

**PUBLIC**

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**Death penalty / Legal concern**

**25 June 2004**

**USA (Louisiana)**

**Lawrence Jacobs (m), black, aged 24**

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The Parish of Jefferson, in the State of Louisiana, is intending to seek a death sentence against Lawrence Jacobs, or to use the threat of the death penalty to coerce him into accepting a sentence of life imprisonment without the possibility of parole. Lawrence Jacobs was 16 years old when he arrested and charged with first degree murder. International law, recognized by almost every government in the world, prohibits the use of the death penalty or life imprisonment without the possibility of release against those who were under 18 at the time of the crime.

Nelson Beough, aged 45, and his 75-year-old mother, Della Beough, were shot dead at Nelson Beough's home on 31 October 1996. Lawrence Jacobs and Roy Bridgewater, who was 17 at the time of the crime, were both convicted of first degree murder and received death sentences.

Lawrence Jacobs's conviction and death sentence were overturned by the Louisiana Supreme Court in 2001 on the grounds that he had been denied his right to an impartial jury by the inclusion of jurors who displayed a strong predisposition to imposing death sentences. The Court did not address the constitutionality of executing 16-year old offenders, the lack of any direct evidence indicating that Lawrence Jacobs fired any shot (he maintains that he left the scene before the shootings), or the apparent racial discrimination in the selection of the jury. On the latter question it did note, however, that "the prosecutor's alleged racial discrimination in the selection of jurors... also appears to raise serious questions regarding the propriety of the jury selection process in the case". The prosecution had dismissed four of the five African-American jurors in the jury pool by using peremptory strikes (the right to reject jurors without giving a reason). The prosecution had also tried to dismiss the fifth African-American juror, but had been prevented from doing so by the trial judge. Lawrence Jacobs is black (as is Roy Bridgewater). Both the murder victims were white.

The state is seeking to retry Lawrence Jacobs. The prosecution has insisted that if he does not accept a plea bargain under which he pleads guilty and is sentenced to life imprisonment without the possibility of parole, they will seek the death penalty again. Pre-trial hearings will be held in July 2004 on the legality of executing someone who was 16 years old at the time of the crime.

Prior to his arrest for the crime of which he is now accused, Lawrence Jacobs was held at the Tallulah Correctional Center for Youth (TCCY), a privately operated juvenile justice facility later closed as a result of an investigation by the Civil Rights Division of the US Department of Justice. The investigation found "systemic life-threatening staff abuse and juvenile-on-juvenile violence" in each of the facilities. Other "graduates" of TCCY have faced capital trials (see p 58-59, *USA: Indecent and internationally illegal: The death penalty against child offenders*, AMR 51/143/2002, September 2002).

**BACKGROUND INFORMATION:**

The use of the death penalty against child offenders, people who were under 18 at the time of the crime, is prohibited under international law. The Geneva Conventions, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child (ratified by 192 countries), the American Convention on Human Rights and the United Nations Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty, all have provisions exempting this age group from execution. Since 1990, Amnesty International has documented 36 executions of child offenders in eight countries – the Democratic Republic of Congo, Iran, Nigeria, Pakistan, Saudi Arabia, the USA, China and Yemen. The USA carried out 19 of the executions, more than all other countries combined. In its October 2004 term, the US Supreme Court will

revisit its 1989 decision allowing the execution of offenders who were 16 or 17 at the time of the crime. Its decision is expected in early 2005.

Of the 38 death penalty states, Louisiana has the highest percentage of African Americans on its death row. In April 2004, 67 per cent of its condemned population was black. The state's population at large is 32.5 per cent black and 64 per cent white. Eighty-five per cent of the inmates executed in Louisiana since 1977 (23 out of 27) were put to death for the murder of white victims. They included child offender Dalton Prejean, executed in 1990 for the murder of a white police officer. Prejean was sentenced by an all-white jury, as were at least six of the other 12 African Americans put to death in the state since 1977. Every child offender executed in Louisiana since slavery is reported to have been black and tried in front of an all-white jury for a crime involving a white victim. Ryan Matthews, black, was originally sentenced to death in Jefferson Parish by a jury of 11 whites and one black for the murder of a white man when Matthews was 17. On 18 June 2004 he was released on bail pending retrial after four separate DNA tests supported his innocence claim. In a pre-trial hearing in Lawrence Jacobs' case in 2002, one of the prosecutors wore a tie which bore the image of an executioner's noose, an image which carried echoes from Jefferson Parish's history of racist lynching. See *USA: Death by discrimination – the continuing role of race in capital cases*, AMR 51/046/2003, April 2003.

There are around 70 child offenders on death row in the USA. The number serving sentences of life without the possibility of parole is unknown but far higher. Defendants who were as young as 12 years old at the time of the crime have been sentenced to this penalty. According to information received by Amnesty International there are more than 300 prisoners serving sentences of life without parole in Louisiana for crimes committed when they were 15, 16 or 17. Three quarters of them are black. Lawrence Jacobs' case was previously the subject of EXTRA 66/02 (AMR 51/141/2002, 22 August 2002) and follow-ups AMR 51/156/2002, 3 October 2002 and AMR 51/007/2003, 15 January 2003.

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

- expressing sympathy for the family of Nelson and Della Beaugh, and explaining that you are not seeking to condone the manner of their deaths;
- pointing out that international law prohibits the use of the death penalty or life imprisonment without parole against those who were under 18 at the time of the crime;
- expressing concern that the USA is in virtual isolation on this issue internationally;
- explaining that the prohibition stems from the recognition of a young person's immaturity and capacity for rehabilitation, noting allegations that the State of Louisiana earlier failed to provide rehabilitative and protective care to Lawrence Jacobs in Tallulah Correctional Center for Youth;
- urging the District Attorney's Office to drop its pursuit of the death penalty against Lawrence Jacobs, and not to use the death penalty as a threat to coerce a plea to life imprisonment without parole.

**APPEALS TO:**

District Attorney Paul Connick, Jefferson Parish District Attorney's Office  
200 Derbigny Street, Gretna, LA, 70053, USA

**Fax: +1 504 361 2585**

**Salutation: Dear Assistant District Attorney**

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

You may write brief letters of concern (not more than 250 words) to: Letters to the Editor, *The Times-Picayune*, 3800 Howard Avenue. New Orleans, LA, 70125, USA. **Fax: +1 504 826 3812**

**E-mail: [letters@timespicayune.com](mailto:letters@timespicayune.com)**

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 6 August 2004.