

EXTERNAL (for general distribution)

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Death Penalty

20 September 1991

USA (North Carolina): Mike McDougall

Mike McDougall is scheduled to be executed in North Carolina on 18 October 1991. If carried out, this will be the first execution in North Carolina for five years.

Mike McDougall, white, now aged 36, was sentenced to death in 1980 for the rape and murder of his next-door neighbour, Diane Parker, in 1979. At the time of the murder, Mr McDougall was under the influence of a large dose of cocaine.

During Mr McDougall's trial the jury heard details of his disturbed family background; he had been physically abused by his mother as a child, and at the age of nine had witnessed his grandfather's suicide by shooting. His father was murdered when Mr McDougall was thirteen years-old. Mr McDougall testified to being out of control during the murder and thinking he was fighting his mother. Although the jury acknowledged that Mr McDougall was mentally or emotionally disturbed at the time of the murder and that this may have diminished his responsibility, it imposed the death penalty on the grounds that the crime was particularly heinous.

Among issues raised on appeal, Mr McDougall claimed that his lead attorney had been ineffective. He took drugs during the trial and had twice been suspended from practising law in North Carolina. The attorney was suspended from practising law at the time of the trial itself and was appealing against the suspension. State and federal courts ruled however that Mr McDougall's attorney had been effective and that his behaviour at trial had not affected the outcome.

BACKGROUND INFORMATION

As of April 1991, there were 99 prisoners under sentence of death in North Carolina. The most recent person to be executed in the state was William Rook in September 1986. Executions are carried out by lethal injection or by gas chamber.

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.

RECOMMENDED ACTION: Telegrams/telephone calls/faxes/express and airmail letters:

- urging Governor Martin to grant clemency to Mike McDougall by commuting his death sentence;
- expressing concern that a sentence of death was imposed on Mr McDougall despite the acknowledgement by the jury of his diminished responsibility at the time of the crime;
- expressing concern at the legal representation Mr McDougall received at his trial and emphasizing its inadequacy when a human life is at stake;

- expressing concern at the resumption of executions in North Carolina after a period of five years without any.

APPEALS TO:

The Honourable James G Martin
[Salutation: Dear Governor]
Governor of North Carolina
State Capitol
Capitol Square
Raleigh, NC 27601-2905
USA

Telegrams: Governor Martin, Raleigh
North Carolina 27601-2905, USA
Telephone: +(919) 733 4240
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COPIES TO: Diplomatic representatives of the USA in your country.

PLEASE SEND APPEALS IMMEDIATELY, TO ARRIVE BY 17 October 1991.