

PUBLIC

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Further information on EXTRA 39/02 (AMR 51/074/2002, 13 May 2002) - Death penalty / Leg

USA (Texas) Johnny Joe Martinez (m), Hispanic, aged 29

Johnny Martinez was executed in Texas on 22 May 2002. He was sentenced to death in 1994 for the murder of Clay Peterson in 1993.

In an unusually close vote, the Texas Board of Pardons and Paroles decided by nine votes to eight to reject clemency.

In his final statement, Johnny Martinez once again expressed his remorse for killing Clay Peterson, as he has done ever since the murder. He thanked Clay Peterson's mother for appealing for clemency. He also expressed resentment at his inadequate legal representation: "I know I'm fixing to die, but not for my mistakes. My trial lawyers, they are the ones that are killing me."

Martinez's state-appointed appeal lawyer had also been shockingly incompetent. His failure to challenge the adequacy of Martinez's trial representation in the state appeal courts, led the federal courts to refuse to review the issue as it was "procedurally defaulted".

Johnny Martinez becomes the 13th person to be executed in Texas this year. He is also the 29th prisoner to be put to death in the USA this year, and the 778th since executions resumed in 1977. Texas accounts for 269 of these executions. See: ...268, 269, 270, 271, 272... *The Texas conveyor belt of death rolls on* (AMR 51/078/2002, 15 May 2002, on www.amnesty.org)

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