

EXTRA 98/99

Death penUSA (Virginia) Marlon DeWayne Williams, aged 28

Marlon DeWayne Williams, black, is scheduled for execution in Virginia on 17 August 1999.

He was sentenced to death in 1995 for the contract killing of Helen Bedsole, white, in 1993. Helen Bedsole's husband, white, who hired Williams to do the killing, received a life sentence. The judge who sentenced Williams to death was left largely unaware of the appalling abuse and abandonment which had marked much of Williams's life.

When Williams was two, his mother joined the army, and he was sent to live with an aunt, who recalls that he was a "bright, happy, loving" child. When he was five, his mother reclaimed custody, after which he was subjected to repeated brutality. For example, in 1983, when he was 10, his mother beat him with a television stand. His stepfather said that he used to whip DeWayne harder than he whipped his own child because he was not his real son. In 1984, DeWayne was found wandering the Fort Bragg army base, North Carolina, where they lived. He had run away in fear of the beatings.

The beatings continued after the family transferred to Fort Lee army base, Virginia. The 11-year-old was beaten with a broom handle so severely by his mother that his two blackened eyes were 95 per cent swollen shut. She sent him to school in this condition. He was immediately taken to hospital, where he was also found to have a ring imprint on his forehead. At this time a social worker cited the mother's "apparently uncontrollable anger and explosive manner". His mother herself admitted that her "normal method of discipline [was] to stretch the child across the bed and beat him with a belt, usually leaving whelps [sic]". DeWayne was taken into the care of the Department of Social Services. He was diagnosed with major depression at 13, and at 15 a psychological evaluation described him as "a very psychologically damaged young man", who was having psychotic episodes. After living in various homes, including his mother's again, DeWayne was taken back into the custody of Social Services until he turned 18. Thirteen months later Helen Bedsole was shot dead.

Williams pleaded guilty to the killing, and faced a sentencing hearing in front of a judge. The defence called only two witnesses - Williams's aunt and a probation officer - and introduced a few documents from the many records available. They called no expert witnesses, although a range of professionals had come into contact with Williams, including social workers, counsellors and mental health professionals. Between them, they could have made clear the extent of Williams's history of abuse and abandonment, and explained his mental health problems, including low self-esteem, anger, poor impulse control, self-destructiveness and inability to trust others.

The judge found that Williams represented a future threat to society and sentenced him to death. He hinted at the paucity of mitigating evidence presented to him, and the lack of expert witnesses: "There is no evidence before the Court from which I could conclude that he was under the influence of extreme mental or emotional disturbance. There is no testimony here by an expert."

The trial lawyers later sought to blame Williams for their failure to present more mitigating evidence, claiming that he had been uncooperative in assisting them. Williams's current lawyers claim this contention is refuted by the trial

attorneys' own notes from the time. The trial attorneys also blame Williams for refusing to be examined by a psychologist, whom he had told: "It don't matter what you say they'll still find me guilty. Nobody's gonna think I'm innocent... I just wanna get it over with... I just don't want no freak show... I don't really want to die but it won't make a difference." Williams states that his lawyers never explained that the reason for such an examination was not to make him out to be a "freak", but was so that the psychologist would be able to present mitigating evidence on his behalf.

The appeal courts have refused to grant an evidentiary hearing at which Williams's claims of ineffective defence counsel, and the mitigating mental health and other expert evidence not presented in 1995, could be heard.

BACKGROUND INFORMATION

The UN Special Rapporteur on extrajudicial, summary or arbitrary executions has reiterated that all capital defendants "must benefit from the services of a competent defence counsel at every stage of the proceedings... In addition, all mitigating factors must be taken into account." (UN document No. E/CN.4/1997/60, 24 December 1996, paragraph 81.)

More than 400 US prisoners have been executed in the past seven years, including 59 thus far in 1999. Many sentenced to death in the USA were too poor to afford a competent trial lawyer. Race continues to play a prominent role in who lives and who dies, with a death sentence the more likely outcome when the defendant is black, and/or the victim white. The mentally impaired continue to be sentenced to death and executed in the USA, as do those convicted of capital crimes committed when they were children.

Amnesty International opposes the death penalty in all cases. A death sentence is an affront to human dignity; executions create more victims and deepen a culture of violence.

RECOMMENDED ACTION: Please send telegrams/faxes/express/airmail letters in English or your own language:

- acknowledging the seriousness of the crime of which Marlon DeWayne Williams was convicted;
- expressing concern that Williams was sentenced to death by a judge who, due to the failure of the defence lawyers to present expert witnesses, was left largely unaware of his appalling history of abuse and abandonment;
- urging the Governor to grant clemency and commute the death sentence.

APPEALS TO:

The Honorable James S. Gilmore III,
Governor of Virginia, State Capitol,
Richmond, VA 23219, USA

Telegrams: Governor Gilmore, Richmond, Virginia, USA

Fax: +1 804 371 6351

Salutation: Dear Governor

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

PLEASE SEND APPEALS IMMEDIATELY.