

PUBLIC

AI Index: AMR 51/057/2001

10 April 2001

Further information on EXTRA 10/01 (AMR 51/021/2001, 8 February 2001) and follow-ups (AMR 51/035/2001, 2 March and AMR 51/037/2001, 5 March) - Death penalty / Legal concern

USA (Oklahoma) Phillip DeWitt Smith, black, aged 38

Phillip Smith's death sentence was commuted to life imprisonment without the possibility of parole on 9 April, by Oklahoma Governor Frank Keating.

The governor had already granted two 30-day reprieves, after the state Pardon and Parole Board voted on 1 March by four votes to one to recommend that he grant clemency to Smith. It was the first such recommendation in Oklahoma in 35 years.

Smith, who had been scheduled to be executed on 8 March, was sentenced to death in 1984 for the murder of Matthew Dean Taylor. He has always maintained his innocence. The case against him was circumstantial and the credibility of the testimony of key prosecution witnesses had been called into doubt (see original EXTRA).

In his statement, Governor Keating said: "The case against Mr. Smith was convincing, and it certainly met the legal threshold for conviction. But the post-conviction testimony of certain witnesses is disturbing. While these inconsistencies were dealt with appropriately by the legal system, they nonetheless raise questions in a case without eyewitnesses to the crime or forensics evidence tying the accused to the crime. Therefore, I cannot in good conscience allow the execution of this inmate."

Amnesty International welcomes the fact that the governor has lifted the threat of execution from Phillip Smith. The organization will be urging him to support a moratorium on executions with a view to leading his state towards abolition. That a prisoner could have spent more than 15 years on death row for a crime he may not have committed is one more example of why more than half the countries of the world have turned their backs on this cruel, brutalizing and irrevocable punishment.

No further action by the UA Network is requested. Phillip Smith's lawyers have asked that their thanks be passed on to all who sent appeals in this landmark case.