

PUBLIC

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EXTRA 79/02

Death penalty/Legal concern

24 October 2002

USA (Missouri) William Robert Jones (m)

William Robert Jones is scheduled to be executed in Missouri on 20 November. He was sentenced to death on 9 February 1987 for the murder of Stanley Albert the previous year.

At a capital trial in the USA, where someone is facing the death penalty, the proceedings move into a separate sentencing phase after the defendant has been convicted. During this phase, the prosecution argues for execution, while the defence presents evidence for leniency.

In post-conviction appeals, the defence argued that William Robert Jones was represented by attorneys who had no experience of a capital case. It was contended that they failed to present the sentencing jury with mitigating evidence relating to Jones=s troubled family background, involving frequent physical beatings. They also failed to arrange for a mental health evaluation of William Robert Jones, and did not investigate and present evidence from hospital records which would have indicated that he had suffered a brain injury several months before the crime took place. According to a neurologist who examined William Robert Jones at a later stage, Jones would still have been suffering the effects of this injury at the time of the crime and his behaviour may have been affected.

In 2001 the Eighth Circuit Court of Appeal denied an appeal based on ineffective trial counsel. However, in denying the appeal, it stated: AThere are respects in which trial counsel can justly be criticizedY We have struggled with the issue in this caseY We are clear on one thing. Counsel at least should have investigated petitioner=s hospital records and had them evaluated by an expert. This might have led them to a strategy better than the one ultimately selected.@ William Robert Jones=s present attorneys are presently appealing to the Governor of Missouri for clemency.

International safeguards require that capital defendants receive adequate legal representation Aat all stages of the proceedings@, above and beyond that provided in non-capital cases. In 1996 the United Nations Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions emphasized that in capital cases Aall mitigating factors must be taken into account@.

BACKGROUND INFORMATION

Amnesty International opposes the death penalty unconditionally, no matter how heinous the crime, and regardless of the method the state chooses to kill the prisoner. Every death sentence is an affront to human dignity, 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. Moreover, 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. In contrast to this, and to the repeated claims by US officials that their country is a progressive force for human rights, the United States continues to resort to this cruel, inhuman and degrading punishment.

Since resuming executions in 1977, the USA has executed 805 prisoners, more than 600 of whom have been put to death since 1990. 56 prisoners have been put to death in the USA so far this year; five of them in Missouri. The most recent execution in Missouri was that of Daniel Basile on 14 August 2002.

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

- expressing sympathy for the friends and family of Stanley Albert;
- expressing concern that William Robert Jones was represented at trial by attorneys who had no experience of handling capital cases, who neither presented the sentencing jury with important information about Jones=s family background, nor investigated hospital records, nor arranged for a mental health evaluation of Jones;

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- noting the Eighth Circuit Court of Appeals= judgement on the case in 2001;
- urging the governor to commute William Robert Jones=s death sentence, in the interest of decency and the reputation of Missouri and the USA.

APPEALS TO:

Governor Bob Holden
Missouri Capitol Building, Room 218
PO Box 720, Jefferson City, MO 65102-0720, USA
Fax: + 1 573 751 1495
Salutation: Dear Governor

COPIES TO:

Diplomatic representatives of the USA accredited to your country.

You may also copy appeals to the following newspaper, and/or send brief letters (not more than 250 words) to its editor:

The Editor
St Louis Post-Dispatch
900 N Tucker Boulevard
St Louis, MO 63101, USA
Fax: + 1 314 340 3139
Email: letters@post-dispatch.com

PLEASE SEND APPEALS IMMEDIATELY.