

PUBLIC

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EXTRA 160/99

Death pen

USA (South Carolina): Leroy Joseph "Ricky" DRAYTON, black, aged 44

Ricky Drayton is scheduled for execution this evening, 12 November 1999, in South Carolina. He was sentenced to death for the February 1984 murder of Rhonda Darlene Smith.

Evidence raised by Ricky Drayton's appeal lawyers casts doubt on the state's version of what happened in February 1984. According to the prosecution, Ricky Drayton robbed Rhonda Darlene Smith at gunpoint, abducted, and finally killed her. The state maintained that Ms Smith and Ricky Drayton were strangers to each other. However, the appellate team's evidence indicates that the two were boyfriend and girlfriend, and supports the petitioner's claim that the shooting was accidental.

The appeal lawyers point to the failure of defence counsel to adequately investigate the relationship between the victim and the petitioner prior to the shooting, or to challenge the state's forensic evidence of the shooting.

Furthermore, the trial lawyer failed to conduct any examination into Ricky Drayton's mental condition at the time of the crime. Despite being aware of his client's learning disabilities and psychological problems, he chose not to investigate any such mitigating evidence, leaving the jurors unable to take it into account when deliberating between life and death for the defendant.

RECOMMENDED ACTION: Please send faxes in English or your own language:

- expressing concern that Leroy Joseph "Ricky" Drayton is scheduled for execution later today;
- noting that his appeal lawyers have thrown doubt on the state's claims that the murder was a deliberate, premeditated shooting, and have raised serious questions about the competency of the defendant's trial counsel;
- expressing concern that the jury were left unaware of Ricky Drayton's learning disabilities and psychological problems;
- urging the Governor to exercise his power of executive clemency by commuting the death sentence against Ricky Drayton.

APPEALS TO:

The Honourable Jim Hodges
Governor of South Carolina
Columbia
South Carolina

Fax: +1 803 734 9413

Salutation: Dear Governor

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

PLEASE SEND APPEALS IMMEDIATELY