

8 January 2001

Further information on UA 355/00 (AMR 51/177/00, 17 November 2000) - Death penalty / Legal concern**USA (Oklahoma)Wanda Jean Allen (f), black, aged 41**

Wanda Jean Allen remains scheduled to be executed on the evening of 11 January 2001 for the 1988 killing of her lover, Gloria Leathers.

Wanda Jean Allen was denied clemency by the Oklahoma Pardon and Parole Board at a hearing on 15 December. Her lawyers are challenging the Board's decision, and have appealed to the courts to stop the execution on the basis that she was denied a fair clemency hearing.

The Board was presented with evidence of Wanda Jean Allen's mental impairment. This evidence had not been raised at her trial due to the lack of resources available to the trial lawyer (see original UA). In response, a representative of the state Attorney General's Office told the Board that Allen was not mentally impaired, and that she had graduated from high school and had a junior college degree. Her lawyers contend that they have documentation to prove that this is not the case, and that the state lied about Allen's educational level in order to ensure that the parole board would not be swayed by the evidence of mental retardation.

Wanda Jean's trial lawyer has previously stated that he only learned after her trial that her IQ had been measured at 69 at the age of 15, and that the doctor who examined her had recommended a neurological assessment because she manifested symptoms of brain damage. The lawyer stated "I did not search for any medical or psychological records or seek expert assistance" for use at the trial.

In 1995 a psychologist conducted a comprehensive evaluation of Wanda Jean Allen and found "clear and convincing evidence of cognitive and sensori-motor deficits and brain dysfunction", possibly linked to an adolescent head injury. At the age of 12, Allen had been hit by a truck and knocked unconscious, and at 14 or 15 she had been stabbed in the left temple. He concluded that Allen's "intellectual abilities are markedly impaired". He found "particularly significant left hemisphere dysfunction", impairing her "comprehension, her ability to logically express herself, her ability to analyse cause and effect relationships...". He also concluded that Allen was "more chronically vulnerable than others to becoming disorganized by everyday stresses - and thus more vulnerable to a loss of control under stress".

BACKGROUND INFORMATION

Amnesty International has long been concerned by evidence that the clemency process in Oklahoma appears to be little more than a rubber stamping exercise. The state Pardon and Parole Board has never voted for clemency and it is unclear what it would take for it to do so. The Board has been presented with strong claims of remorse, rehabilitation, mental impairment, inadequate legal representation, international law, morality, and arbitrariness. It is possible that the Board is waiting only for a cast-iron claim of actual innocence to come before it. If so, it is surely time for its members to broaden their view of justice to one that includes notions of culpability, fairness, compassion, international standards and human decency.

FURTHER RECOMMENDED ACTION: Please send faxes/e-mails in English or your own language, in your own words, using the following guidelines:

- expressing sympathy for the family and friends of Gloria Leathers, and explaining that you are not seeking to condone the way she died;
- expressing concern that the Attorney General's Office allegedly introduced false evidence at the clemency hearing in order to divert the Board's attention away from Wanda Jean Allen's claim of mental impairment;
- noting that the jury heard no evidence about Wanda Jean Allen's significant mental impairments, as revealed in post-conviction evaluations, and that such evidence was relevant to culpability and as mitigation;
- noting that the power of executive clemency exists precisely to remedy the failures of the judicial process;
- pointing out that the execution of the mentally impaired and those denied adequate legal representation contravenes international standards;
- appealing to the governor to grant a 60-day reprieve with a view to the Pardon and Parole Board reconvening and giving serious consideration to this issue.

APPEALS TO:

Governor Frank Keating
Capitol Building, Oklahoma City, OK 73105, USA
Fax: + 1 405 521 3353
E-mail: governor@gov.state.ok.us
Salutation: Dear Governor

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

PLEASE SEND APPEALS IMMEDIATELY.