

**EXTERNAL**

**AI Index: AMR 51/09/96**

**EXTRA 10/96**

**Death Penalty / Legal concern**

**29 January 1996**

**USA (ALABAMA) Edward HORSLEY**

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Edward Horsley, black, is scheduled to be executed on 16 February 1996. He was sentenced to death in 1977 for his role in the murder of Naomi Rolon, in March 1977. A co-defendant was also sentenced to death.

Edward Horsley was tried by an all-white jury after the prosecutor had excluded all prospective black jurors from the jury by use of peremptory challenges (the right to exclude jurors without giving reasons). According to Edward Horsley's present attorneys, his trial attorney failed to adequately present mitigating evidence that Edward Horsley was vulnerable to domination and took part in the crime under the influence of his co-defendant.

According to his attorneys, Edward Horsley, who was one of five children, suffered a deprived and abused background, and was exposed to violence at an early age. While his mother was pregnant with him, Horsley's father was murdered by his brother during an argument. On the death of her husband, Horsley's mother became distraught and began to drink alcohol. As a result, Edward Horsley displayed signs of foetal alcohol syndrome after he was born. As a consequence of two falls during his early childhood, Horsley suffered brain damage which left him physically and mentally impaired. He also suffered a head injury which resulted in seizures. Although the seizures have since subsided, Horsley continues to experience severe headaches as a result of this incident.

Horsley and his brothers and sisters were reportedly subjected to physical, mental, emotional and verbal abuse by the behaviour of their mother's boyfriend, who once cut Horsley's mother with a knife on the leg in front of the children. If he was angry with their mother he would contaminate their food with sulphur, and he would not allow the children to celebrate any holidays, including Christmas. He also threatened to kill them all if Horsley's mother left him. After discovering that he was abusing the children, Horsley's grandmother tried to legally remove them, but was unsuccessful. Eventually Horsley's mother devised a secret plan to leave her boyfriend, and moved with her children to another neighbourhood. There Horsley became exposed to drugs and alcohol, and he began using drugs and sniffing glue at age 11 or 12.

Amnesty International opposes the death penalty in all cases as a violation of the right to life and the right not to be subjected to cruel and degrading punishment as proclaimed in Article 5 of the Universal Declaration of Human Rights.

#### **BACKGROUND INFORMATION**

As of October 1995 there were 135 prisoners under sentence of death in Alabama. The most recent execution in Alabama was Vernal Weeks, on 12 May 1995. The method of execution is electrocution. In Alabama the Governor has sole authority to grant clemency.

**RECOMMENDED ACTION: Please telephone or send telegrams/faxes/express/airmail letters in English:**

- expressing concern that Edward Horsley is scheduled to be executed in Alabama on 16 February;
- urging Governor James to commute Edward Horsley's death sentence;

- expressing concern that Horsley, who is black, was sentenced to death by an all-white jury after the prosecutor used all his peremptory strikes to strike blacks;
- expressing sympathy for the victims of violent crime, and their families and friends.

**APPEALS TO**

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**Salutation: Dear Governor**

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**PLEASE SEND APPEALS IMMEDIATELY.**