

PUBLIC

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Death penalty

USA (Maryland)

Vernon Evans Jr (m), black, aged 56

Vernon Evans Jr, who is black, is scheduled to be executed in Maryland during the week beginning 6 February. He was sentenced to death in 1984 for the April 1983 shooting murders of two motel clerks, David Scott Piechowicz and Susan Kennedy, white.

Evans was sentenced to death for the murders together with drug dealer Anthony Grandison. Grandison was also convicted of hiring Evans to kill Piechowicz and his wife, Cheryl, who had been due to testify against him in a federal narcotics case. Susan Kennedy was Cheryl Piechowicz's sister, and working at the same motel where the shootings took place: the killer is believed to have mistaken her for her sister.

The jury that sentenced Evans to death never heard evidence from key witnesses, including the only eyewitness, who later testified on appeal that the gunman was taller than Vernon and that his clothes did not match those that Evans was wearing at the time of the murders. Two other witnesses have reportedly corroborated this account. Other witnesses said they saw Evans at the scene of the crime and the prosecution relied on this testimony to secure a conviction. Evans asserts he was not the gunman.

Evans's current attorneys are appealing against his death sentence on a number of grounds, including the fact that Evans received ineffective legal representation from his attorney, who failed to investigate or present substantial mitigating evidence regarding his background, including the fact that his childhood was marked by cruelty, abandonment, and despair. He suffered frequent, severe beatings at the hands of his father, was sexually assaulted by a stranger as a young boy, and attempted suicide for the first time at the age of 10. His family did not seek any treatment for him, and he turned to alcohol and drugs in his early teens.

There is evidence that racial bias played a part in Evans's prosecution. During jury selection, the state prosecutor used eight of his 10 "peremptory strikes" to exclude African-Americans from the jury, even though African-Americans were only 31% of the potential jury pool.

BACKGROUND INFORMATION

In recent years Maryland's capital justice system has drawn scrutiny and concern. In 1996, the then governor, Parris Glendening, appointed a task force to look into the fairness of the state's death penalty system. It concluded that in Maryland "the high percentage of African-American prisoners under sentence of death and the low percentage of prisoners under sentence of death whose victims were African-American remains a cause for concern".

In 2000, Governor Glendening commissioned Professor Raymond Paternoster of the University of Maryland to conduct a comprehensive study into the state's capital justice system. Governor Glendening also imposed a moratorium on executions in May 2002.

The University of Maryland study was released in January 2003: Professor Paternoster had conducted a comprehensive examination of all first- and second-degree murders in Maryland from September 1978 until December 1999, approximately 6,000 cases in all.

The study concluded that, even when other factors are taken into account, people who killed white victims were "significantly" more likely to face the death penalty than people who killed non-whites. It also concluded that prosecutors in different counties within the state "exhibit considerable variation" in their pursuit of the death penalty. For example, the probability that a prosecutor would seek a death sentence was markedly higher in Baltimore County, where Evans was prosecuted. Baltimore County accounts for four of the five people executed in Maryland since 1978, when the current death penalty statute became effective. A study conducted by Columbia Law School in 2002 corroborates these findings, concluding that Baltimore County has one of the highest death sentencing rates in the country, as well as one of the highest error rates in capital cases.

Upon taking office in 2003, Governor Robert Ehrlich lifted the moratorium on executions in the state, saying that he would review every death warrant individually.

Former Governor Glendening has recently stated that the state should bring back his moratorium and halt executions until it addresses the disparities in the state's use of capital punishment, as found in the University of Maryland study.

Amnesty International does not seek to excuse the perpetrators of violent crime. However, it believes the death penalty is wrong in all cases. This is a punishment that is an affront to human dignity and a part of a culture of violence rather than a solution to it. It has not been shown to deter crime more effectively than other punishments; it denies the possibility of rehabilitation and reconciliation, carries the risk of irreversible error as well as inconsistent and discriminatory application, and consumes resources that could be used to fight violent crime and assist those affected by it. In addition, in the USA capital justice system is marked by arbitrariness, discrimination and error.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:

- expressing sympathy for the family and friends of David Scott Piechowicz and Susan Kennedy, and explaining that you are in no way seeking to excuse the manner of their deaths;
- expressing deep concern at the imminent execution of Vernon Evans;
- expressing concern at reports that Evans's trial attorney failed to properly investigate his case and to present eyewitness testimony which raised doubts that Evans was the gunman as well as information regarding Evans's troubled background;
- pointing out that a University of Maryland study concluded that there is racial and geographic bias in the state's capital sentencing system, and that this is borne out in Vernon Evans's case;
- suggesting that the systemic problems revealed by the study cannot be remedied by addressing each case individually at the time of clemency proceedings;
- urging Governor Ehrlich to commute Vernon Evans's death sentence.

APPEALS TO:

Governor Robert L Ehrlich Jr
Office of the Governor
State House
Annapolis, MD 21401-1925
USA

Fax: +1 410 974 3275

Salutation: Dear Governor

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

PLEASE SEND APPEALS IMMEDIATELY. All appeals must arrive by 6 February 2006.