

URGENT ACTION

TEXAS EXECUTION IMMINENT FOR CRIME AT AGE 18

Ray Jasper is scheduled to be executed in Texas on 19 March for a murder committed in 1998 when he was 18 years old. If he had been three months and three days younger at the time of the crime, Ray Jasper would not be facing execution.

David Alejandro was stabbed to death on 29 November 1998 during a robbery of the recording studio he owned in San Antonio. Two teenagers who had been recording music in the studio immediately prior to the crime – 18-year-old **Ray Jasper** and 19-year-old Douglas Williams – were arrested, as was another friend who had been with them in the studio, 19-year-old Steven Russell. Ray Jasper signed a statement saying that he had planned and participated in the crime. He was brought to trial and convicted of capital murder on 18 January 2000. On 20 January, the jury voted for the death penalty. Steven Russell (who, according to the evidence, inflicted the fatal wounds) and Douglas Williams, each also charged with capital murder, were later sentenced to life imprisonment.

If Ray Jasper had been three months and three days younger at the time of the crime, he would not be facing execution. In 2005, the US Supreme Court outlawed the death penalty against defendants who were under 18 at the time of the crime, recognizing the immaturity, impulsiveness, poor judgment, underdeveloped sense of responsibility and vulnerability to peer pressure often associated with youth, as well as the potential for young people to mature and change. The Court noted that such qualities do “not disappear” at 18. Scientific research has continued to show that development of the brain and psychological and emotional maturation continues well beyond the late teenage years. At Ray Jasper’s trial the jury was presented with evidence that the defendant was immature at the time of the crime, that he had the potential to change, and that he had been a model inmate in pre-trial custody. Seeking to persuade the jury that Ray Jasper would be a “future danger”, a finding that is a prerequisite for a death sentence in Texas, the prosecution presented evidence of his alleged prior misconduct from the age of 15, including stealing a bicycle, drug possession and an attempted burglary.

Ray Jasper is African American (as are Steven Russell and Douglas Williams). There were no African Americans on his jury; two who had been in the initial jury pool were dismissed by the prosecutor during jury selection. The courts have rejected the previous claims that the prosecutor acted with discriminatory motive when dismissing these potential jury members. Ray Jasper’s lawyer has recently filed a new petition seeking a stay of execution from the courts in order to pursue the claim – this time with newly located juror questionnaire evidence not yet reviewed on appeal – that the prosecutor’s dismissal of one of these potential jurors was indeed motivated by race.

Please write immediately in English or your own language (please cite inmate number 999-341):

- Opposing the execution of Ray Jasper and calling on the Governor of Texas to use his power of reprieve and to work for commutation of this death sentence;
- Urging the Governor to give serious weight to the fact that Ray Jasper was 18 years old at the time of the crime and noting that scientific evidence shows brain and psychological maturation continuing well beyond that age;
- Noting the absence of African Americans on the jury and the ongoing concern about selection of the jury;
- Expressing your understanding of the seriousness of the crime and its consequences.

PLEASE SEND APPEALS BEFORE 19 MARCH 2014 TO:

Governor Rick Perry

Office of the Governor, PO Box 12428, Austin, Texas, USA

Fax: +1 512 463 1849

Salutation: Dear Governor

And copies to:

Governor’s Press office, Fax: +1 512 463 1847

Office of the General Counsel, Fax: +1 512 463 1932

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

The death penalty in the USA, according to its Supreme Court, “must be limited to those offenders who commit a narrow category of the most serious crimes and whose extreme culpability makes them the most deserving of execution.” Young people clearly can commit very serious crimes with consequences for victims that are just as serious as in the case of crimes committed by fully mature offenders. Youth has nevertheless long been recognized as a mitigating factor. In March 2005, in *Roper v. Simmons*, the Supreme Court outlawed the use of the death penalty against defendants who were under 18 years old at the time of the crime, belatedly bringing the USA into line with a long-standing and almost universally respected principle of international law. As well as recognizing attributes often associated with youth, such as impulsiveness and immaturity, the potential for young people to mature and change also motivated the *Roper* ruling: “The character of a juvenile is not as well formed as that of an adult. The personality traits of juveniles are more transitory, less fixed.” Twelve years earlier, in a 1993 ruling involving a Texas death row prisoner who was 19 years old at the time of the crime: “[T]he signature qualities of youth are transient; as individuals mature, the impetuosity and recklessness that may dominate in younger years can subside.”

The *Roper* decision noted that the “qualities that distinguish juveniles from adults do not disappear when an individual turns 18”. This has long been recognized. In 1989, when the Court ruled that the execution of individuals who were 16 or 17 at the time of the crime could continue, four of the nine Justices dissented, noting that: “the development of cognitive and reasoning abilities and of empathy, the acquisition of experience upon which these abilities operate and upon which the capacity to make sound value judgments depends, and in general the process of maturation into a self-directed individual fully responsible for his or her actions, occur by degrees... Insofar as age 18 is a necessarily arbitrary social choice as a point at which to acknowledge a person’s maturity and responsibility, given the different developmental rates of individuals, it is, in fact, a conservative estimate of the dividing line between adolescence and adulthood. Many of the psychological and emotional changes that an adolescent experiences in maturing do not actually occur until the early 20s.”

Scientific research has indeed continued to show that development of the brain and psychological and emotional maturation continues at least into a person’s early 20s and even into their late 20s. The September-October 2008 edition of Harvard Magazine reported on the state of research in this area: “Research during the past 10 years, powered by technology such as functional magnetic resonance imaging, has revealed that young brains have both fast-growing synapses and sections that remain unconnected. This leaves teens easily influenced by their environment and more prone to impulsive behaviour.... Human and animal studies have shown that the brain grows and changes continually in young people – and that it is only about 80 percent developed in adolescents. The largest part, the cortex, is divided into lobes that mature from back to front. The last section to connect is the frontal lobe, responsible for cognitive processes such as reasoning, planning, and judgment. Normally this mental merger is not completed until somewhere between ages 25 and 30...”

Between 1982 and 2003, Texas executed 13 individuals who were under 18 at the time of the crime, 60 per cent of the national total (eight of these 13 people were African American). Texas now leads the USA in the execution of those were 18 or 19 years old at the time of the crime. It has executed at least 62 such individuals since 1987 (33 of whom were African Americans). In other words, since judicial killing resumed in the USA 1977, Texas has executed more inmates who were teenagers at the time of the crime than 46 of the 50 states have executed prisoners of any age or category.

Texas accounts for 510 of the 1,369 executions carried out in the USA since judicial killing resumed there in 1977 under revised capital laws. There have been 10 executions so far in 2014, two of them in Texas. Amnesty International opposes the death penalty in all cases, unconditionally. Some 140 countries have abolished the death penalty in law or practice. A letter written by Ray Jasper last month is available at <http://gawker.com/a-letter-from-ray-jasper-who-is-about-to-be-executed-1536073598>

Name: Ray Jasper
Gender m/f: m

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