

USA (Florida) Rickey ROBERTS

Rickey Roberts, black, is scheduled to be executed in Florida on 23 February 1996. Roberts was sentenced to death in 1985 for the murder of George Napoles.

According to a clemency petition, Roberts has consistently maintained his innocence, and testimony and evidence which would have cast doubt on Rickey Roberts' involvement in the crime was not presented at trial.

According to the clemency petition Rickey Roberts was convicted on the testimony of unreliable witnesses and his trial attorney failed to properly prepare for the penalty phase of the trial, thereby failing to present the jury which sentenced him to death with important mitigating information which may have resulted in a sentence less than death. The petition also claims that the prosecutor failed to disclose evidence which showed inconsistencies with the main witness' trial testimony. The petition further claims that witnesses received lenient treatment for pending criminal charges in exchange for their testimony against Roberts; one of these, it is alleged, received payment from the prosecution for testifying. Rickey Roberts was sentenced to death by a narrow margin - the jury voted seven-five in favour of a death sentence after deliberating for a total of nearly 24 hours over a period of several days.

According to the clemency petition, Rickey Roberts experienced a life of rejection, abuse and emotional deprivation. He was born to an 18-year-old mother who abandoned him shortly after he was born, leaving him to be brought up by her violent father and his wife. Roberts' father, to whom his mother was not married, refused to acknowledge Roberts. Rickey Roberts' grandfather reportedly regularly beat the boys in the family, and his wife. Rickey Roberts remained devoted to his mother, whom he saw on occasional visits to his home, and he missed her so badly as a child, that on one occasion when he was aged 9, he went to a bus station to try and find a way to catch a bus to find her.

Following this incident, Roberts was sent to a detention centre (he had stolen money from his grandfather to pay for the bus journey). When his grandmother died, Roberts' mother reluctantly allowed him to live with her and her boyfriend, wh

om she later married. When tension arose between Roberts and his step-brothers, Roberts' mother threatened him with a shotgun and demanded that he leave and never come back. After this, Roberts moved from relative to relative and sought consolation from drugs, which he had been taking since the age of 10. He also became dependent on alcohol. At the age of 17 he was arrested and underwent a series of mental health evaluations where he was found to have emotional and intellectual problems. None of this information was presented to the jury which sentenced him to death.

Three mental health experts testified at trial that Roberts suffers from organic brain damage. Two of these testified at a subsequent evidentiary hearing that Roberts' attorney had given them no information regarding Roberts' family history and background or his drug and alcohol abuse which would have resulted in a more competent mental health assessment.

The clemency petition claims that on appeal in the federal district court, evidence relating to Rickey Roberts' background was dismissed, concluding that he "had, but for the longings of missing his mother, a relatively happy childhood." While noting that a particular incident in Rickey Roberts' life was "tragically sad", the court discounted it as mitigation because "it is

no different from that of people who grow up without a father, mother or either parent".

BACKGROUND INFORMATION

In Florida, the Governor grants clemency, but his decision to commute a death sentence must have the approval of at least three members of the Executive Clemency Board (which consists of seven members, including the Governor). Governor Chiles has refused to grant a clemency hearing in Rickey Roberts' case.

As of 30 October 1995, there were 340 prisoners under sentence of death in Florida. The most recent execution in Florida was Philip Atkins, on 5 December 1995.

Amnesty International opposes the death penalty in all cases as a violation of the right to life, as proclaimed in the Universal Declaration of Human Rights.

RECOMMENDED ACTION: Please make telephone calls or send telegrams/faxes/express or airmail letters in English:

- expressing concern that Rickey Roberts is scheduled to be executed in Florida on 23 February 1996 and appealing for Rickey Roberts' death sentence to be commuted;
- urging Governor Chiles to reconsider his decision not to hold a clemency hearing;
- drawing attention to reports that Roberts' trial attorney failed to properly prepare for the sentencing phase of the trial so that the jury which sentenced him to death did not hear important mitigating evidence about his dysfunctional family, neglected childhood or alcohol or drug history, which may have resulted in a sentence less than death;
- expressing concern at reports that testimony and evidence which may have cast doubt on Roberts' involvement in the crime was not presented at trial and that the prosecution rewarded witnesses in exchange for their testimony against Roberts.

APPEALS TO:

The Honourable Lawton Chiles
Governor of Florida
The Capitol
Tallahassee, FL 32399-0001
USA

Tel: +1 904 488 2272

Faxes: +1 904 487 0801

Telegrams: Governor Chiles, Tallahassee, Florida

Salutation: Dear Governor

COPIES OF YOUR APPEALS TO:

Florida Criminal Justice Committee
Burt Locke (Chair)
State Capitol 404
Tallahassee, FL 32399-1100
USA

Faxes: +1 904 922 2992

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

PLEASE SEND APPEALS IMMEDIATELY.