

**PUBLIC**

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**Further information on UA 313/04 (AMR 51/163/2004, 19 November 2004) – Death penalty / Legal concern**

**USA (Texas) Frances Elaine Newton (f), black, aged 38**

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Frances Newton was given a 120-day reprieve by Texas Governor Rick Perry on 1 December, a few hours before she was scheduled to be executed. A day earlier, the state Board of Pardons and Paroles had recommended by five votes to one that Governor Perry grant the reprieve.

Frances Newton was convicted in October 1988 of the murder of her husband and two children in April 1987. Convicted on circumstantial evidence, she maintains that she did not kill her husband and children. Her current lawyers, who have only recently taken the case, had appealed for the 120-day reprieve so that they could properly investigate her claim, an investigation they said had not been carried out earlier because her previous legal representation was inadequate.

In a statement granting the reprieve, Governor Perry said: "After a lengthy review of the trial transcript, appellate court rulings, and clemency proceedings, I see no evidence of innocence. However, I am granting the additional time to allow the courts the opportunity to order a retesting of gunpowder residue on the skirt the defendant wore at the time of the murders and of the gun used in the murders. Although this evidence was evaluated by the jury and appellate courts, new technology is available for testing gunpowder residue. Justice delayed in this case is not justice denied. The courts are the ultimate arbiters of evidence, and this case is now back in the hands of the courts."

The Harris County District Attorney, Charles Rosenthal, whose office prosecuted Frances Newton and who had opposed a reprieve, expressed his disappointment at the governor's decision. The District Attorney noted that state and federal courts had earlier rejected a stay of execution. He was quoted as saying: "On the other hand, it doesn't make any difference to me if she is executed today or in 120 days." Harris County is the leading death penalty county in the leading death penalty state of the USA.

**No further action is requested at present. Many thanks to all who sent appeals.**