

EXTRA 43/02

Death penalty

7 June 2002

USA (Texas)

Robert Otis Coulson (m), white, aged 34

Robert Coulson is scheduled to be executed in Texas on 25 June 2002 for the murder of his sister and her husband in 1992.

The charred bodies of five members of the Coulson family were found after firefighters were called to a housefire in Houston on 13 November 1992. The dead were Robert Coulson's adoptive parents, Otis and Mary Coulson, their adopted daughters Sarah Coulson and Robin Coulson Wentworth, and the latter's husband Richard Wentworth. Robert Coulson was tried for the murder of Robin Coulson Wentworth (his biological sister) and Richard Wentworth.

The state's theory at the June 1994 trial was that Robert Coulson had committed the murders in order to become the sole beneficiary of his parents' \$600,000 estate. He had allegedly arranged for his family to be at the house on 13 November 1992, had subdued them, bound their hands, covered their heads with plastic bags, poured petrol on their bodies and set them on fire (the autopsies indicated that the victims had died before the fire from asphyxiation caused by the bags). There was no physical or eyewitness evidence linking him to the crime. The case against him rested on the testimony of his alleged co-conspirator, Jared Althaus, who was also charged with capital murder but pleaded guilty in return for a 10-year sentence, of which he served five before being released on parole.

The prosecution, after many attempts, were allowed to introduce as evidence an envelope and two photographs of it supposedly taken at the murder scene on the night of the murders. The back of the envelope had details of a proposed business loan to Robert Coulson discussed with his father earlier in the year, and was introduced to corroborate Jared Althaus's claim that Coulson had called his father to again discuss business and was expected at the house. The photos showed the envelope in a prominent position on the desk in Otis Coulson's study, suggesting that his father had placed it there in preparation for this further discussion. In his closing argument, the prosecutor urged the jury to regard the envelope as corroborating Jared Althaus's testimony. During its deliberations at both the guilt and sentencing phases of the trial, the jury specifically requested to see the "envelope that was on the desk". On appeal, the state argued that "the envelope was a significant piece of evidence simply because it was discovered on top of Otis Coulson's desk on the night of the murders". Affirming the death sentence in 1996, the Texas Court of Criminal Appeals (TCCA) noted that the probative value of the envelope evidence was that it was "found on Otis Coulson's desk on the night of the murders...[which] tended to show that Otis Coulson was expecting to discuss Appellant's business plans around the time of the murders".

Evidence was subsequently produced showing that the photographs were not taken on the night of the murders, but the following day. A crime scene video did not show the envelope on the desk. It seems that the envelope had been found by investigators in a stack of papers under a paperweight on 14 November 1992 and moved by a police officer to be photographed in a more prominent position on the desk. On appeal, the federal courts agreed that the envelope evidence presented at trial was false, but ruled that it was harmless, despite the apparent importance placed on its location by the prosecutor, the jury, the state on appeal, and the TCCA.

#### BACKGROUND INFORMATION

Amnesty International opposes the death penalty in all cases, regardless of questions of guilt or innocence, the seriousness of the crime, the existence or absence of mitigating evidence, or the method used by the state to kill the prisoner. The organization believes that every death sentence is an affront to human dignity, and every execution a symptom of a culture of violence rather than a solution to it.

A clear majority of countries - currently 111 - have abolished the death penalty in law or practice. The international community has ruled out the death penalty as a sentencing option in international courts for even the worst crimes - genocide, war crimes, and crimes against humanity. Since resuming executions in 1977, 780 men and women have been put to death across the USA, more than 600 of them since 1990. Texas accounts for 271 of these executions. Fifteen of the 31 US prisoners executed this year have been killed in Texas.

More than 100 people have been released from death rows in the USA since 1973 after evidence of their innocence emerged. Others went to their deaths despite serious doubts about their guilt. Robert Coulson has consistently asserted his innocence. While Amnesty International is not in a position to assess the credibility of this claim, and opposes his execution in any event, it notes that the case against him involved no physical or eyewitness evidence linking him to the crime, while at the same time utilizing false evidence and a notoriously unreliable form of evidence - the testimony of a co-defendant facing capital murder charges before being granted a plea bargain to a lesser sentence.

The UN Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty state: "Capital punishment may be imposed only when the guilt of the person charged is based upon clear and convincing evidence leaving no room for an alternative explanation of the facts".

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

- acknowledging the very serious nature of the crime against the Coulson family, and explaining that you are not seeking to condone the manner of their deaths;
- opposing the death penalty in this and all cases;
- noting the error-prone nature of the US capital justice system, and expressing concern at the troubling aspects of this case, which involved false evidence and relied heavily upon an unreliable form of testimony, namely that of a co-defendant originally also facing capital murder charges;
- citing the United Nations Safeguards relating to cases where there is any doubt about guilt;
- calling for Robert Coulson's death sentence to be commuted.

**APPEALS TO:**

Gerald Garrett, Chairperson, Texas Board of Pardons and Paroles  
P.O. Box 13401, Austin, Texas 78711-3401, USA  
**Fax: +1 512 463 8120**  
**Salutation: Dear Mr Chairperson**

**COPIES TO:**

The Honourable Rick Perry, Governor of Texas  
State Capitol, PO Box 12428, Austin, TX 78711, USA  
**Fax: +1 512 463 1849; or + 1 512 463 0039; or +1 512 463 1932**

and to diplomatic representatives of the USA accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.**