

URGENT ACTION

MISSOURI EXECUTION SET AS INNOCENCE CLAIMED

Kimber Edwards is due to be executed in Missouri on 6 October. He was sentenced to death in 2002 for the murder-for-hire of his former wife. The man who shot the victim and who is serving a life sentence now claims that Kimber Edwards was not involved.

The body of Kimberly Cantrell was found in her apartment in University City, Missouri on 23 August 2000, a day after she was last seen alive. She had been shot in the head. She had been in a prolonged dispute with her ex-husband, **Kimber Edwards**, over child support. Police arrested Orthell Wilson after he was identified as the man who had been seen outside Kimberly Cantrell's apartment on 22 August. He was charged with first-degree murder and also gave a statement implicating Kimber Edwards. The latter denied any involvement in the murder but when the police said that they would bring in his wife and children for interrogation, he said that he had paid a man named Michael US \$1,600 to kill Kimberly Cantrell. When the police officers told him that Orthell Wilson had said that "Michael" did not exist, Kimber Edwards told them that Wilson had demanded payment for his role in the killing.

At his trial, Kimber Edwards denied that he had any connection to the murder and that he had given statements to the police so that they would leave his family alone. Orthell Wilson did not testify, but statements he had given to the police were heard by the jury. The jury found Kimber Edwards guilty of first-degree murder and voted for the death penalty after a sentencing hearing that lasted less than a day. Orthell Wilson pleaded guilty in exchange for not facing the death penalty. He was sentenced to life imprisonment without the possibility of parole.

On 8 May 2015, Orthell Wilson signed an affidavit recanting his statements implicating Kimber Edwards, claiming he made them under police pressure and the threat of the death penalty, and that "I alone killed Kimberly Cantrell... Kimber Edwards is completely innocent and was not involved in any way in the murder". He stated that in 2000 he was in a "secret romantic relationship" with Kimberly Cantrell and that he had shot her in the context of an argument over his "drug addiction and constant need for money". Three of his neighbours from that time have signed affidavits stating that they knew of the relationship between Orthell Wilson and Kimberly Cantrell.

In 2004, a psychiatrist concluded that Kimber Edwards has Asperger's Disorder and that this "adversely affected the reliability of his statement to detectives during interrogation as well as his ability to knowingly waive his rights". The psychiatrist also concluded that Kimber Edwards' "odd" reaction to the death of his former wife, which the jury heard described as "nonchalant", "relaxed" and "carefree", could be explained by the defendant's Asperger's Disorder. The jury heard no such explanation for this "damaging characterization" of his demeanour.

Please write immediately in English or your own language:

- Calling for Kimber Edwards' execution to be stopped and for his death sentence to be commuted;
- Noting that the man who actually shot Kimberly Cantrell has recanted his post-arrest statements implicating Kimber Edwards and maintains that the condemned man had nothing to do with the murder;
- Pointing out the irrevocability of execution and the errors that have been revealed in US capital cases;
- Explaining that you are not seeking to downplay the seriousness of the crime or the suffering caused.

PLEASE SEND APPEALS BEFORE 6 OCTOBER 2015 TO:

Office of Governor Jay Nixon

P.O. Box 720, Jefferson City, MO 65102, USA

Fax: +1 573 751 1495

Email: via website <http://governor.mo.gov/contact/>

Salutation: **Dear Governor**

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

At jury selection for a US capital trial, the defence and prosecution will question prospective jurors and can exclude certain people, either for a stated reason (for cause) or without giving a reason (a peremptory challenge). Those citizens who would be “irrevocably committed” to vote against the death penalty can be excluded for cause by the prosecution, under a 1968 US Supreme Court ruling. In 1985, the Court relaxed the standard, thereby expanding the class of potential jurors who could be dismissed for cause during jury selection. Under this standard, a juror can be dismissed for cause if his or her feelings about the death penalty would “prevent or substantially impair the performance of his duties as a juror in accordance with his instructions and his oath”. In 1986, the Supreme Court acknowledged research showing that the “death qualification” of capital jurors “produces juries somewhat more ‘conviction-prone’ than ‘non-death-qualified’ juries”. In 2008, the then most senior judge on the Court, Justice John Paul Stevens, wrote that “the process of obtaining a ‘death qualified jury’ is really a procedure that has the purpose and effect of obtaining a jury that is biased in favour of conviction”.

At jury selection for Kimber Edwards’ trial, the prosecution used peremptory strikes to remove all three African American prospective jurors from the jury pool (Kimber Edwards is African American). The defence challenged two of the strikes, asserting that the prosecution was removing the jurors solely on the basis of their race, in violation of the 1986 Supreme Court ruling *Batson v. Kentucky*. In one of the cases, the prosecution explained that the juror had been dismissed because she had “mentioned that her niece was treated unfairly by the police” and “she seemed to have some distrust of courts and prosecutors”. The defence responded that the prosecution had not dismissed a white juror who had said that she believed her nephew had been treated too harshly by the criminal justice system. However, the trial court overruled the *Batson* challenge. In 2009, a federal judge characterized this as “a close case”, given that “it would not be unreasonable to conclude that the two women held very similar attitudes about the court system”. However, the federal judge deferred to the trial court’s determination that the prosecutor’s reason for dismissing the African American woman had been “race-neutral”. In relation to the second African American, the prosecutor said that he peremptorily dismissed him because he worked for the postal service and the prosecutor “always struck postal workers”, taking the view that they were employees of “one of the biggest bureaucratic organizations” who had to follow rules, and that jury service gave them the opportunity to “not follow the rules”. On appeal, it was pointed out that this prosecution office had a record of using peremptory strikes to dismiss black jurors and also that more than 50 per cent of postal workers in St Louis County were African American, so the policy of peremptorily dismissing postal workers from serving as capital jurors could not be race-neutral. The arguments were rejected and the *Batson* claim dismissed.

The US Supreme Court overturned the USA’s death penalty laws in 1972, but upheld revised laws in 1976, in *Gregg v. Georgia*. In a dissent from a ruling on lethal injection on 29 June 2015, Justice Stephen Breyer argued that the time had come to revisit the constitutionality of the death penalty, given the evidence of its arbitrariness and unreliability. Joined by Justice Ruth Bader Ginsburg, he wrote that “Unlike 40 years ago, we now have plausible evidence of unreliability... In sum, there is significantly more research-based evidence today indicating that courts sentence to death individuals who may well be actually innocent or whose convictions (in the law’s view) do not warrant the death penalty’s application.” Since 1976, more than 140 wrongful convictions in capital cases have been uncovered in the USA, a period that has seen 1,414 executions. Missouri accounts for 86 of these executions. There have been 20 executions in the USA this year, six of them in Missouri. Amnesty International opposes the death penalty in all cases, unconditionally. Today, some 140 countries are abolitionist in law or practice.

Name: Kimber Edwards
Gender m/f: m

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