

PUBLIC

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Death penalty / Legal concern

22 October 2008

USA (Texas)

Gregory Edward Wright (m), white, aged 42

Gregory Wright is scheduled to be executed in Texas on 30 October. He was sentenced to death in December 1997 for a murder committed nine months earlier.

Donna Vick was killed in her home in DeSoto, near Dallas, in the early hours of 21 March 1997. Later that day, John Adams entered a video store in Dallas and told the shop assistant to call the police because there had been a murder and he wanted to turn himself in. Adams was arrested and gave a statement to the police that he and Gregory Wright had been at Donna Vick's house and that Wright had stabbed her to death.

Gregory Wright was tried first. Adams did not testify, but the prosecution used the statement he had given to the police that Wright was the actual murderer. The statement was a detailed account of the stabbing that was highly prejudicial to Wright. Wright was tried as the primary actor in the murder. The trial judge instructed the jury that it could convict Wright only if it found that he had actually attacked Donna Vick. The court did not instruct the jury on the "law of parties", the Texas law under which the distinction between principal actor and accomplice in a crime is abolished and each defendant may be held equally culpable. Wright was convicted and sentenced to death. John Adams was tried some six months later under the law of parties. He too was sentenced to death, and he remains on death row without an execution date.

On 21 June 2008, John Adams signed a statement that "I want the record clear that Greg Wright is innocent of the crime he's here on death row for. If you kill him your [sic] killing a innocent man. Greg Wright was used as a scape goat. I'm doing this because I'm tired of seeing innocent people being killed for murders they've not done. The statement I made is a lie the one that I made at the first of our arrest. Greg Wright is innocent! I was there and know better." In follow-up statements signed on 6 August 2008, Adams said that he had placed the murder on Wright "because I was trying to get it off my hands". He said that he, not Wright, had killed Donna Vick, indicating that it was because of his newly found religious conviction that he was coming forward now. Adams has not testified to the truth of his declarations in open court. Another Texas death row prisoner has signed a statement that Adams "has told me several times that he panicked and was scared [after the crime] and that [Gregory Wright] did not kill the lady".

Wright's clemency petition also raises other issues. One relates to statements made by Daniel McGaughey, the shop assistant who was told by Adams to phone the police after the murder. A written statement that McGaughey gave to police on 25 March 1997 stated that Adams had approached him at the store and told him that "there was a murder and he wanted to turn himself in", because he "could not live with himself any longer". However, prior to giving this statement, McGaughey apparently told an investigator that Adams had said "I murdered someone in DeSoto and I can't deal with it. I want to turn myself in". The inconsistency between the statements attributed to McGaughey could render any tape recordings of his phone call to the police crucial. In a pre-trial hearing the prosecution informed Wright's lawyers that there were no tapes, but after the trial began the defence learned that there was a tape of a call made by McGaughey. Questioned by the judge, the prosecutor said that a tape "did exist at one point", but that he did not know where it was. The tape remains missing and has never been provided to Wright's legal counsel.

According to the clemency petition, Wright's trial lawyers did not learn of McGaughey's earlier statement until after Wright's trial had started, when the prosecution provided them with documents pertaining to the case. Wright's lawyers attempted to locate McGaughey, but were unsuccessful and the prosecution claimed not to know his whereabouts. McGaughey signed an affidavit in December 2001 that the authorities investigating

the case knew where he was living in 1997. He further stated that in early 1998, after Wright's trial, he received a number of visits from the prosecution authorities preparing for the trial of John Adams. He was subpoenaed to testify at the trial, and spent two days at the courthouse, but he was never called by the state.

Wright's trial lawyers signed affidavits in 2002 that the prosecution failed to disclose to them the existence of a witness, Jerry Causey, who subsequently testified at Adams' trial that he had been in Donna Vick's car with John Adams hours after the murder, and that Adams had told him that he had killed Vicks. In 2001, Causey signed an affidavit restating this claim and adding that he had been contacted by the prosecution in "approximately November of 1997", i.e. before Wright's trial. The trial lawyers' affidavits assert that if they had known about Causey they would have called him at trial.

The prosecution linked Wright to the murder via articles found in a shack that Wright was said to sometimes stay in. Among the articles seized was a pair of jeans and a knife. DNA testing established that the blood on them was Donna Vick's. The 2002 affidavits of Wright's trial lawyers state that they had not learned until the third day of the trial that letters belonging to Adams had also been found in the shack. Each asserts that if he had known this he "would have used the letters to impeach the State's evidence that the...shack and its contents were solely my client's property". At Adams' trial six months after Wright's, the prosecution emphasised to the jury that the shack was shared by Adams and Wright. Wright's current lawyers state that preliminary DNA testing on the jeans found at the shack indicate Adams' DNA on the inside thigh.

In its closing argument at Wright's trial, the prosecution emphasised to the jury that Wright's "bloody fingerprint is on the pillowcase that is right next to the head of the deceased". According to the clemency petition, this partial fingerprint is the only physical evidence directly linking Wright to the victim's body or the room in which the murder occurred. The reliability of this fingerprint evidence has been called into question. Before the trial, two detectives had failed to identify the print as Wright's, and were not called to testify by the state. Instead the prosecution chose a retired print examiner to testify that there was a positive correlation. The clemency petition accuses the state of having "witness shopped" until it found an expert who would testify in this way. Two forensic scientists have signed affidavits since the trial that the fingerprint lacked sufficient detail or clarity to be identifiable to Wright or any other person.

Amnesty International unconditionally opposes the execution of Gregory Wright and John Adams, as it does all use of the death penalty. Executions resumed in the USA in 1977, and 1,127 inmates have been put to death nationwide since then, 417 of them in Texas. There have been 28 executions in the USA this year, 12 of them in Texas.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language, using the above as you see fit (please include Wright's prisoner number, #999253, in appeals):

- expressing sympathy for the family and friends of Donna Vick and explaining that you are not seeking to condone the manner of her death or to downplay the suffering caused;
- noting the doubts that have been raised about Gregory Wright's participation in this crime, pointing out that he was tried as the primary actor in the murder;
- calling for Gregory Wright's death sentence to be commuted, or at a minimum that he be granted a 180-day reprieve so that he can pursue his claims of innocence in the courts.

APPEALS TO:

Rissie L. Owens, Presiding Officer, Board of Pardons and Paroles, Executive Clemency Section
8610 Shoal Creek Boulevard, Austin, TX 78757, USA

Fax: + 1 512 463 8120

Salutation: Dear Ms Owens

Governor Rick Perry, Office of the Governor, P.O. Box 12428, Austin, Texas 78711-2428, USA

Fax: + 1 512 463 1849

Salutation: Dear Governor

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

PLEASE SEND APPEALS IMMEDIATELY.