

**EXTERNAL (for general distribution)**

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**8 January 1992**

*Please bring this to the attention of the campaign coordinator and/or those responsible for the death penalty action on juveniles in the USA.*

**Further information on UA 444/91 (AMR 51/69/91, 17 December 1991) - imminent execution of juvenile offender**

**USA (TEXAS): Johnny Frank GARRETT**

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Johnny Garrett, who was scheduled to be executed by the state of Texas on 7 January 1992, received a 30-day reprieve from the Governor, Ann Richards. This was, she said, to allow more time for a full airing of the differing views and opinions surrounding this case. This is the first time Governor Richards has intervened to stop an execution since she took office in 1990.

Governor Richards does not have the power to grant clemency: she may act only on a recommendation from the Board of Pardons and Paroles.

Johnny Garrett, white, and now aged 27, was convicted and sentenced to death for the rape and murder of Sister Tadea Benz, an elderly Roman Catholic nun. He was 17 years old at the time of the crime. The Roman Catholic church in Texas publicly opposes his execution. A statement by the Bishops of Texas, issued in early January called on the courts to consider important new medical evidence in the case, and called on the Board of Pardons and Paroles to commute Johnny Garrett's death sentence to life imprisonment without parole. They said:

"We, as religious leaders, are gravely concerned about the increase of violence in our State. Violence seems to be begetting more violence. At the same time, there is no compelling evidence that the death penalty is deterring murder in Texas or elsewhere."

Calls for clemency have also come from the Franciscan Sisters of Mary Immaculate in Amarillo, the convent to which Sister Tadea Benz belonged. In a statement on 2 January 1992 they said:

"The impending execution of Johnny Frank Garrett on Tuesday January 7, recalls the shock and sadness we felt at the murder of Sister Tadea Benz on October 31, 1981...Even so, we are still convinced, ten years later, that faithfulness to Jesus Christ and to our founder, St. Francis, requires of us that we forgive Johnny Frank Garrett...As the family of Sister Tadea Benz we respectfully suggest that justice would not be served by executing Johnny Frank Garrett...We ask that the State Board of Pardons and Paroles, with the support of Governor Ann Richards, grant a commutation of the death penalty in his case to life imprisonment."

Johnny Garrett has a long history of mental illness and childhood abuse, but this information was not made available to the jury at his trial in 1982. According to three medical experts

who examined him between 1986 and 1992, Johnny Garrett is extremely mentally impaired, chronically psychotic and brain-damaged as the result of several severe head injuries he sustained as a child. He reportedly suffers from paranoid delusions, including a belief that the lethal injection used to execute prisoners in Texas will not kill him.

Johnny Garrett's upbringing and home environment were, in the words of the psychologist who examined him in 1988, "one of the most virulent histories of abuse and neglect...I have encountered in over 28 years of practice." According to the psychologist's report, Johnny Garrett was frequently beaten manually and with leather belts by his natural father and by his step-fathers. If he wet or dirtied the bed his nose was rubbed in excrement. On one occasion when he would not stop crying he was put on the burner of a hot stove, and still retains scars from the burns he received.

According to the medical reports, Johnny Garrett was raped by a step-father who then hired him to another man for sex. It is also reported that from the age of 14 he was forced to perform bizarre sexual acts and participate in homosexual pornographic films. He was first introduced to alcohol and other drugs by members of his family when he was **page 2 of FU 444/9** ten-years-old and subsequently indulged in serious substance abuse involving brain-damaging substances such as paint-thinner and amphetamines.

In light of the medical evidence in this case, Amnesty International is concerned that Johnny Garrett's execution would be in violation of United Nations Economic and Social Council (EcoSoc) resolution 1989/64, adopted in May 1989, which recommends "eliminating the death penalty for persons suffering from mental retardation or extremely limited mental competence."

**FURTHER RECOMMENDED ACTION: Telegrams, telexes, faxes, express, airmail letters:**

To the Board of Pardons and Paroles

- Urging the Board of Pardons and Paroles to recommend that the Governor grant clemency to Johnny Frank Garrett by commuting his death sentence;
- Citing the strong arguments in favour of clemency made by the religious community in Texas, including the sisters from the convent to which the murdered nun belonged;
- Drawing attention to the reports that Johnny Garrett is severely mentally impaired and that he was subjected to physical and sexual abuse when he was a child;
- Expressing concern that the jury at Johnny Garrett's trial was not made aware of his medical history or abused upbringing;
- Expressing concern at the imposition of a death sentence on an individual who was under the age of 18 at the commission of the offence, and pointing out that contravenes internationally recognized human rights standards for minimum age for use of the death penalty.

To the Governor:

- Thanking Governor Richards for her intervention to prevent the execution of Johnny Garrett on 7 January and her call for more discussion;
- Expressing the hope that she will lead the state of Texas away from its adherence to the death penalty.

**APPEALS TO:**

Texas Board of Pardons and Paroles  
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Austin, TX 78711  
USA

**Telegrams: Texas Board Pardons/Paroles, Austin, Texas 78711, USA**

**Telex: 910 874 1340**

**Fax: +(512) 459 2735**

**Telephone: +(512) 459 2700/2716/2800**

**Salutation: Dear Board Members**

The Honorable Ann Richards  
Governor of Texas

Office of the Governor  
PO Box 12428, Capitol Station  
Austin, TX 78711  
USA

**Telegrams: Governor Richards, Austin, Texas 78711, USA**

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**Salutation: Dear Governor**

**COPIES TO:**

Diplomatic representatives of the USA in your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat or your section office if sending appeals after 7 February 1992.