

PUBLIC

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Further information on UA 97/01 (AMR 51/056/2001, 12 April 2001) - Death penalty / Legal concern

USA (North Carolina) Robert Bacon, black, aged 40

The execution of Robert Bacon, black, was blocked by the North Carolina Supreme Court about 12 hours before it was due to be carried out, on 18 May.

A lower court had issued a stay of execution earlier in the week on the basis of claims made in a class action lawsuit. This argued that Governor Mike Easley could not be impartial when considering petitions for clemency, because of his previous position as state Attorney General. As Attorney General, he had fought the appeals of scores of condemned inmates who challenged their death sentences in the courts during that period.

The state Supreme Court upheld the lower court's stay so that it could consider this potential conflict of interest. It has scheduled a hearing for 7 June. If the Court agrees with the appeal, it could force North Carolina to change its clemency process in order to put the decision into the hands of an official or officials other than the Governor.

The same issue arose in an earlier case, that of Willie Ervin Fisher. In that case, the lower court stay was overturned by the state Supreme Court, and Fisher was executed on 9 March (see EXTRA 14/01, AMR 51/026/2001, 15 February and update of 12 March).

Governor Easley had not announced his clemency decision in Robert Bacon's case when the stay was issued.

No further action by the UA Network is requested at present. Many thanks to all who sent appeals.