

PUBLIC

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Further information on UA 323/08 (AMR 51/144/2008, 24 November 2008) – Death penalty

USA (Washington State)

Darold J. Stenson (m), white, aged 56

Darold Stenson has received a stay of execution. He was due to be executed in Washington State on 3 December. He has spent 14 years on death row for two murders committed in 1993 in Clallam County, in the west of the state.

Darold Stenson has maintained his innocence of the crime and has been pursuing a stay of execution in the courts in a bid to obtain modern DNA testing of evidence from the crime scene. On 21 November, he was denied a stay by a Clallam County Superior Judge, but four days later this decision was reversed after a new witness came forward with possible new evidence of Stenson's innocence. The judge scheduled a hearing for 28 January on the question of DNA testing.

The state appealed to the Washington State Supreme Court to vacate the stay of execution. On 1 December, the Supreme Court refused to do so, and the Department of Corrections cancelled the execution.

A stay of execution was also issued by a federal District Court following a challenge to the state's lethal injection process by Stenson's lawyers, who argued that the state had recently amended its lethal injection procedures without going through the necessary process for such revision. The state appealed to the US Court of Appeals for the Ninth Circuit, but that court rejected the state's appeal to vacate the stay. On 3 December, the US Supreme Court lifted this federal stay, saying that it had been unwarranted, but the state court stay remained in effect.

No further action is requested from the UA network. Many thanks to all who sent appeals.