

EXTERNAL (for general distribution)

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Death Penalty

7 February 1991

USA (Louisiana) : Andrew Lee JONES

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Andrew Lee Jones, black, is scheduled to be executed in Louisiana on 25 February 1991. He was convicted of the murder of an 11-year-old black girl and sentenced to death in November 1984. He was tried by an all-white jury in a county whose population is approximately 40% black.

#### BACKGROUND INFORMATION

Andrew Jones is believed to be mentally retarded. He also suffers from neurological brain damage resulting from several serious head injuries sustained during his early life.

Andrew Jones was represented at trial by an inexperienced, court-appointed lawyer, who failed to object to the prosecution's challenge against all the black potential jurors. Although the US Supreme Court ruled in Batson v. Kentucky in 1986 that it was unconstitutional to remove black jurors from trial juries on account of their race, the courts held that no violation had occurred in Andrew Jones' case because his lawyer had failed to object at the time of the trial. The US Supreme Court refused to hear his appeal in June 1989.

In January 1991 a new law came into effect in Louisiana changing the method of execution in the state from electrocution to lethal injection. The law was introduced to provide a more "humane" method of execution, but was not made retroactive. This means that those prisoners who were sentenced to death before 1 January 1991 must be executed by electrocution. In most states where an alternative method of execution is introduced, prisoners are able to choose between the old and the new methods.

As of 21 September 1990 there were 32 prisoners under sentence of death in Louisiana, 17 of whom were black. The most recent person to be executed in the state was Dalton Prejean on 18 May 1990.

#### RECOMMENDED ACTION: Telegrams/telexes/faxes/express and airmail letters:

- urging the governor to grant clemency to Andrew Lee Jones by commuting his death sentence;
- reiterating your opposition to the death penalty, whatever method of execution is used;
- expressing concern at evidence which suggests that Andrew Lee Jones' trial jury was selected using racially discriminatory criteria;
- expressing concern that Andrew Lee Jones may be mentally retarded.

**APPEALS TO:**

The Hon. Charles Roemer  
Governor of Louisiana  
State Capitol  
Baton Rouge, LA 70804  
USA

Telegrams: Governor Roemer, Baton Rouge, LA 70804, USA  
Telexes: 5109933256  
Faxes: (504) 342 0909  
Telephone: (504) 342 7015

Louisiana Board of Pardons and Paroles  
PO Box 44142  
Capitol Station  
Baton Rouge, LA 70804  
USA

Telegrams: Louisiana Pardons Board, Baton Rouge, Louisiana  
Faxes: (504) 342 6593

**COPIES TO:** Diplomatic representatives of the USA in your  
country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat,  
or your section office, if sending appeals after 25 February 1991.