

PUBLIC

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Death penalty

6 December 2004

USA (Connecticut)

Michael Bruce Ross (m), white, aged 45

Michael Ross is scheduled to be executed by lethal injection in Connecticut in the early hours of 26 January 2005. He has dropped his appeals against his death sentence. The State of Connecticut has not carried out an execution for almost 45 years.

Michael Ross was sentenced to death in 1987 for the murder of four teenagers, all female, in 1983 and 1984: Robin Stavinsky, 19; Wandy Baribeault, 17; Leslie Shelley, 14; and April Brunais, 14. He is also serving life sentences for the murder of Tammy Williams, 17, and Debra Smith Taylor, 23, and up to 25 years for the murder of 16-year-old Paula Perrera. He admitted to killing another woman, Dzung Ngoc Tu, 25, in 1981, but has not been prosecuted in that case. Most of the victims were raped.

Michael Ross's death sentence was overturned by the state Supreme Court in 1994 because the jury had not been able to consider evidence that the murders were the result of sexual sadism, a psychiatric disorder. At a re-sentencing in 2000, the jury rejected the sexual sadism claim as a mitigating factor and he was once again sentenced to death.

In Connecticut, the Board of Pardons has the authority to grant clemency. As the prisoner is not filing a clemency petition, only two people can stop the execution: Michael Ross himself, who could change his mind and pursue his appeals, or the Governor, who can grant a temporary reprieve. Under Article 4, Section 15 of Connecticut's Constitution, "The governor shall have power to grant reprieves after conviction, in all cases except those of impeachment, until the end of the next session of the general assembly, and no longer." Such a reprieve in Michael Ross's case, which Governor M. Jodi Rell has said she will consider, would allow the Connecticut legislature to discuss the future of the death penalty, including abolition, in its forthcoming 2005 session without having already taken the backward step of resuming executions.

Michael Ross has written to Governor Rell urging her to let his execution proceed. In his letter, he claims that he is seeking to bring an end to the pain that the appeals process causes to the murder victims' families. He also maintains that there will not be an "honest debate" on the death penalty by the state legislature until after he has been put to death. He wrote that while he is on death row any such debate would instead "degrade into a referendum of whether Michael Ross should live or die".

BACKGROUND INFORMATION

The last time a prisoner was executed in Connecticut was on 17 May 1960, when Joseph Taborsky was put to death in the state's electric chair. In 1960, nine countries had abolished the death penalty for all crimes. Today, 81 countries are abolitionist for all crimes, and a total of 118 are abolitionist in law or practice. While the USA has bucked this abolitionist trend, with 944 executions carried out since judicial killing resumed in the USA in 1977, the rate of death sentencing and executions has nevertheless slowed over the past five years as national concern about the death penalty has grown.

At least 110 of the people executed in the USA since 1977, including 10 of the 59 put to death this year, were so-called "volunteers", prisoners who had dropped their appeals and "consented" to execution. The first execution carried out in the USA after the US Supreme Court ruled in 1976 that judicial killings could resume was that of Gary Gilmore, who had dropped his appeals. His was the first execution in Utah since 1960 and the first in the USA since 1967. Since then 12 other states – Delaware, Idaho, Illinois, Indiana, Maryland, Nevada, New Mexico, Ohio, Oregon, and Pennsylvania – have resumed judicial killings with a "consensual" execution. In 2001, the US Government carried out the first federal execution since 1963: that of Timothy

McVeigh, who had dropped his appeals. Perhaps these “volunteers” have made it easier for US society to stomach state-sanctioned killing.

As Amnesty International illustrated in an April 2001 report (AI Index: AMR 51/053/2001, <http://web.amnesty.org/library/Index/ENGAMR510532001>) any number of factors may lead a prisoner not to pursue appeals against his or her death sentence, including mental disorder, physical illness, remorse, bravado, religious belief, the severity of conditions of confinement, including prolonged isolation and lack of physical contact visits, the bleak alternative of life imprisonment without the possibility of parole, pessimism about appeal prospects, a quest for notoriety, or simply a desire to gain a semblance of control over a situation in which the prisoner is otherwise powerless.

Rational or irrational, a decision taken by someone who is under threat of death at the hands of others cannot be consensual. What is more, it cannot disguise the fact that the state is involved in a premeditated killing, a policy that is a symptom of a culture of violence rather than a solution to it.

Whether or not a prisoner who “asks” to be executed is deluding himself or herself about the level of control they have gained over their fate B after all, they are merely assisting their government in what it has set out to do anyway B the state is guilty of a far greater deception. It is peddling its own illusion of control: that, by killing a selection of those it convicts of murder, it can offer a constructive contribution to efforts to defeat violent crime. In reality, the state is taking to refined, calculated heights what it seeks to condemn B the deliberate taking of human life. Such executions could be perhaps be characterized as “prisoner-assisted homicide” rather than “state-assisted suicide”.

Amnesty International opposes the death penalty in all cases, regardless of the gravity of the crime, the guilt or innocence of the condemned, or the method used to kill the prisoner. The death penalty has not been shown to have a unique deterrent effect, risks brutalizing society and undermining respect for fundamental human rights, and consumes resources that could otherwise be used towards constructive strategies to combat violent crime and to offer assistance to its victims and their families. History shows that countries have not waited for public opinion to turn against the death penalty before abolishing it. Principled human rights leadership is required for such a step.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language, using any of the above information or your own arguments, using the following as a guide:

- expressing sympathy for the families of the murder victims in this case, and explaining that you are not seeking in any way to excuse the manner of their deaths or to minimize the suffering caused;
- welcoming the fact that the State of Connecticut has not carried out an execution since 1960, during which time more than a hundred countries have abolished the death penalty in law or practice;
- noting that recent years have seen growing national concern in the USA about the death penalty;
- urging the Governor to do all in her power to see that Connecticut does not take the backward step of resuming executions, but instead offers an example of leadership on this fundamental issue;
- urging the Governor to use her constitutional power to issue a reprieve so that the legislature has the option of abolishing the death penalty before the state countenances resumption of executions.

APPEALS TO:

Governor M. Jodi Rell

Executive Office of the Governor, State Capitol, 210 Capitol Avenue, Hartford, CT 06106, USA

Email: Governor.Rell@po.state.ct.us

Fax: +1 860 524 7396

Salutation: Dear Governor

COPIES TO: diplomatic representatives of the USA accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.