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## UNITED STATES OF AMERICA Guinevere García: A Case of State Assisted Suicide

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Guinevere García, 35, is scheduled to be executed in Illinois on 17 January 1996. She was sentenced to death in 1992 for the murder of her 60-year-old husband, George García, who had brutally abused her. Guinevere García has chosen to drop her appeals and requested that she be executed.

The execution of women in the United States of America (USA) is extremely rare; the last was Velma Barfield in North Carolina on 2 November 1984 and she remains the only woman to have been executed in the USA since executions resumed in 1977. To date, a total of 305 executions have been carried out. As of 21 September 1995, 46 women were under sentence of death in 16 states, including five women in Illinois. The last woman to be executed in Illinois was Marie Porter in 1938.

Since 1973, 111 women have been sentenced to death in the USA. Of those cases, 65 have been resolved - 64 resulting in the reversal or commutation of the death sentence and 46 remain under appeal. Therefore over 98% of the women sentenced to death since 1973 - excluding those 46 women currently in the appeals process - have not been executed.

The execution of Guinevere García would bring to an end a tragic life. As an 18-month-old infant she saw her mother, who was reportedly an alcoholic, fall to her death from the family's second-floor apartment. After the death of her mother, Guinevere García lived with her maternal grandparents. When she was six an uncle began sexually abusing her. Five years later, her grandmother discovered the uncle having sexual intercourse with Guinevere García. She took no action to stop the sexual abuse, but simply inquired whether the uncle was wearing a condom. Guinevere García started drinking alcohol at the age of 11. At 14, she was gang-raped by five teenage boys at a birthday party; the boys were arrested but none were convicted. Around this time, her grandfather arranged for Guinevere García to be married to an illegal alien (to prevent his deportation) for a fee of US\$1,500.

Within a year she had started working as a stripper and prostitute. At the age of 17 she became pregnant and gave birth to a daughter named Sara. Her grandmother wanted custody of the child as she believed that Guinevere García was an unsuitable mother because of her heavy drinking and her recent arrest on a charge of prostitution. After an argument with her grandmother about Sara's custody, Guinevere García went home and drank herself into a blackout. When she regained consciousness she found her daughter was dead in her arms having been suffocated by her while she was drunk. In a television interview she stated that: "I was not going to have my daughter in that house with my grandparents or my uncle. In my mind I was protecting her" (an apparent reference to the sexual abuse she had suffered).

The baby's death was originally ruled as accidental suffocation. However, after a series of fires that coincided with the anniversaries of Sara's birth and death, the police questioned Guinevere García. She confessed to killing her daughter and committing arson. In 1983, four years after the death of her daughter, she pleaded guilty to Sara's murder and was sentenced to 20-years' imprisonment. She was also convicted of four charges of arson.

While in prison, Guinevere García married George García, a former client of hers when she was a prostitute. They divorced but remarried when she was released in the spring of 1991. According to Guinevere García, her husband was abusive and continually beat her. In July 1991, she became intoxicated after a quarrel with George García and shot him outside their home.

At the sentencing phase of her trial (a post-conviction hearing that determines whether the defendant will receive the death penalty) she waived her right to a jury and was sentenced to death by three judges in October 1992. The judges decided that the mitigating factors of Guinevere García's life did not outweigh the aggravating factors of her criminal history and the crime. Although she refused to testify on her own behalf during the penalty phase of the trial, the judges were aware of the sexual abuse Guinevere García had suffered as a child.

The legal appeals in capital cases continue over a number of years, usually between seven and 18. Recent court hearings have determined that Guinevere García is mentally competent to drop her appeals and consent to her execution. Although several feminist groups may attempt to continue legal appeals on her behalf, they will have little or no legal standing before the courts. It is therefore very probable that the execution will go ahead.

Guinevere García recently told a judge: "I don't want to die, your honour, but my life is miserable". She added "I made peace with God and myself. I am sitting in prison while my victims are dead. My life has no purpose, no meaningful existence." Describing her time in prison, she stated: "My life is over. This is not living. I don't want to appeal. I don't want to exist in Room Six of the condemned unit waiting until someone decides to put that needle in my arm."

A team of clinical psychiatrists and therapists hired by the prosecution testified that Guinevere García suffers from personality disorders. However, they contend that this would not impair or invalidate her decision to drop her appeals. The four experts assert that Guinevere García is not suicidal: "A suicidal individual wants to take the law into their own hands, but García is letting the law take its course. She is allowing society to make its own judgement."

In Illinois, the Governor has sole authority to grant clemency, commutations or reprieves. The Prisoner Review Board makes recommendations to the Governor, who is not bound by their recommendation. However, since Guinevere García is consenting to her execution, it is unclear whether the Governor or Board will consider recommending or granting her clemency.

The method of execution in Illinois is lethal injection. As of 31 August 1995 there were 161 prisoners under sentence of death in Illinois. The last prisoner to be executed was George DeVecchio on 22 November 1995. The state of Illinois has executed 7 prisoners since 1990; the first prisoner to be executed, Charles Walker, consented to his execution.

### **Amnesty International concerns**

Amnesty International opposes the death penalty unconditionally in all cases as a violation of the right to life and the right not to be subjected to cruel, inhuman and degrading treatment or punishment as proclaimed in the Universal Declaration of Human Rights.

The execution of a prisoner who has chosen to abandon their appeals and allow the state to execute them is no less a gross human rights violation than any other execution. The fact that an individual makes such a choice does not relieve the state of its responsibility in taking their life. Of the 305 prisoners executed in the USA since 1977, at least 38 had dropped their appeals and consented to their execution. Many of these prisoners had suffered from mental health problems or had been abused as children.

### **Recommended Action: Please send letters and faxes in a private capacity to Governor Edgar:**

- urging him to take into consideration the sexual abuse and the deprived childhood suffered by Guinevere García and to grant her to grant clemency by commuting her death sentence;
- stating that, given Guinevere García's history of abuse and the fact that she is living under a sentence of death, she cannot be considered to be freely consenting to her execution;
- stating that Guinevere García's consent to her execution does not relieve the state of its responsibility in taking the life of one of its citizens;
- expressing concern that the conviction and sentencing of Guinevere García have not been reviewed by the appeal courts to the extent available to other prisoners under sentence of death.

**Write to:**

The Honorable Jim Edgar  
Governor of Illinois  
207 State House  
Springfield, IL 62706  
USA

**Telephone: +1 217 782 6830**

**Faxes: +1 217 782 3560**

**E-mail: [governor@accessil.com](mailto:governor@accessil.com)**

**Salutation: Dear Governor**

You may also send a message of support and hope to Guinevere García:

Guinevere García, N27164  
Dwight Correctional Center  
PO Box 5001  
Dwight, IL 60420  
USA

**KEYWORDS:** DEATH SENTENCE1 / WOMEN /  
MENTAL HEALTH

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