced on 14 March that it was denying clemency to **Carlton Gary**.

On 15 March, the Georgia Supreme Court dismissed a motion for a stay of execution. It noted that Carlton Gary “contends that his innocence has been proven by the recent DNA testing results and other evidence, including a footprint at one of the crime scenes and a bite mark on one of the victims.” However, in a news release, the Court stated that “procedurally, Gary should have brought an application for a discretionary appeal to the Court. Instead, he brought what is deemed an ‘original motion’ – one that originates in this Court rather than coming to this Court as an appeal of a decision by a lower court.” The Court concluded that the prisoner had “failed to show why this Court must exercise its original jurisdiction in his case, something that this Court will do only in ‘extremely rare’ cases, which this case is not because the relevant recent decision in the trial court could be raised before this Court through an application for discretionary appeal.”

Also on 15 March, the US Court of Appeals for the 11th Circuit denied an appeal from Carlton Gary’s lawyers to be allowed to file a new petition in lower federal court on the claim that his execution would violate the US Constitution (1) because the state destroyed evidence in connection with a post-conviction DNA test; and (2) because he was innocent of the murders for which he was sent to death row.

The execution, scheduled for 7pm, was delayed as the decision of the US Supreme Court was awaited. The Court announced after 9pm that it would not be intervening.

The Department of Corrections issued a statement saying that the execution went ahead at 10.33pm and that Carlton Gary “did not accept a final prayer and did not record a final statement”.

There have been six executions in the USA this year – three in Texas, and one each in Alabama, Florida and Georgia. This brings to 1471 the number of executions nationwide since judicial killing resumed there in 1977, after the Supreme Court approved new capital statutes in 1976. Georgia accounts for 71 of these executions. Amnesty International opposes the death penalty, unconditionally. Today 142 countries are abolitionist in law or practice.

No further appeals from the UA Network are requested. Many thanks to all who sent appeals.

This is the first update of UA 55/18. Further information: www.amnesty.org/en/documents/amr51/8043/2018/en/

Name: Carlton Gary

Gender m/f: m

Further information on UA: 55/18 Index: AMR 51/8088/2018 Issue Date: 16 March 2018

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