

PUBLIC

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Further information on EXTRA 91/02 (AMR 51/183/2002, 11 December 2002) - Death penalty / Legal concern

USA (Mississippi)

Ronald Chris Foster (m), black, aged 30

On 6 January 2003, the Governor of Mississippi granted Chris Foster a reprieve pending resolution of certain legal issues in the courts. Chris Foster had been scheduled to be executed on 8 January, his 31st birthday. He was sentenced to death in 1991 for the murder of George Shelton, white, who was shot on 10 June 1989 during a robbery at the shop where he worked. Chris Foster was 17 years old at the time of the murder. International law, respected by almost every country in the world apart from the USA, prohibits the use of the death penalty against people who were under 18 at the time of the crime.

Governor Musgrove said that there were “compelling legal questions” before the Mississippi Supreme Court and the US Supreme Court that could affect Chris Foster’s death sentence. The questions concern Foster’s mental ability and his age at the time of the crime. At the time of his trial, Chris Foster’s IQ had been assessed at 80. However, tests conducted by a psychologist at the end of December 2002 placed his IQ at 62, a score that could indicate possible mental retardation. In June 2002, in *Atkins v Virginia*, the US Supreme Court ruled that the execution of people with mental retardation was unconstitutional, and said that it was for the individual states to determine how to comply with the decision. Chris Foster’s lawyers have appealed to the Mississippi Supreme Court to review the new evidence of his mental impairment in light of the *Atkins* ruling.

Under the 1989 US Supreme Court decision *Stanford v Kentucky*, defendants who were 16 or 17 at the time of the crime can be subject to the death penalty in the USA. In October 2002, dissenting against the majority’s refusal to revisit the issue, four of the nine Supreme Court Justices said: “There are no valid procedural objections to our reconsideration of the issue now, and, given our recent decision in *Atkins v Virginia*, we certainly should do so.” The dissent continued that the execution of people for crimes committed when they were under 18 years old “is a relic of the past and is inconsistent with evolving standards of decency in a civilized society. We should put an end to this shameful practice.”

There is currently an appeal of an Oklahoma death row prisoner who was 17 years old at the time of the crime pending before the US Supreme Court. The Court may announce later this month if it will take Scott Hain’s case, and thereby review the question of the constitutionality of executing child offenders.

When Governor Musgrove granted Chris Foster a reprieve, he was quoted as saying: “With these matters pending, I am convinced that the prudent course of action is to stay the scheduled execution of Ron Chris Foster until these questions have been answered.”

No further action by the UA Network is requested at present. Many thanks to all who sent appeals.