

PUBLIC

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Further Information on UA 330/04 (AMR 51/178/2004, 6 December 2004) and follow-ups (AMR 51/179/2004, 7 December 2004; AMR 51/005/2005, 7 January 2005; and AMR 51/032/2005, 27 January 2005) - Death Penalty

USA (Connecticut)

Michael Bruce Ross (m), white, aged 45

The execution of Michael Ross has been delayed indefinitely. In recent days he had a series of execution dates scheduled, and in the early hours of 29 January was an hour away from becoming the first person to be put to death in Connecticut in 45 years.

Michael Ross was originally scheduled to be executed on 26 January after he dropped his appeals against his death sentence. Against his wishes, various challenges to the execution were filed in courts arguing that he was not competent to waive his appeals. Michael Ross and his lawyer fought these efforts to stop the execution, claiming that Ross was competent.

Thirty-six hours before the scheduled execution, federal judge Robert Chatigny stayed the execution in order to be able to conduct a hearing into the question of Michael Ross's competence. The judge said that, having heard testimony on Ross's mental health from a psychiatrist who specializes in the psychological impact of confinement on inmates, "there's no doubt in my mind that we have a genuine issue here, and it needs to be fully explored". Michael Ross has been on death row for more than 17 years, and there is evidence that he may have been driven to seek his own execution as a symptom of the psychological impact of being subjected to the harshness of death row conditions for years. The state appealed to a three-judge panel of the US Court of Appeals for the Second Circuit, which upheld the stay. The state then appealed to the US Supreme Court, which lifted the stay of execution by five votes to four.

This was only one of two obstacles in the way of the execution. On 26 January, Judge Chatigny had also issued a 10-day temporary restraining order after Michael Ross's father had filed a civil rights lawsuit, against his son's wishes, seeking to block the execution. The lawsuit's arguments included that the state should not be allowed to deprive Michael Ross's father of his familial relationship with his son if there were questions remaining about the latter's competence. The execution was rescheduled for the early hours of 29 January as the state sought to have the restraining order vacated. On 28 January, the Second Circuit did so, but suspended its order until 2.01am on 30 January, to allow time for Michael Ross's father to appeal to the US Supreme Court.

Under the execution warrant, the State of Connecticut had until midnight on 31 January to carry out the execution. If it had not done so by then, a new execution warrant would have to be sought. Then, on 31 January, Michael Ross's lawyer filed motions in the courts arguing that his client might indeed not be competent to waive his appeals. The lawyer had reportedly come under substantial pressure from Judge Chatigny, who warned him that if evidence emerged after the execution that Michael Ross had indeed been incompetent, the lawyer would be disbarred. The lawyer issued a statement on 31 January stating that "new and significant evidence has come to light that I simply cannot ignore".

The Connecticut Supreme Court issued an indefinite stay on the afternoon of 31 January. On the same day, state legislators held a public hearing on the question of abolishing the death penalty. Governor Jodi Rell has said that she will veto any abolitionist bill that passes the legislature.

No further action is requested at present. Many thanks to all who sent appeals.