

EXTERNAL (for general distribution)

AI Index: AMR 51/42/92
Distr: UA/SC

UA 98/92 Death penalty

24 March 1992

USA: (Alabama)

Larry Gene HEATH

Amnesty International has learned that Larry Heath was executed by the state of Alabama, United States of America, on 20 March 1992.

Larry Heath, white, aged 40, was sentenced to death for the contract murder of his wife, Rebecca McGuire Heath, who was pregnant at the time of her death. Heath was the only one of six co-defendants to receive the death penalty. The two men he hired to carry out the murder are serving life sentences for their part in the crime and will become eligible for parole before the end of the century. Three other co-defendants have completed their sentences.

Larry Heath was twice convicted and sentenced for the same crime. In February 1982 he plead guilty to the murder of his wife and was sentenced to life imprisonment in Georgia. The state of Alabama then sought his extradition on capital murder charges and, in February 1983 he was sentenced to death for the same offence in Alabama.

In 1985, the United States Supreme Court ruled by seven votes to two that it was not double jeopardy for Larry Heath to have been tried by Alabama after Georgia had convicted him of murder based on the same homicide. The court held that both states had an interest in the crime (which commenced with the victim's abduction in Alabama, and concluded with her murder in Georgia). Writing for the dissent, Justice Thurgood Marshall criticized the majority for legitimizing "the collusion between Georgia and Alabama in this case to ensure that petitioner is executed for his crime." (Heath v. Alabama, 1985)

There is evidence that all 12 jurors at the Alabama trial knew from extensive media accounts of the case that Larry Heath had already been convicted and sentenced for the same crime in Georgia. Serious questions remain as to whether such a jury could be impartial and fair in those circumstances. As Justice Thurgood Marshall commented in Heath v. Alabama, "With such a well-informed jury, the outcome of the trial was surely a foregone conclusion." However, this important issue was not raised by Heath's court-appointed lawyer in the initial appeal brief (which contained only a single page of argument on another issue).

At the beginning of 1992 there were 112 prisoners under sentence of death in Alabama. Larry Heath was the fourteenth prisoner to be executed in the state since 1976. The last execution was that of Wallace Norrell Thomas on 13 July

1990. Alabama's method of execution is electrocution.

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

Page 2 of UA 98/92

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/airmail letters:

- expressing deep regret at the execution of Larry Heath;
- expressing concern at the conduct of the legal proceedings in the case: at the move by Alabama to try Larry Heath after he had already been convicted and sentenced for the crime in Georgia; at the extensive pretrial media coverage which resulted in the Alabama jury knowing before the trial that Heath had plead guilty and been convicted of the crime in Georgia; at the disproportionate sentences imposed on the six co-defendants, with Heath alone receiving the death penalty;
- urging that no further executions be carried out in Alabama.

APPEALS TO

The Honorable Guy Hunt
Governor of Alabama
State House
Montgomery, AL 36130
USA

Dear Governor

Telegrams: Governor Hunt, Montgomery, AL 36130, USA
Tel: + 1 (205) 242 7100
Fax: + 1 (205) 261 7934
Telex: 0230592471

COPIES OF YOUR APPEALS TO:

the following newspaper, for the attention of the Letters Editor, and marked "For Publication."

Montgomery Advertiser
PO Box 400
Montgomery, AL 36101
USA
Fax: + 1 (205) 261 1502

and to diplomatic representatives of the USA in your country.

PLEASE SEND APPEALS IMMEDIATELY.