

USA (Missouri) Christopher Simmons (m), white, aged 25

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Christopher Simmons is scheduled to be executed in Missouri on 1 May 2002, five days after his 26<sup>th</sup> birthday. He was sentenced to death in 1994 for a murder committed when he was 17 years old. International law prohibits the execution of people who were under 18 at the time of the crime.

Shirley Crook's body was found on 9 September 1993 in the Meramec River, near St Louis in eastern Missouri. The 46-year-old woman had been tied with electric cable, leather straps and tape. The medical examiner determined the cause of death to be drowning, and found that she had sustained several fractured ribs and substantial bruising.

Christopher Simmons was arrested at school the next day. Despite his age, below-average IQ (88), and the fact that he might face capital charges, he was interrogated, at times aggressively, for two hours by three police officers without a lawyer or parent present. At some point, a senior officer joined the interrogation. He told Christopher Simmons that he was facing the death penalty or life in prison and that it would be in his "best interest" to tell the truth. After this officer left, the three others repeated this. Christopher Simmons eventually confessed to the murder. The state chose to seek his execution.

A jury convicted Christopher Simmons of first-degree murder on 16 June 1994. The entire sentencing phase took place the next day. The defence lawyers did not present evidence of the physical and emotional abuse to which their teenage client had been subjected by his alcoholic stepfather, who had also introduced his stepson to alcohol as a toddler. From a young age Christopher Simmons took to abusing alcohol and drugs. The jury were left unaware of this, or his mental health problems.

Arguing for execution, the prosecutor urged the jury not to consider the defendant's age as a mitigating factor: "Let's look at the mitigating circumstances... Think about age. Seventeen years old. Isn't that scary? Doesn't that scare you? Mitigating? Quite the contrary I submit. Quite the contrary." The federal Eighth Circuit Court of Appeals described these comments as "improper" and "condemn[ed] the prosecution for teetering on the edge of misstating the law". In a 1982 decision, the US Supreme Court had ruled that "the chronological age of a minor is itself a relevant mitigating factor of great weight" in capital cases. It said that "the background and mental and emotional development of a youthful defendant [must also] be duly considered in sentencing".

The prosecutor also urged the jury to vote for execution for the sake of Christopher Simmons' family: "Show some mercy to his family, give him death... Look at his little brother [who had testified on his brother's behalf]. [He] said it all. Someday I want to grow up to be just like [Christopher]. To be just like him. Spare those kids of that." The Eighth Circuit also found these comments to be "improper" and to have "no place in an American courtroom", and "admonish[ed] the prosecutor to consider the implications of placing the burden of an execution on the shoulders of a child, even if that burden exists only in the child's mind or in prosecutorial rhetoric". The court still upheld the death sentence.

Under the United Nations Guidelines on the Role of Prosecutors, adopted in 1990, prosecutors must "at all times maintain the honour and dignity of their profession" and "perform their duties fairly, consistently and expeditiously, and respect and protect human dignity and uphold human rights".

#### **BACKGROUND INFORMATION**

The Guidelines on the Role of Prosecutors also state that prosecutors must be made aware of "human rights and fundamental freedoms recognized by national and international law". In this case, the prosecution violated international law in seeking the death penalty against Christopher Simmons.

The execution of people for crimes committed when they were under 18 violates the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child. The prohibition on the imposition of the death penalty against child offenders is so widely respected that it has become a principle of customary international law, binding on all countries, regardless of which treaties they have or have not ratified.

The last execution of a child offender in Missouri was that of Frederick Lashley, killed on 28 July 1993 for a crime committed when he was 17. Since Christopher Simmons was arrested the following month, there have been 17 executions of child offenders documented worldwide, 10 of them in the USA. The others were in Democratic Republic of Congo (1), Iran (3), Nigeria (1), and Pakistan (2). Last year, Pakistan's President announced that he would commute the death sentences of all young offenders on death row there.

There have been 769 executions in the USA since judicial killing resumed there in 1977. Missouri accounts for 57 of these executions. There have been 20 executions nationwide this year, four of them in Missouri.

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

- expressing sympathy for the family and friends of Shirley Cook, explaining that you are not seeking in any way to excuse her murder;
- expressing concern that Missouri intends to kill Christopher Simmons, in violation of international law, respected in almost every country, which prohibits the execution of people who were under 18 at the time of the crime, in recognition of the immaturity of young people and their potential for rehabilitation;
- noting that the power of executive clemency exists to compensate for errors and inequities in the legal system, and that the Governor can now consider the mitigating evidence that the jury never heard, as well as taking full account of the improper arguments of the prosecution;
- urging the governor to commute this death sentence in the interest of justice, decency, international law, and the reputation of his state.

#### **APPEALS TO:**

Governor Bob Holden  
 Missouri Capitol Building, Room 218  
 PO Box 720, Jefferson City, MO 65102-0720, USA  
**Fax: +1 573 751 1495**  
**Salutation: Dear Governor**

**COPIES TO:** Diplomatic representatives of USA accredited to your country.

You may also write a brief letter (not more than 250 words) to: Letters to the Editor, St. Louis Post-Dispatch, 900 N. Tucker Blvd., St. Louis, MO 63101, USA. **Fax: +1 314 340 3139 E-mail: [letters@post-dispatch.com](mailto:letters@post-dispatch.com)**

**PLEASE SEND APPEALS IMMEDIATELY.**