

EXTERNAL (for general distribution)

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EXTRA 17/94 Death Penalty

USA (Maryland): John Frederick THANOS

John Frederick Thanos is scheduled to be executed in Maryland, USA, during the week beginning 25 April 1994. If it is carried out, it will be the first execution in Maryland for 32 years.

John Thanos, white, was first sentenced to death in March 1992 for the murder of Gregory Taylor in August 1990; he received two more death sentences in June 1992 for the murders of Billy Winebrenner and Melody Pistorio in September 1990. Thanos was sentenced to death on both occasions by a judge after he waived his right to be tried by a jury.

(See Extra 86/93 AMR 51/90/93, 8 October 1993 and follow-up AMR 51/96/93, 9 November 1993).

Thanos has stated that he wishes to abandon his legal appeals and has asked to be executed. However, an appeal has been filed on his behalf by Thanos' mother and sister which claims, among other things, that he is incompetent to waive his right to appeal. The appeal also claims that Thanos has a history of mental-illness and of suicidal behaviour, arising in part from the severe physical and emotional abuse he suffered as a child, and that his attempt to prevent further challenge to his sentence is "*...simply the latest chapter in a tragic and bizarre pattern of self-destructive behaviour.*" Several serious head injuries and a long history of alcohol and drug abuse may have caused organic brain impairment. Thanos was found competent to waive his appeals in November 1993 by the Maryland Court of Appeals.

The appeal also cites the conclusions of four mental health experts that Thanos is incompetent to give up his right to appeal, and that he was incompetent during the time of his trials. One states that Thanos was "*motivated by suicidal intentions and self-destructive impulses*". None of this evidence has yet been heard in a court of law.

BACKGROUND

In September 1990, following his arrest for the murder of Gregory Taylor, Thanos confessed to the crime and asked to be executed as quickly as possible. He initially refused legal representation, as he believed that any form of legal representation would obstruct his desire to die. He eventually only accepted legal representation because one of the state public defenders appointed to his case persuaded him that the state would not execute him unless he had a lawyer. The three state-appointed attorneys who eventually took up his case failed to carry out any detailed investigation. One of them had never handled a death penalty case before.

According to the appeal now being filed by relatives in the case, Thanos suffered physical and emotional abuse from his alcoholic father. When he was four years old, his father punched him in the scrotum, rupturing his testicles. At age 15 he was sent to prison and was reportedly sodomized and assaulted by fellow inmates. Thanos has attempted suicide on a number of occasions and, while awaiting trial swallowed 14 sharpened pencils, 15 spoons, his glasses, and

a plastic toothbrush sharpened at both ends. He was once admitted to hospital in a coma after trying to strangle himself with his hair.

Amnesty International opposes the death penalty unconditionally as a violation of the right to life and the right not to be subjected to cruel, inhuman or degrading punishment, as proclaimed in the Universal Declaration of Human Rights. Amnesty International is concerned that the execution of John Frederick Thanos may be contrary to the Safeguards guaranteeing protection of the rights of those facing the death penalty, adopted by the United Nations Economic and Social Council (ECOSOC) in May 1989 (Resolution 1989/64), which recommends *"eliminating the death penalty for persons suffering from mental retardation or extremely limited mental competence, whether at the stage of sentence or execution."*

The last execution in Maryland was in 1961. The state governor has sole power to commute death sentences. The method of execution is the gas chamber. However, legislation changing the state's method of execution in new capital cases to lethal injection is currently pending. As of 6 January 1994 14 people were under sentence of death in the state.

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

- acknowledging the seriousness of the crimes for which John Thanos was sentenced to death and expressing sympathy for the families of the victims of violent crime;
- urging Governor Schaefer not to take the retrograde step of resuming executions in Maryland after 32 years;
- urging Governor Schaefer to grant clemency by commuting John Thanos' death sentences;
- urging that at the very least, a stay of execution be granted in order to allow a review of the opinions of the four medical experts regarding Thanos' competency to abandon his appeals which has never before been heard in a court of law;
- expressing concern that according to the appeal presented on Thanos' behalf by his mother and sister, Thanos suffered a severely deprived family background; has a well documented history of mental-illness; and received poor representation at trial;
- making reference to the ECOSOC guidelines;
- If your country has abolished the death penalty you can cite any useful national experience (eg no effect on homicide rate). It is especially important to mention any national experience demonstrating that the death penalty has no special deterrent effect against violent crime.

APPEALS TO:

William Donald Schaefer
Governor of Maryland
State House
Annapolis, MD 21401
USA

Telexes: + 1 410 225 4800

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Salutation: Dear Governor

COPIES OF YOUR APPEALS TO:

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and to diplomatic representatives of the USA accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.