

PUBLIC

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UA 58/05 Death penalty / Legal concern

USA (Missouri) Stanley Hall (m), black, aged 36

Stanley Hall is scheduled to be executed in Missouri on 16 March 2005. He was sentenced to death in March 1996 for the murder of Barbara Wood in January 1994.

Stanley Hall's lawyers are appealing for commutation of his death sentence on a number of grounds, including on the claim that he has mental retardation. The execution of people with mental retardation is unconstitutional in the USA after a 2002 US Supreme Court decision, *Atkins v. Virginia*. Missouri law bans such executions, and defines "mental retardation" as "significantly sub-average intellectual functioning" combined with "limitations in two or more adaptive behaviours such as communication, self-care, home living, social skills, community use, self direction, health and safety, functional academics, leisure and work". The deficits must have been documented before the age of 18.

At the age of seven, Stanley Hall was assessed as having an IQ of 57 and diagnosed as "educable mentally retarded". In seventh grade (age 12-13), he was assessed as having an IQ of 71, still within the range indicating possible mental retardation (IQ of less than 70-75). At the age of 19, Stanley Hall could still only read and write at the level of nine- or 10-year-old. At this time his IQ was assessed at 75. In 1995, his IQ was assessed at 73. His most recent testing placed his IQ at 65. Stanley Hall's clemency petition also details his history of deficits in communication skills, social skills, community use, and work skills.

The neuropsychologist who assessed Stanley Hall in 1995 wrote: "It must be realized that Mr Hall maximally is performing within the border line range of intellectual functioning with equally significant deficits in conceptual reasoning ability, learning and memory skills, problem solving skills, and overall general cognitive organization... [I]t is this examiner's opinion that the noted cognitive deficit in behavioral, personality and emotional impairments suggest an individual who responds more to the exigencies of the situation rather than a planned, premeditated, deliberate fashion.... Typically, such individuals are increasingly dependent upon those around them and act in a more subservient and differential role. Rather than planning and initiating activities, these individuals follow the lead of the more dominant individuals in the group."

Two men, Stanley Hall and Rance Burton, were involved in the murder of Barbara Wood. At gunpoint, Barbara Wood was forced into the passenger side of her car, and driven to a bridge over the Mississippi River. Barbara Wood was forced out of the car and a struggle ensued during which she was wounded. According to the trial record, Rance Burton fled the scene and Stanley Hall pushed Barbara Wood off the bridge and into the river, where she died. Rance Burton was allegedly the driving force behind the abduction, and there is evidence that he shot Barbara Wood prior to her being thrown in the river. Rance Burton was not charged in the crime for which Stanley Hall is now facing execution.

Prior to the trial, the St Louis County prosecutor agreed to offer Stanley Hall a sentence of life imprisonment without the possibility of parole in return for a guilty plea. The conditions on this agreement were that Hall would give a full statement, take a polygraph test on this account of the crime, and testify against Rance Burton. The results of his initial polygraph test were inconclusive. He subsequently took another test, which he passed. However, the prosecutor withdrew from the agreement and the case went to trial with the state seeking the death penalty.

Stanley Hall is African American. Barbara Wood was white. Hall's clemency petition raises evidence of the possible impact of race on his case. In St Louis County, in the year that he was prosecuted, four black defendants accused of crimes involving white victims offered to plead guilty and accept a sentence of life

imprisonment without the possibility of parole. The prosecutor rejected all four offers. In three cases involving black victims and black defendants, such pleas were accepted. Between January 1991 and March 1996, all St Louis County defendants sent to death row were convicted of crimes involving white victims. Yet during this period, more than half of murder victims in the county were black. Stanley Hall's jury had no African Americans on it, after the prosecution peremptorily removed the last two remaining African Americans from the jury pool during the selection process. Studies in the USA have consistently shown that murders involving white victims are more likely to result in a death sentence, and this can be particularly pronounced when the defendant is black.

At the sentencing phase of the trial, arguing for the execution of Stanley Hall, the prosecutor related a story to the jurors of how, when he was a child, he had had his dog put down: "When I was a young boy, I had a puppy and his name was Beauregard. He was about this long. Beauregard came from an animal shelter and he was a wonderful animal. He would follow you everywhere. He would stay on a little leash. He would come and he would wag his tail when you got home, pant and jump on you, and I found out Beauregard had distemper... And the veterinarian said... the right thing to do is have him put to sleep. And as a young child, I was – it was a tremendous decision. But there was only one right thing to do. You are faced with a tremendous decision but there is only one right thing to do and that man (Stanley Hall), this crime deserves the death penalty." The Missouri Supreme Court called the prosecutor's argument a "shameless ploy". The US Court of Appeals for the Eighth Circuit called his remarks "irrelevant, unnecessary, and improper". Nevertheless, they have upheld the death sentence.

Stanley Hall is said to be remorseful and to be a productive prisoner, who as worked on a program with at-risk youth brought into the prison in attempts to turn them away from crime.

Amnesty International opposes the death penalty in all cases. In the USA, the capital justice system is marked by arbitrariness, discrimination and error. The USA has carried out 954 executions since 1977. Missouri accounts for 61 of these executions.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language, in your own words:

- expressing sympathy for the family and friends of Barbara Wood, explaining that you are not seeking to condone the manner of her death or to minimize the suffering caused;
- expressing concern at evidence that Stanley Hall has mental retardation, which would render his execution unconstitutional and against Missouri law;
- expressing concern that of the two men involved in this crime, one was not charged and the other is facing execution, the most extreme possible disparity, and not reflective of their relative culpability in the case;
- expressing concern at the apparent role that race has played in this case;
- expressing concern at the prosecutor's clearly improper comments at the sentencing;
- noting that the power of executive clemency exists precisely to reach injustices or errors which the courts have been unwilling or unable to remedy;
- calling on the governor to commute Stanley Hall's death sentence.

APPEALS TO:

Governor Matt Blunt, Office of the Governor,
Room 216, State Capitol Building, Jefferson City MO 65101, USA

Fax: +1 573 751 1588

Email: mogov@mail.state.mo.us

Salutation: Dear Governor

COPIES TO: diplomatic representatives of USA accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.