

PUBLIC

AI Index: AMR 51/133/2008

UA 307/08

Death penalty

5 November 2008

USA (Texas)

Robert Jean Hudson (m), black, aged 45

Robert Hudson is scheduled to be executed in Texas on 20 November. He was sentenced to death in 2000 for the murder of his former girlfriend Edith Kendrick.

According to the state's evidence at trial, Robert Hudson telephoned Edith Kendrick at her apartment in Dallas on the evening of 6 May 1999. He became upset on hearing a man's voice in the background, went to the apartment, and kicked the door open. When Edith Kendrick attempted to intervene between Hudson and the man in the apartment, Robert Hudson threatened her with a knife. The other man ran out to call the police. Edith Kendrick's eight-year-old son sustained serious cuts when he came between his mother and Hudson, and fled. When Edith Kendrick attempted to flee, she was stabbed repeatedly.

Police arrived quickly and found Robert Hudson in a nearby shop. He subsequently signed a written statement admitting to stabbing Edith Kendrick. He was charged, and his trial began on 28 February 2000. The defence called no witnesses at either the guilt/innocence phase of the trial, or the subsequent sentencing phase, at which the jury sentenced him to death, on 1 March 2000.

Four of Hudson's relatives have signed affidavits that they would have been willing to testify on his behalf at the trial, but that they had never been called by the defence. They have said that they could have testified not only to Hudson's good character, but to his difficult family background and his childhood problems with anger management for which he was prescribed medication from an early age.

The appeal courts have dismissed the claim that Hudson's trial representation was inadequate. At the federal level, a District Court dismissed his appeal in 2007. Upholding the death sentence in April 2008, the US Court of Appeals for the Fifth Circuit concluded that "on balance, we cannot say that a reasonable jurist would find debatable or wrong the district court's conclusion that Hudson failed to show prejudice from counsel's failure to investigate his four family members and to discover and present their mitigating evidence."

Up to and during his trial in 2000, Hudson was prescribed anti-depressant medication. Shortly before the trial began he was administered a number of different drugs, all of which can cause drowsiness, dizziness, confusion and fatigue. Robert Hudson has stated in an affidavit that he had trouble staying awake during the trial. In its 2008 ruling, however, the Fifth Circuit Court of Appeals rejected the argument that he had been forcibly medicated or that the administration of the drugs had adversely affected his competency to stand trial.

The clemency petition filed on behalf of Robert Hudson states that "in spite of his troubled background and the circumstances of his trial, Mr Hudson has never denied responsibility for the death of Edith Kendrick, nor claimed that his conduct was, in any way, excusable. To the contrary, he freely admitted his guilt prior to receiving any legal advice. However, the circumstances of his life should have been heard by a jury of his peers prior to their decision to terminate his life. That this did not occur was not his fault and casts doubt on the fairness of our judicial system."

The clemency petition urges the Board of Pardons and Paroles to recommend that the Governor commute Robert Hudson's death sentence to life imprisonment.

BACKGROUND INFORMATION

Texas continues to account for a large number of the USA's executions. Of the 1,129 people put to death nationwide since 1977 when executions resumed in the USA, 418 were in Texas. There have been 30 executions in the USA this year, 14 of them in Texas. Robert Hudson is one of six inmates facing execution in Texas before the end of November. Since Governor Rick Perry took office in 2001, 180 prisoners have been put to death in Texas. Virginia accounts for the next highest number of executions in the USA, with 102 executions in the past 30 years.

Amnesty International opposes the death penalty in all cases, unconditionally. To end the death penalty is to abandon a destructive, diversionary and divisive public policy that is not consistent with widely held values. It not only runs the risk of irrevocable error, it is also costly, to the public purse as well as in social and psychological terms. It has not been proved to have a special deterrent effect. It tends to be applied in a discriminatory way, on grounds of race and class. It denies the possibility of reconciliation and rehabilitation. It promotes simplistic responses to complex human problems, rather than pursuing explanations that could inform positive strategies. It prolongs the suffering of the murder victim's family, and extends that suffering to the loved ones of the condemned prisoner. It diverts resources that could be better used to work against violent crime and assist those affected by it. It is a symptom of a culture of violence, not a solution to it. It is an affront to human dignity. It should be abolished.

Today, some 137 countries are abolitionist in law or practice. In 2007, the UN General Assembly called for a moratorium on executions worldwide and for retentionist countries to work towards abolition.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language, using the above information as you see fit (please include Robert Hudson's prisoner number, #999353, in appeals):

- expressing sympathy for the family and friends of Edith Kendrick and explaining that you are not seeking to condone the manner of her death or to downplay the suffering caused;
- opposing the execution of Robert Hudson;
- calling for Robert Hudson's death sentence to be commuted;
- expressing concern at the continuing use of the death penalty in Texas, which accounts for nearly 40 per cent of the USA's executions.

APPEALS TO:

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

Fax: + 1 512 467 0945

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.