

EXTERNAL (for general distribution)

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Further information on EXTRA 17/94 (AMR 51/17/94, 25 March 1994) - Death Penalty

USA (Maryland): John Frederick THANOS

John Frederick Thanos is now scheduled to be executed during the week beginning 16 May 1994. If the execution is carried out, it will be the first in Maryland for 32 years.

John Thanos had been scheduled for execution during the week beginning 25 April. However on 25 March, Governor Schaefer signed legislation which changed the method of execution in Maryland to lethal injection, meaning that prisoners currently on death row have the choice of the gas chamber or lethal injection. This in turn meant that a new warrant had to be issued for John Thanos' execution because the previous warrant stipulated the method of execution as death by gas.

John Thanos has chosen to abandon his legal appeals and has asked to be executed. An appeal filed on his behalf by his mother and sister challenging Thanos' competency to waive his appeals was dismissed on 15 April without consideration of its merits. This decision will be appealed to the Maryland Court of Appeals. This appeal cites the conclusions of **five** mental health experts that Thanos is incompetent to give up his right to appeal, (not four as stated in EXTRA 17/94); four of these also concluded that he was incompetent during the time of his trials.

John Thanos, white, was first sentenced to death in March 1992 for the murder of Gregory Taylor in August 1990; he received two more death sentences in June 1992 for the murders of Billy Winebrenner and Melody Pistorio in September 1990. Thanos was sentenced to death on both occasions by a judge after he waived his right to be tried by a jury. Thanos was scheduled for execution in November 1993, but won a reprieve when the Maryland Supreme Court failed to rule on an appeal before his death warrant expired at midnight on 7 November (see EXTRA 86/93 AMR 51/90/93, 8 October, and follow-up AMR 51/96/93, 9 November).

Amnesty International opposes the death penalty unconditionally 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. Amnesty International is concerned that the execution of John Frederick Thanos may be contrary to the Safeguards guaranteeing protection of the rights of those facing the death penalty, adopted by the United Nations Economic and Social Council (ECOSOC) in May 1989 (Resolution 1989/64), which recommends eliminating the death penalty for persons suffering from mental retardation or extremely limited mental competence, whether at the stage of sentence or execution."

FURTHER RECOMMENDED ACTION: Please send telegrams/faxes/express and airmail letters in English or your own language, or call by telephone:

- acknowledging the seriousness of the crimes for which John Thanos was sentenced to death and expressing sympathy for the families of the victims of violent crime;
- urging Governor Schaefer not to take the retrograde step of resuming executions in Maryland after 32 years;

- urging Governor Schaefer to grant clemency by commuting John Thanos' death sentences;
- urging that at the very least, a stay of execution be granted in order to allow a review of the opinions of the five medical experts regarding Thanos' competency to abandon his appeals which has never before been heard in a court of law;
- expressing concern that according to the appeal presented on Thanos' behalf by his mother and sister, Thanos suffered a severely deprived family background; has a well documented history of mental-illness; and received poor representation at trial;
- making reference to the ECOSOC guidelines;
- if your country has abolished the death penalty you can cite any useful national experience (eg no effect on homicide rate). It is especially important to mention any national experience demonstrating that the death penalty has no special deterrent effect against violent crime.

APPEALS TO:

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Salutation: Dear Governor

COPIES OF YOUR APPEALS TO:

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and to diplomatic representatives of the USA accredited to your country

PLEASE SEND APPEALS IMMEDIATELY.