

26 September 2000

Further information on UA 230/99 (AMR 51/144/99, 3 September 1999) and follow-ups (AMR 51/164/99, 12 October 1999; AMR 51/184/99, 15 November 1999; AMR 51/209/00, 14 December 1999; AMR 51/17/00, 27 January 2000 and AMR 51/141/00, 8 September 2000) - Death penalty / Legal concern

USA (North Carolina) Johnnie Lee McKnight, aged 20

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On 25 September 2000, a judge announced that Johnnie McKnight is competent to stand trial, ruling that he "is able to understand the nature and object of the proceedings against him, to comprehend his own situation in reference to the proceedings and to assist in his defense in a rational or reasonable manner". This ruling conflicts with all the expert testimony presented at the competency hearing.

The trial has not yet been scheduled, but is likely to take place in early 2001. The state is intending to seek a death sentence against Johnnie McKnight, who was 17 at the time of the crime, in violation of international law banning the use of the death penalty against defendants accused of crimes committed when they were under 18 years old.

International standards also oppose the use of the death penalty against people "suffering from mental retardation or extremely limited mental competence". On 26 April 2000, the UN Commission on Human Rights adopted a resolution urging all countries "not to impose the death penalty on a person suffering from any form of mental disorder or to execute any such person".

Johnnie McKnight, who has an IQ of 51, has serious learning disabilities. Despite testimony from four mental health experts that Johnnie McKnight is incapable of standing trial, Superior Court Judge Knox V Jenkins said that "the Court must consider the quality and convincing force of the evidence rather than the quantity of evidence." The judge said that the experts' testimony conflicted with that of Johnnie McKnight's co-defendant, Maurice Antonio Smith. Smith, who in 1999 pleaded guilty to the reduced charges of second degree murder in return for testifying against McKnight, told the hearing of Johnnie McKnight's alleged role in the crime.

In reaching the conclusion that Johnnie McKnight was competent to stand trial, Judge Jenkins noted evidence contained in Smith's testimony that McKnight "was able to play cards for money, purchase items and sell drugs with the ability to understand correct change. He was able to operate a car and obey the traffic laws. He followed instructions to pick up a relative at a school at the appointed time. He was able to install speakers in his car and had the limited ability to read and remember lyrics from rap music".

The judge continued: "Neither Smith's testimony nor the evidence of Defendant McKnight's ability to perform certain acts indicates that Defendant McKnight was the leader or "mastermind" of the murders and robbery of the victims. Reason and common sense dictate that a person with Defendant McKnight's degree of retardation compared with Smith's demeanor and obvious intelligence while testifying indicated that Smith was the one capable of planning the robbery."

Finally, the judge ruled that while Johnnie McKnight's mental impairment did not make him incompetent to stand trial, it "significantly reduced [his] culpability for the offense."

Johnnie McKnight and Maurice Antonio Smith, who was 18 at the time of the crime, are accused of killing Rodney Perry (17), Renetta Brookes (22), and Joseph Petty (19). The three were shot on 25 October 1997 in the mobile home of James Williams (45), who survived the attack.

After testifying at the competency hearing on 19 September, Johnnie McKnight's nephew, Kevin Hutchinson, was arrested and charged with three counts of first degree murder for his alleged participation in the crime. Hutchinson, now aged 18, was 15 years old at the time of the crime and is not eligible for the death penalty.

**No further action by the UA Network is requested at present. Many thanks to all who sent appeals. Johnnie McKnight's lawyer has asked for his thanks to be passed on to participants.**