

URGENT ACTION

SON OF MURDER VICTIM OPPOSES EXECUTION

Christopher Young is due to be executed in Texas on 17 July. He was 21 years old at the time of the murder in 2004 for which he was sentenced to death. The son of the murder victim supports clemency.

Fifty-five year old Hasmukhbhai Patel was fatally shot on 21 November 2004 during an attempted robbery of his convenience store in Bexar County, Texas. **Christopher Young**, aged 21, was arrested shortly after the crime, brought to trial in early 2006, and convicted of capital murder. He was sentenced to death after the jury decided he was likely to commit future acts of criminal violence if allowed to live, even in prison – the so-called ‘future dangerousness’ finding, a prerequisite for a death sentence in Texas.

Christopher Young’s clemency petition to the Board of Pardons and Paroles (BPP) asserts that he “is no longer the young man he was” and that his conduct in recent years belies the jury’s dangerousness prediction. A number of fellow prisoners have signed statements describing the positive influence he has had on their lives, how he has defused tensions on death row, and helped inmates with mental disabilities or in need of emotional support.

The petition states that “at the time of the trial, Mitesh Patel [the son of Hasmukhbhai Patel] wanted Young to be executed. But Young has changed, and Mitesh has too.” Mitesh Patel “does not want the State of Texas to execute Christopher Young: he wants Young to be alive so that he can be a father to his [Young’s] daughters”. He is aware that Christopher Young himself “suffered the trauma of losing a father to violence”. This refers to the fact that his father was shot dead in 1992 soon after he had dropped off his then eight-year-old son home after a Martin Luther King Day parade. According to relatives and experts, the murder severely traumatized Christopher Young, and that this was compounded when his stepfather was imprisoned for the rape of his 11-year-old sister. By the age of nine, Christopher Young had joined a gang, as his father had done before him. He turned to drugs and alcohol. A neuropsychologist concluded in 2014 that, as a result of his childhood traumas – including physical and sexual abuse, early maternal neglect, his father’s murder, his sister’s rape and stepfather’s imprisonment, and exposure to community violence and gangs – Christopher Young has complex post-traumatic stress disorder.

The BPP is due to make its clemency recommendation to the Governor on 13 July. Along with the clemency petition, it has been given messages from Christopher Young’s two daughters. The younger of them, now 13, says: “My dad has been on death row since I was three months old... We don’t have the normal father-daughter relationship because of where he is. But we have an awesome relationship...He may have done some bad things, but I love him, and I don’t know the person that did those things...To know that my dad has a month to live makes me cry...I would like to thank everyone that is trying to help my dad”.

Please write immediately in English or your own language, in your own words (cite inmate No. 999508):

- Opposing the execution of Christopher Young and calling for his death sentence to be commuted;
- Urging the authorities to recognize the cycle of violence illustrated here, the positive efforts on death row made by Christopher Young, and the creation of further victims that would occur if the execution goes ahead.

PLEASE SEND APPEALS before 13 JULY to both addressees and 13-17 JULY to GOVERNOR only:

Clemency Section, Board of Pardons and Paroles
8610 Shoal Creek Blvd., Austin,
Texas 78757-6814, USA
Fax: +1 512 467 0945
Email: bpp-pio@tdcj.state.tx.us
Salutation: Dear Board members

Governor Greg Abbott
Office of the Governor, P.O. Box 12428
Austin, Texas 78711-2428, USA
Fax: +1 512 463 1849
Email: <https://gov.texas.gov/apps/contact/opinion.aspx>
Salutation: Dear Governor

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below: Name
Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date.

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ADDITIONAL INFORMATION

The jury was presented with evidence of Christopher Young's traumatic childhood, including his father's murder. However, the defence did not present evidence that he had attempted suicide at the ages of 11 and 15, or of the extent of his abusive family environment and exposure to violent, gang-dominated culture. In 2015, a federal judge concluded that new witness affidavits "presented a wealth of double-edged evidence" which might have provided an explanation of Christopher Young's own violent behaviour, but at the same time making the jury more likely to consider that he was likely to commit future acts of criminal violence if allowed to live. This "future dangerousness" question is an ever-troubling aspect of the death penalty scheme in Texas, USA's leading death penalty state. The judge found that given this, defence counsel "may have had objectively strategic reasons for choosing not to introduce evidence" that their client was "emotionally and physically abandoned by his mother", "raised amid a culture of gang violence and domestic violence", and "had been the victim of sexual and physical abuse from an early age".

In 2015, a US Supreme Court Justice noted that "no one can serve on a capital jury who is not willing to impose the death penalty," and that this "skews juries toward guilt and death". At jury selection, the defence and prosecution question prospective jurors and can exclude individuals, either for a stated reason (for cause) or without giving a reason (a peremptory challenge). Under a 1968 Supreme Court ruling, the prosecution can exclude for cause citizens "irrevocably committed" to vote against the death penalty. In 1985, the Court relaxed this standard, thus expanding the class of potential jurors dismissible for cause. Reasons for dismissals must be "race-neutral" and can be challenged if there is prima facie evidence of discriminatory intent.

Six out of the pool of 60 people from whom Christopher Young's jury was selected were black (Christopher Young is also African American). Of these six people, one was disqualified, and the prosecution dismissed one for cause and three peremptorily. One African American served on the jury. One of the African Americans summarily dismissed was a member of a church, some of whose members visited jails and prisons with a view to helping rehabilitate inmates. The prosecutor said that this association was the "main reason" for dismissing her. In 2009, the Texas Court of Criminal Appeals ruled that the dismissal "was not improper" if the prosecution felt her religious affiliation "could cause her to be more sympathetic to the defendant, particularly in the punishment phase of trial". More than 500 faith leaders from over 40 US states signed a statement protesting the prosecution's dismissal of the juror "solely because she was affiliated with a ministry that works to improve the lives of the poor, the elderly, and the incarcerated" and calling for a new trial free from religious discrimination.

The International Covenant on Civil and Political Rights, ratified by the USA in 1992, requires countries to prioritize rehabilitation of inmates in the prison system. The UN Human Rights Committee has said that "No penitentiary system should be only retributory; it should essentially seek the reformation and social rehabilitation of the prisoner". Executing a prisoner is incompatible with maximizing his or her potential for successful rehabilitation. Recognizing that immaturity and brain development continues into a person's 20s, in 2018 the American Bar Association passed a resolution calling upon states to prohibit the death penalty against anyone for crimes committed when they were 21 years old or younger.

Amnesty International opposes the death penalty unconditionally. Today, 142 countries are abolitionist in law or practice. In the USA, Texas accounts for 552 (37%) of the 1,477 executions since the US Supreme Court upheld new capital statutes in 1976, Texas accounts for seven (58%) of the USA's 12 executions so far this year.

Name: Christopher Young

m/f: Male

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