

EXTERNAL

AI Index: AMR 51/05/96

EXTRA 07/96

Death Penalty / Legal Concern

17 January 1996

USA (DELAWARE) **Billie BAILEY**

William Henry FLAMER

Billie Bailey, white, and William Henry Flamer, black, are scheduled to be executed in Delaware on 25 and 30 January 1996, respectively.

Billie Bailey was sentenced to death in 1983 for murdering two people at their farmhouse. According to a clemency petition filed by his attorney, Bailey has suffered from serious psychological, emotional and behavioural problems since childhood. A prison psychologist who examining him in 1985 said that he had "limited coping abilities". Bailey's mother died when he was less than a year old and his father died when he was six year old. He was raised in a series of foster homes. Between the age of six and 12 years old, he was allegedly physically and sexually abused. He was placed in a children's unit within an adult detention centre at the age of 12. He later received treatment for alcoholism.

The method of execution in Delaware is lethal injection. However, prisoners sentenced to death before 1986 may be executed by hanging or lethal injection. Bailey has asked to be executed by hanging.

William Henry Flamer was convicted in 1980 of murdering his elderly aunt and uncle during a robbery at their home. The attorney currently representing Flamer has appealed on the grounds that he received ineffective legal representation at his trial. The petition states that his court-appointed attorney had earlier been suspended for a year for malpractice, and that had never handled a death penalty case before, but that his request for assistance from a co-counsel was reportedly refused. The attorney reportedly only met Flamer twice in the year between his arrest and trial and failed to investigate witnesses or the forensic evidence.

Flamer was brought up in extreme poverty. He withdrew from school while in the tenth grade because of his increasingly serious drinking problem.

BACKGROUND INFORMATION

The last execution in Delaware took place on 17 March 1995. As of 31 October 1995 there were 14 prisoners under sentence of death in the state. In November 1991, Delaware enacted legislation removing the final sentencing decision from juries in capital trials. Delaware is one of only four states in which the trial judge is permitted to override the jury's sentencing recommendation. The other states are Alabama, Florida and Indiana. Executions are carried out by lethal injection. Former Delaware Governor Michael Castle reportedly called hanging "barbaric and inhumane", when he signed the lethal injection law in 1986. In Delaware, the Governor may commute sentences or issue pardons or stays only on the recommendation of the state Board of Pardons, although the Governor does not have to go along with a favourable recommendation of the Board.

Amnesty International opposes the death penalty in all cases as a violation of the right to life and the right not to be subjected to cruel or degrading punishment, as proclaimed in the Universal Declaration of Human Rights.

RECOMMENDED ACTION: Please send telegrams/faxes/express/airmail letters in English or in your own language:

- expressing deep concern about the scheduled executions of Billie Bailey and William Henry Flamer;
- urging the Board to recommend that Governor Carper grant clemency;
- expressing concern at reports that William Flamer received inadequate representation at this trial;
- expressing concern and sympathy for the families and friends of the victims of violent crime;
- expressing opposition to the death penalty in all cases.

APPEALS TO:

Delaware Board of Pardons
Dover Town Send Building
DE 19901, USA

Telegrams: Delaware Board of Pardons, Dover, DE 19901, USA

Telephone: + 1 302 739 4111

Faxes: + 1 302 739 3811

Salutation: Dear Board Members

COPIES TO:

The Honorable Tom Carper
Governor of Delaware
Office of the Governor
Tatnall Building, 2nd Floor
Dover, DE 19901, USA

Faxes: + 1 302 739 2775

Newspaper:

The letters Editor
New Journal
831 Orange Street, Box 1111
Wilmington, DE 19899
USA

Faxes: + 1 302 324 2595

and to diplomatic representatives of USA accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.