

PUBLIC

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Further information on UA 04/05 (AMR 51/006/2005, 07 January 2005) – Death penalty / Legal concern

USA (California) Donald Jay Beardslee (m), white, aged 61

Donald Beardslee was executed in California in the first few minutes of 19 January. He had been sentenced to death in 1984 for the murder in 1981 of Paula Gedding. A recent examination had revealed that he suffered from severe brain damage, which the jurors who sentenced him to death did not know.

It reportedly took nearly 28 minutes to carry out the execution. It took the execution team more than 15 minutes to find a suitable vein into which the lethal injection would be administered.

On the afternoon of 18 January, Governor Arnold Schwarzenegger issued a statement denying clemency. On the question of Donald Beardslee's mental impairment, the Governor said: "we are not dealing here with a man who is so generally affected by his impairment that he cannot tell the difference between right and wrong." Responding to the evidence of Donald Beardslee's good record in prison, the Governor stated: "While I commend Beardslee for his prison record and his ability to conform his behavior to meet or exceed expected prison norms, I am not moved to mercy by the fact that Beardslee has been a model prisoner. I expect no less."

The Governor concluded that nothing in Donald Beardslee's application for clemency "convinces me that he did not understand that he committed two grisly murders and that his decision to take those actions was wrong. Clemency is not designed to undo the considered judgment of the people in favor of the death penalty, but to prevent the miscarriage of justice."

Donald Beardslee becomes the second person to be put to death in the USA in 2005, and the 946th since judicial killing resumed there in 1977. California accounts for 11 of these executions.

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