

EXTERNAL (for general distribution)

AI Index: AMR 51/80/92

Distr: UA/SC

*Please bring this action to the attention of the person responsible for outreach work in your section. It is thought that appeals from religious groups/organizations would be particularly helpful.*

UA 202/92

Death Penalty

17 June 1992

USA: (Utah)

William ANDREWS

---

William Andrews, who is black and aged 37, is scheduled to be executed by the state of Utah, USA, on 30 July 1992.

William Andrews was sentenced to death in November 1974 for his role in the murders of three white victims in April 1974, during the robbery of a store. Two other co-defendants were convicted of the crime; one, Dale Pierre Selby, was also sentenced to death, and was executed in August 1987. The other was convicted of aggravated burglary. Andrews was 19 years old at the time of the crime. He has been on death row for 17 and a half years, and is one of the longest surviving death row inmates in the USA.

Co-defendant Selby admitted shooting the victims and said that Andrews had not been present at the time. One of the surviving victims, Orren Walker, has confirmed this: he testified that Andrews tried to dissuade Selby from harming the victims, and when his plea failed, he left the store. The State of Utah has apparently conceded that Andrews did not directly cause the death of any person.

Andrews and Selby, both black, were tried together before an all-white jury; the prosecutor has allegedly admitted that one of the reasons why he excluded the only black potential juror was because of his race. In the middle of the trial the jury received a note directing them to "Hang the Niggers". At the sentencing phase of the trial, the jury was instructed to choose between a sentence of death and a sentence of life imprisonment with parole. They did not have the option available to capital juries in Utah today to pass a sentence of life imprisonment without parole.

On 29 February 1988 the US Supreme Court denied William Andrews' petition for federal habeas corpus relief. Justices Brennan and Marshall dissented and would have granted review of the case "because...Andrews was convicted of murder and sentenced to death under circumstances raising grave concerns of impermissible racial bias." In Justice Marshall's view, sending Andrews to his death without even exploring the question of whether the jury's decision to sentence him to death was influenced by racially charged media coverage of the case was "conscience shocking...Not only is this less process than is due; it is no process at all." (Both Justices Brennan and Marshall have since retired from the court).

Andrews was represented at trial by an inexperienced, court-appointed lawyer who had been a lawyer for less than a year. The lawyer failed to present important mitigating evidence to the jury. At the time of his conviction, he had no significant

criminal record, and is reportedly considered a model prisoner by the Utah State Prison authorities.

A petition for commutation hearing was presented to the Utah Board of Pardons and Paroles on 12 June 1992. A similar plea was rejected with a two-to-one vote by the Board in 1989. The new petition calls, among other things, for the application to Andrews' case of a new state law which gives the Board of Pardons the authority to commute a death sentence to life imprisonment without parole. The judge who scheduled Andrews' execution said that the new law is not retroactive, and so cannot be applied in his case.

Page 2 of UA 202/92

#### **BACKGROUND INFORMATION**

In Utah the power to grant clemency rests exclusively with the Pardons Board. As of April 1992, there were 12 prisoners under sentence of death in Utah. Three prisoners have been executed by the state since 1977; the most recent was Arthur Gary Bishop, on 10 June 1988. The method of execution is either firing squad or lethal injection. Andrews is scheduled to be executed by lethal injection, after declaring he had no preference for either method.

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

[Please note that a previous Urgent Action and follow-ups have been issued on this case - see UA 263/89, AMR 51/35/89 of 24 July 1989, AMR 51/39/89 of 8 August 1989 and AMR 51/42/89 of 21 August 1989 for more details.]

#### **RECOMMENDED ACTION: Please send telegrams/faxes/express and airmail letters:**

- urging the Utah Pardons Board to grant clemency to William Andrews by commuting his death sentence;
- expressing concern at the possibility that racial prejudice may have influenced the jury's decision to sentence William Andrews to death; cite the opinion of US Supreme Court Justices Brennan and Marshall that he did not receive due process of law;
- noting that William Andrews was apparently not present when the murders were committed by his co-defendant, Dale Pierre Selby, a fact that the State of Utah has reportedly conceded;
- expressing concern that William Andrews was represented at trial by an inexperienced court-appointed attorney who failed to present mitigating evidence to the jury.

#### **APPEALS TO**

Utah Board of Pardons and Paroles  
448 East 60400 South 300  
Murray  
Utah 84107, USA

**Salutation: Dear Board Members**

**Telegrams: Utah Board Pardons, Salt Lake City, Utah 84107, USA**  
**Telephone: + 1 801 261 2825**  
**Faxes: + 1 801 265 6481**

**COPIES OF YOUR APPEALS TO:**

Newspaper:

The Letters Editor

Salt Lake City Tribune

30 E 1st S

Box 1257

Salt Lake City, UT 84111, USA

**Faxes: + 1 801 521 9418**

and to diplomatic representatives of the USA in your country.

**PLEASE SEND APPEALS IMMEDIATELY to arrive by 29 July 1992.**