

PUBLIC

AI Index: AMR 51/061/2003

EXTRA 22/03

Death penalty

30 April 2003

USA (Georgia)

Carl Isaacs (m), white, aged 49

Carl Isaacs is scheduled to be executed on 6 May 2003 in Georgia. The crime for which he is set to die took place 30 years ago when he was 19 years old. He is now 49, having already served the equivalent of a life sentence.

On 14 May 1973, six members of the same family were murdered near their mobile home in Seminole County in the rural southwest corner of Georgia: Jerry Alday aged 35, Ned Alday aged 62, Jimmy Alday aged 25, Mary Alday aged 26, Chester Alday aged 32 and Aubrey Alday aged 57. Mary Alday was also raped.

Four people were tried for the crime in 1974: Carl Isaacs, his 15-year-old brother Billy Isaacs, his half-brother Wayne Coleman aged 25, and a friend George Dungee aged 34. The three adult defendants were sentenced to death. Their convictions were overturned on appeal in 1985 on the grounds that pre-trial publicity had prejudiced the fairness of their Seminole County trial. At a retrial in another county in 1988, Carl Isaacs was again sentenced to death and he has been on death row ever since. According to the state's case, Carl Isaacs shot Jerry, Ned, Jimmy and Aubrey Alday.

Wayne Coleman and George Dungee were resentenced to life imprisonment with the possibility of parole. They are still in prison. According to the state's case, Wayne Coleman killed Chester Alday and also shot Ned Alday, while Mary Alday, who was allegedly raped by Wayne Coleman and Carl Isaacs, was killed by George Dungee. Billy Isaacs served 19 years before being released.

Carl Isaacs was diagnosed with cancer in recent years, and had to have his bladder removed.

BACKGROUND INFORMATION

Since Carl Isaacs was first sentenced to death in 1974, more than 60 countries have abolished the death penalty in law. Today, 112 countries are abolitionist in law or practice. In 1972, in *Furman v Georgia*, the US Supreme Court overturned the USA's capital laws because of the arbitrary way in which the death penalty was being handed out, and there was hope that the USA might move toward abolition. However, the Supreme Court did not find the death penalty to be unconstitutional *per se*, and state legislatures quickly set about rewriting their capital laws to take account of the *Furman* ruling. In *Gregg v Georgia* in 1976, in a decision that would place the USA squarely on the wrong side of history in relation to the death penalty, the Supreme Court approved the new capital laws. Executions resumed in the USA with the execution of Gary Gilmore in Utah in January 1977. Since then, more than 840 men and women have been put to death in 32 states and at the federal level.

Amnesty International opposes the death penalty in all cases, unconditionally. Every death sentence is an affront to human dignity, every execution a symptom of, rather than a solution to, a culture of violence. The death penalty has not been shown to have a unique deterrent effect, carries the risk of irrevocable error, and extends the suffering of one family – that of the murder victim – to another – the loved ones of the condemned. In effect, the death penalty for murder imitates and takes to new heights of calculation what it seeks to condemn, the deliberate taking of human life.

The death penalty in the USA is arbitrary, discriminatory, and inevitably cruel. Who is sentenced to death is influenced not only by the crime itself, but issues such as race or status of the murder victim or the defendant, where the crime is committed, the quality of legal representation and political considerations. The US capital

justice system is characterised by error, both in terms of convictions and sentencing. More than 100 people have been released from death rows since 1973 after evidence of their innocence emerged. A landmark study published in 2000, and covering a 23-year period, found that the error rate in capital cases was 68 per cent. In other words, in almost seven out of every 10 cases, appeal courts had found that the conviction or sentence should not stand. Inadequate legal representation and prosecutorial or police misconduct were the main errors. The study expressed grave doubts that the courts were finding all such errors.

Support for a moratorium on executions has grown over recent years in the USA as the evidence of the unreliability and unfairness of the death penalty system has mounted. However, most politicians have failed to offer human rights leadership, preferring to defer to perceived public support for judicial killing. Their failure of leadership has left the USA increasingly isolated on this fundamental issue, and given the lie to the USA's self-proclaimed status as the world's most progressive force for human rights.

As of 30 April 2003, there had been 849 executions in the USA since 1977, including 29 in 2003. Georgia has carried out 32 executions.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language, in your own words:

- expressing sympathy for the surviving members and friends of the Alday family and acknowledging the very serious nature of the crime for which Carl Isaacs was sentenced to death;
- opposing the death penalty and calling for clemency for Carl Isaacs;
- noting that Carl Isaacs was the only one of four defendants to receive a death sentence;
- noting that Carl Isaacs, who was 19 at the time of the crime, has been under sentence of death for almost 30 years, the equivalent of a life sentence;
- noting that in the same period more than 60 countries have abolished the death penalty, bringing to 112 the number of countries that have turned their backs on executions in law or practice;
- urging the Board members to offer principled human rights leadership in the interest of the reputation of Georgia and the USA by commuting this death sentence.

APPEALS TO:

Georgia Board of Pardons and Paroles
Floyd Veterans Memorial Building,
2 Martin Luther King, Jr. Drive, S.E.
Suite 458, Balcony Level, East Tower,
Atlanta, GA 30334-4909, USA

Telegram: Georgia Board of Pardons and Paroles, Atlanta, Georgia, USA

Fax: +1 404 651 8502

Salutation: Dear Board Members

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

You may write brief letters (not more than 250 words) to the editor of:

Atlanta Journal-Constitution,
PO Box 4689,
Atlanta, GA 30302, USA

Fax: +1 404 526 5746

Email: letters@ajc.com

The Augusta Chronicle,
PO Box 1928,
Augusta, GA 30903, USA

Fax: +1 706 722 7403.

Email: letters@augustachronicle.com

PLEASE SEND APPEALS IMMEDIATELY.