

PUBLIC

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**Further information on EXTRA 106/99 (AMR 51/126/99, 10 August 1999) - Death penalty / Legal concern**

**USA (Delaware) Justin L. Burrell, aged 19**

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On 31 August 1999 the jury at Justin Burrell's trial decided that he should not be sentenced to death. He will now be sentenced by the judge, which will take place in a number of weeks. Under Delaware law, the judge must give the jury's recommendation "great weight", although he can override it. It is reported that no Delaware judge has gone against a unanimous capital sentencing decision since the state reintroduced the death penalty in 1974.

The jurors deliberated for 18 hours over three days before finding Justin Burrell guilty of reckless rather than intentional first-degree murder in the shooting of Dolly Ann Fenwick on 19 May 1998, when he was 17 years old. The state's pursuit of the death penalty was in violation of international law, which bans the use of the death penalty against people convicted of crimes committed when they were under 18.

During the trial, the Kent County Superior Court jury heard Justin Burrell's taped confession taken by police a few days after the killing, which occurred during a botched robbery at Dolly Fenwick's mobile home. The robbery targeted an alleged cache of money held by a lodger who was a known drugs dealer. In the confession, Justin Burrell claimed that the gun had gone off accidentally. He stated that he thought that the weapon, which he said his co-defendant had obtained for him, was not loaded and that the safety catch was on.

His older co-defendant, who was convicted and sentenced to life in prison without parole in March 1999 for recruiting Justin Burrell to carry out the robbery, refused to testify against the teenager, reportedly stating that he would not assist the prosecution in obtaining a death sentence. He was charged with contempt of court and punished with solitary confinement.

At the sentencing phase of Justin Burrell's trial, which took place on 31 August, the jury heard testimony from relatives of Dolly Fenwick describing the impact of her death on their lives. For the defence, members of Justin Burrell's family, including two sisters and his mother, testified on his behalf. Justin Burrell, who turned 19 on 22 August, also addressed the jury. He expressed his remorse for the crime and pleaded for the jurors to spare his life.

Unless the judge overturns the jury's recommendation of a life sentence, Justin Burrell will be sentenced to life imprisonment without parole, the alternative to the death penalty for a first-degree murder conviction in Delaware. This sentence would violate Article 37(a) of the UN Convention on the Rights of the Child, which states that "neither capital punishment nor life imprisonment without the possibility of release shall be imposed for offences committed by persons below eighteen years of age." The USA is one of only two countries not to have ratified the Convention. The other is Somalia, a collapsed state with no recognized government.

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