

PUBLIC

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Further information on UA 45/05 (AMR 51/045/2005, 23 February 2005) - Death penalty / Legal concern

USA (Ohio) William Henry Smith (m), aged 47, black

William Smith was executed in Ohio on 8 March 2005. He was sentenced to death in April 1988 for the rape, robbery and murder of a 47-year-old woman, Mary Bradford, in her home in Cincinnati in September 1987.

On 28 February 2005, a federal judge issued a stay of execution to give more time for investigation of Smith's claim that his brain damage may have affected his behaviour at the time of the crime (see original UA). A recent brain scan had revealed an abnormality, and Smith's lawyer had requested more time for further examination. The judge wrote that "the court is not willing to send a man to his death, without having turned over every possible stone". However, the state appealed and on 6 March the US Court of Appeals for the Sixth Circuit overturned the stay.

In a statement on 7 March, Governor Bob Taft said: "Mr. Smith has applied for executive clemency, seeking a commutation of his death sentence to life without parole. Following a thorough review of his clemency request, the report and recommendation of the Ohio Parole Board, judicial opinions, the arguments of his attorneys, the Hamilton County Prosecutor's Office, the Ohio Attorney General's Office and other relevant materials, I have decided to deny clemency."

Eight people have been put to death in the USA this year, bringing to 952 the total number of prisoners who have been executed since the country resumed judicial killing in 1977. Ohio accounts for 16 of these executions.

No further action by the UA Network is requested. Many thanks to all who sent appeals.