

EXTERNAL

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EXTRA 114/96

Death Penalty / Legal concern

24 July 1996

USA (MISSOURI)      Emmett Nave  
                         Thomas Battle  
                         Richard Oxford

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Emmett Nave, black/Native American (he is one quarter Cherokee), Thomas Battle, black, and Richard Oxford, white, are scheduled to be executed in Missouri on 31 July, 7 August and 21 August 1996 respectively. All three men were sentenced to death for murder.

According to an attorney who represents prisoners under sentence of death in Missouri, Emmett Nave's trial attorney was incompetent and failed to properly represent him at the penalty phase of the trial (when the jury decides whether to sentence the defendant to life imprisonment or death). The District Court found Emmett Nave's trial attorney ineffective, but this finding was reversed by Federal Court on technical grounds.

According to the same Missouri attorney, Richard Oxford is schizophrenic and seriously mentally ill. Although he was found competent to stand trial, a state mental health expert testified that he was not guilty by reason of insanity.

However, this finding was rejected by the jury at his trial. Richard Oxford reportedly has serious claims relating to poor legal assistance at his trial.

Thomas Battle was sentenced to death in October 1981. Amnesty International has no further information about his case.

Amnesty International opposes the death penalty in all cases as a violation of the right to life and the right not to be subjected to cruel and degrading punishment as proclaimed in Article 5 of the Universal Declaration of Human Rights. Of additional concern in the case of Richard Oxford is that his execution may contravene United Nations Economic and Social Council (ECOSOC) resolution 1989/64, adopted in May 1989, which recommends "*eliminating the death penalty for persons suffering from mental retardation or extremely limited mental competence*".

#### BACKGROUND INFORMATION

As of 30 April 1996 there were 92 prisoners under sentence of death in Missouri. The most recent execution in Missouri was Doyle Williams, on 10 May 1996. The method of execution is lethal injection.

In Missouri the Governor has sole power to commute death sentences. A board of inquiry may be appointed by the Governor to gather information relating to whether a person condemned to death should be executed, reprieved or pardoned.

#### RECOMMENDED ACTION: Please send telegrams/faxes/express and airmail letters in English:

- expressing concern that Emmett Nave, Thomas Battle and Richard Oxford are scheduled to be executed in Missouri on 31 July, 7 August and 21 August
- stating opposition to the death penalty in all cases, as a violation of the right to life and the right not to be subjected to cruel, inhuman or degrading punishment, as proclaimed in the Universal Declaration of Human Rights;
- pointing out arguments against the death penalty, for example: state that detailed research has shown that in the USA, the death penalty is imposed in an arbitrary and racist manner - on the poor, on ethnic minorities, the mentally

ill or retarded, and those who have not had adequate legal representation at trial; that the death penalty has never been shown to deter violent crime more effectively than any other punishment; that execution is irrevocable and despite the most stringent judicial safeguards, can be inflicted on the innocent;

- urging Governor Carnahan to commute the death sentences imposed on Emmett Nave, Thomas Battle and Richard Oxford;
- expressing concern at reports that Emmett Nave and Richard Oxford received poor legal representation at trial;
- expressing concern at reports of Richard Oxford's poor mental health, citing the ECOSOC guidelines.

**APPEALS TO**

The Honorable Mel Carnahan  
Governor of Missouri  
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**Salutation: Dear Governor**

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**PLEASE SEND APPEALS IMMEDIATELY.**