

PUBLIC

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Further information on EXTRA 83/00 (AMR 51/163/00, 7 November 2000) - Death penalty / Legal concern

USA (North Carolina) Marcus Lois Carter, African American/Korean, aged 32

Marcus Carter's death sentence was commuted to life imprisonment without the possibility of parole on 21 November, a few hours before he was due to be executed.

This is only the second time in his 16 years in office that North Carolina Governor James Hunt has commuted a death sentence. In a statement, he expressed his support for the death penalty and his belief in Marcus Carter's guilt, but said that "in cases where capital punishment could be imposed, we must go the extra mile to assure there is a fair trial. In the case of Marcus Carter, I am convinced that the overall circumstances of this case put that in question. Therefore, I cannot allow this execution to go forward". Governor Hunt leaves office in January 2001.

Marcus Carter's mother and two daughters were with him on their final visit when his lawyer brought the news that his sentence had been commuted. The lawyer said: "I think he was stunned like I was. He looked at me at first in disbelief. Eventually, it started sinking in. His knees got sort of weak and he had to sit in a chair to let it sink in". In a handwritten note, Marcus Carter expressed his thanks to those who had worked on his behalf "during such troubling times in my life" and to the governor "for the consideration that has been placed on my life".

Marcus Carter had been sentenced to death for the 1989 murder of Amelia Lewis, a 20-year-old black woman. There had been serious concerns about the fairness of Carter's trial, both because Carter received inadequate legal representation, and because he was convicted by an all-white jury after the prosecutor removed five blacks from the jury pool by using peremptory strikes, that is, the right to exclude individuals deemed unsuitable without giving a reason.

On 17 November, a group of 22 state legislators urged Governor Hunt to stay Marcus Carter's execution, pending the outcome of a legislative commission's study into North Carolina's death penalty, which has been underway for nearly a year. On 21 November, the commission gave its initial approval to a moratorium on executions in North Carolina, as well as to proposals to prohibit the use of the death penalty against defendants with mental retardation, and to allow prisoners to challenge their death sentences with evidence of racial discrimination.

The commission is due to finalize its report on 19 December. Any proposed legislation would then have to be approved by the state legislature and the new governor before it could become law. Governor Hunt, the incoming governor, Mike Easley, and several legislators have already expressed their opposition to a moratorium.

Amnesty International welcomes Governor Hunt's decision to grant clemency to Marcus Carter.

Amnesty International's action on behalf of Marcus Carter was reported in the local press. Many thanks to all who sent appeals. No further action is required.