

UA 316/99

Death PenUSA (Virginia) Steve Edward Roach, aged 23

Steve Edward Roach is scheduled to be executed in the state of Virginia on 13 January 2000 for a crime committed when he was 17 years old. International law bans the use of the death penalty against people for crimes committed when they were under 18 years old.

Steve Roach was sentenced to death in 1995 for the murder of his neighbour, 70-year-old Mary Ann Hughes, on 3 December 1993. She was shot at her home in the small rural town of Stanardsville in Greene County. Her credit card, some cash, and her car were taken. Three days later, Steve Roach turned himself in to the Greene County Sheriff. In the presence of a witness, but not a lawyer, he confessed to the crime.

The jury found Steve Roach guilty and the trial moved into its sentencing phase. A Virginia jury must find at least one of two conditions -- "future dangerousness" of the defendant or "vileness" of the crime -- in order to pass a sentence of death. In this case, the judge withdrew the "vileness" condition because there was not enough evidence to support it. As appalling as the crime was, it appeared to have been committed on impulse, there was one victim only, she had been shot a single time, probably died instantly, and there had been no struggle or other assault on her.

The defence presented evidence of Steve Roach's unstable childhood, and his good record in helping other people. His parents separated and reconciled repeatedly during his childhood. His father has said that whenever his wife left him, he took to drinking and life "got worse" for the children, who were often left unsupervised. When Steve Roach was 14, he dropped out of school after his parents requested that he be released from compulsory education because he was needed for chores around the house and to take care of his brothers. He would also help neighbours and relatives with chores. A psychologist testified that Steve Roach was "particularly immature" for his age, had poor "impulse control", and "did not show very good ability in many situations to control his emotions or behaviour like 17-year-old or 18-year-old individuals should do." The expert related Steve Roach's immaturity to the fact that he had not received the guidance or structure that children need in order to mature.

In order to persuade the jury of Steve Roach's "future dangerousness", the prosecutor presented evidence of the teenager's prior run-ins with the law, none of which involved acts of violence against people and all of which occurred during a period of his family's "disintegration". A few months before the 1993 shooting, Steve Roach had got into trouble with the police for the first time in his life. In May he had been found guilty of car theft, reckless driving and failure to stop for the police after he had driven off in a car he found with keys in its ignition. In June he was found guilty of breaking and entering an unoccupied private residence. In August he was again convicted of stealing a car which had been left with the keys in it.

The prosecution presented Steve Roach's probation officer, who testified that the teenager had violated the terms of his probation by possessing a shotgun. However, the police had allowed him to keep the gun when the teenager had taken it in to the Greene County Sheriff's Office days before the shooting because he had wanted to scotch rumours in the community that it was a stolen weapon.

The day before the shooting, Steve Roach and two friends had used the gun in a neighbour's back yard for target practice. It seems that guns were such a natural part of life in Greene County that no adult saw Steve Roach's possession of one as any more than a technical violation of probation.

One of the jurors asked the judge to clarify if Steve Roach would be eligible for parole if they chose life imprisonment instead of death. The judge refused to answer, telling the jury that it was not to concern itself "with what may happen afterwards". It is therefore possible that the jurors based their decision in part out of fear that he would be released within a short period of time if they allowed him to live. In fact he would not have had any chance of release before 2020, at the age of 44.

BACKGROUND INFORMATION

The International Covenant on Civil and Political Rights and the Convention on the Rights of the Child prohibit the use of the death penalty against child offenders - those who commit crimes when under 18 years old. The ban is so widely accepted, and adhered to, that it has become a principle of customary international law, binding on countries regardless of which specific international instruments they have or have not ratified. The only four executions of child offenders known in the world since October 1997 have all been carried out in the USA. In the past decade, the USA has carried out 10 of the 19 known executions of child offenders. Steve Roach is one of three child offenders scheduled to be put to death in the USA in January 2000 (see *Shame in the 21st Century: Three Child Offenders Scheduled for Execution in January 2000*, AMR 51/189/99, December 1999). The global ban on the use of the death penalty against child offenders does not seek to excuse their crimes or belittle the suffering caused, but only to recognize a child's immaturity and capacity for change.

RECOMMENDED ACTION: Please send telegrams/faxes/express/airmail letters in your own words, in English or your own language:

- expressing deep concern that Steve Edward Roach is facing execution in violation of international law which bans the use of the death penalty against those under 18 years old at the time of their crimes;
- explaining that this international ban does not seek to excuse violent crimes committed by children, but only to recognize children's immaturity and their capacity for change;
- noting that the murder of Mary Ann Hughes, whilst appalling, was Steve Roach's only violent crime, and appears to have been an act committed on impulse, by an immature teenager;
- expressing concern that he was sentenced to death by a jury left unaware that he would be imprisoned until at least 2020 if they voted for life;
- urging the Governor to commute Steve Roach's death sentence in line with international law and a worldwide consensus against such executions.

APPEALS TO:

The Honourable James Gilmore
 Governor of Virginia
 State Capitol, Richmond, VA 23219, USA
Telegrams: Governor Gilmore, Richmond, VA, USA
Faxes: +1 804 371 6351
Tel: +1 804 786 2211
Salutation: Dear Governor

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

You may also write brief letters of concern (not more than 250 words) to:

Letters to the Editor: *Richmond Times-Dispatch*, PO BOX 85333, Richmond, VA 23293, USA. **Faxes: + 1 804 775 8090**

PLEASE SEND APPEALS IMMEDIATELY.