

PUBLIC

AI Index: AMR 51/035/2001

2 March 2001

Further information on EXTRA 10/01 (AMR 51/021/2001, 8 February 2001) - Death penalty / Legal concern

USA (Oklahoma) Phillip DeWitt Smith, black, aged 38

On 1 March the Oklahoma Pardon and Parole Board voted to recommend clemency for Phillip Smith, by four votes to one. This is the first time the board has voted for clemency since the state resumed executions in 1990.

The Governor now has to decide whether to accept or reject the recommendation. He can also issue a 30-day reprieve.

Phillip Smith remains scheduled for execution on 8 March 2001. He was sentenced to death in 1984 for the murder of a white man, Matthew Dean Taylor. He has always maintained his innocence, and restated this at the 1 March clemency hearing.

The case against Phillip Smith is circumstantial. The key prosecution witness later recanted his testimony which had placed Smith at the scene of the crime. The inconsistent testimony of a jailhouse informant who claimed that Smith had confessed to the murder in jail has also been questioned. "Snitch" testimony is notoriously unreliable and has already contributed to at least one wrongful capital conviction in Oklahoma, that of Ronald Williamson, who was released in 1999 after nine years on death row.

The Oklahoma Pardon and Parole Board last voted for clemency in 1966, under the state's old death penalty laws.

Thirty-nine people have been executed in Oklahoma since 1990.

FURTHER RECOMMENDED ACTION: Please send faxes/express/airmail letters in English or your own language, IN YOUR OWN WORDS, using the following guide:

- welcoming the Board's decision to vote for clemency, the only possible option given the doubts about Phillip Smith's guilt;
- urging the Governor not to allow the execution to go ahead and to commute Phillip Smith's death sentence.

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 the USA accredited to your country.

You may also write brief letters of concern (not more than 250 words) to:
Letters to the Editor, *Tulsa World*, 318 Main Mall, Tulsa, OK 74103, USA. **Fax:**
+ 1 918 581 8353

PLEASE SEND APPEALS IMMEDIATELY.