

EXTERNAL

AI Index: AMR 51/92/96

18 November 1996

Further information on EXTRA 55/96 (AMR 51/90/96, 11 November 1996) and follow-ups (AMR 51/85/96, 22 April; AMR 51/39/96, 3 May; AMR 51/83/96, 3 September; AMR 51/85/96, 17 September; AMR 51/90/96, 11 November) - Death Penalty

USA (GEORGIA) Ellis Wayne FELKER

---

Amnesty International very much regrets that Ellis Wayne Felker was executed in Georgia on 15 September 1996.

Felker was originally scheduled to be executed on 14 November but received a 24-hour stay of execution from the US Supreme Court. The stay was not issued until minutes before the execution was scheduled and after Felker's leg and head had been shaved for the electrodes: he was not told of the stay until after the execution was due to take place. At the time he was due to die, Felker was talking to his British wife by telephone. He told her "I don't know what's happening. They should be coming to strap me in but I'm still here, pacing up and down."

The appeal, which was based on new evidence that the prosecution had previously failed to make available to defence attorneys, had been denied by the Georgia Supreme Court earlier in the day. In an opinion dissenting from the majority of the court, Justice Norman Fletcher, the court's presiding judge, condemned the prosecution's behaviour saying that the state had punished Felker by failing to disclose the evidence. The opinion went on to state that the failure to disclose the evidence raised "serious questions about whether the State afforded Felker due process [of law]...In post-conviction proceedings, the State repeatedly misrepresented its entire file." According to the opinion, the District Attorney in charge of the case had even denied under oath that the new evidence existed and that "the State's repeated failure to comply with well-settled constitutional principles deprived Felker of a fair trial".

Despite the strong wording of Fletcher's dissenting opinion, the US Supreme Court unanimously denied Felker's appeal late on the afternoon of 14 November. According to newspaper reports, the decision came late in the working day because the judges had a long "leisurely" lunch. Felker was executed within a few hours of the decision.

Prior to the execution, prison guards allowed Felker to walk outside the "Death House" on a small patch of grass. Felker took off his shoes and socks to walk on the grass and described it to his wife as feeling "cool, strange. It reminded me of all the things I hoped one day we'd have the chance to do".

Felker tape recorded a last statement declaring that was innocent. In conversations with his wife he also expressed his gratitude to Amnesty International members for their work against the death penalty,

Felker's execution took a total of seven minutes and 49 seconds.

Letters expressing regret and concern at the execution of Ellis Wayne Felker may be sent to the addresses indicated in previous update (AMR 51/90/96). Please quote from Justice Fletcher's dissenting opinion.