

EXTERNAL (for general distribution)

AI Index: AMR 51/11/94
Distr: UA/SC

EXTRA 06/94 Death Penalty

31 January 1994

USA (North Carolina) David LAWSON, white, aged 38

David Lawson is scheduled to be executed in North Carolina on 18 February 1994.

David Lawson was sentenced to death in June 1981 for the December 1980 murder of Wayne Shinn during a robbery at Shinn's home. According to information received from Lawson's attorneys, Lawson confessed to the crime and at the sentencing phase of his trial told the jury that life imprisonment was cruel and inhumane, and that he wanted the death penalty if they believed he was guilty.

According to recent affidavits by his brother and grandmother, as a young child David Lawson developed psychiatric problems and needed psychiatric help. He was apparently diagnosed as suffering from depression and treated with medication. Later hospital records apparently reveal that Lawson "complained of having been depressed all his life" and of having thoughts of suicide. In a recent affidavit, psychiatrist Dr Nathan Strahl, who has been treating David Lawson since 1986, states that Lawson suffers from "severe recurrent, cyclical depression [ie. long-term recurring bouts of severe depression] that has plagued him his entire life". He also states: "In my opinion, David Lawson suffered from severe, untreated depression at the time of his trial and sentencing hearing and therefore had a severe deleterious impact on his ability to act in his own best interests."

According to information received from David Lawson's attorneys and affidavits from family members, Lawson suffered a childhood of abuse and neglect; he was exposed to alcoholism at an early age as his father was an alcoholic. At the age of 2, his parents divorced and David Lawson was brought up by his grandparents. He later returned to live with his mother and stepfather, who was also an alcoholic and who verbally and psychologically abused Lawson and his mother. Lawson was totally rejected by his stepfather after the birth of his brother. Affidavits from various members of Lawson's family describe the hostile way his father treated him. In a recent affidavit his brother states "I personally observed the cruel treatment that my father regularly inflicted upon David. My father abused David emotionally."

No evidence relating to David Lawson's poor mental health or childhood abuse and neglect was presented to the jury responsible for sentencing him to death.

Lawson's present attorneys have been unable to persuade any court to hear this evidence. They are currently asking Governor Hunt to grant a new sentencing hearing so that this evidence can be presented.

The former Educational Director of the prison where David Lawson is incarcerated has stated in an affidavit that David Lawson "has strived to better himself

while on death row" and "the changes and growth that David has accomplished during his stay on death row has convinced me that he would continue to be a model inmate and would have a positive impact on the prison community if his sentence were to be commuted." Dr Strahl in his affidavit states: "David Lawson is an individual with an enormous amount of untapped potential" and "David is a warm, compassionate individual who if given the opportunity, would be a positive member of the general prison community."

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 or degrading punishment, as proclaimed in the Universal Declaration of Human Rights.

BACKGROUND INFORMATION

As of 6 October 1993 there were 117 prisoners under sentence of death in North Carolina. The most recent person to be executed in the state was John Sterling Gardner, on 23 October 1992. Prisoners in North Carolina choose to be executed by lethal injection or lethal gas. Governor Hunt has full power to grant clemency.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express and airmail letters either in English if possible:

- expressing deep concern that David Lawson is scheduled to be executed;
- expressing concern that evidence which may have been mitigating was not presented to the jury which sentenced David Lawson to death;
- urging Governor Hunt to thoroughly review the issues in David Lawson's case and to stay the execution in order to allow David Lawson's attorneys the possibility of presenting this evidence to a court of law.

APPEALS TO

The Honorable James B Hunt, III
 Governor of North Carolina
 State Capitol
 116 West Jones Street
 Raleigh, NC 27603-8001
 USA

Telephone: +1 919 733 4240

Faxes: + 1 919 733 5166

Telegrams: Governor Hunt, State Capitol, Raleigh, North Carolina, USA

Salutation: Dear Governor

COPIES OF YOUR APPEALS TO:

The Letters Editor
News and Observer
 Box 191
 215 McDowell St
 Raleigh, NC 27602

and to diplomatic representatives of the USA accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY, TO ARRIVE IN NORTH CAROLINA BY 17 FEBRUARY 1994.

