

PUBLIC

AI Index: AMR 51/175/2004

3 December 2004

Further information UA 322/04 (AMR 51/165/2004, 24 November 2004) - Death penalty/Legal concern

USA (North Carolina) Charles Anthony Walker (m), black, aged 39

Shortly before Charles Walker was due to be executed in North Carolina, in the early hours of 3 December, the state Supreme Court upheld a stay of execution issued by a lower court.

Lawyers had filed last-minute appeals challenging the death sentence on the grounds that Charles Walker should not have been eligible for the death penalty because he had been convicted on the basis of testimony from others involved in the crime. A trial-level judge granted the stay in order to give time to hear more arguments around this issue.

The state appealed to the North Carolina Supreme Court urging that the stay be overturned, but the Court upheld the stay. The state decided not to appeal to the US Supreme Court. Lawyers for both sides now have until 15 January 2005 to file briefs of their argument in the trial-level court.

No further action is requested at present. Many thanks to all who sent appeals.