

PUBLIC

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Death penalty

24 February 2005

USA (North Carolina)

William Dillard Powell (m), aged 58, white

William Powell is scheduled to be executed in North Carolina on 11 March 2005. He was sentenced to death in 1993 for the murder of a shop assistant, Mary Gladden.

Mary Gladden was killed on 31 October 1991 while working at a convenience store in Shelby, Cleveland County, North Carolina. An autopsy showed that she had died as a result of blunt trauma to the head, inflicted by a heavy instrument. An employee of the store said that there had long been a tyre tool near the cash register, which was there before the murder and not after it.

At William Powell's trial, the judge found that there was no evidence of premeditation in the murder. The defendant was unarmed when he entered the store. He had no history of violence.

After the jury convicted him of first-degree murder, the trial moved into the sentencing phase. In mitigation, the defence presented evidence of William Powell's good character. After his ex-wife gave up custody of their autistic and profoundly retarded son in 1988, William Powell had assumed custody. Experts have described this father/son relationship as "very, very close and very, very intense and tight", and that the son benefited greatly from his father's care. The defence also presented evidence that William Powell had served on the advisory council for the Parent Teacher Organization at his son's school for students with physical or mental disabilities, and had previously worked as a correctional officer and with the Shelby Fire Department. Two officers from the Cleveland County jail testified that William Powell had been a model inmate in pre-trial detention. A mental health expert testified that the defendant had some mental impairment, exacerbated by alcohol and cocaine abuse. His substance addictions had left him unable to hold a job down. He had robbed the Shelby store in order to steal money to buy drugs. He was intoxicated at the time of the crime.

The jury found one aggravating factor – that the murder was committed for monetary gain – and no mitigating circumstances. It sentenced him to death.

William Powell has had an exemplary disciplinary record on death row, where he has been for more than a decade.

BACKGROUND INFORMATION

Amnesty International opposes the death penalty in all cases, regardless of question of guilt or innocence, the seriousness of the crime, or the method the state chooses to kill the condemned prisoner. 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 have a unique deterrent effect, 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.

Today, 118 countries are abolitionist in law or practice. In this context, the USA's claims to be a progressive force for human rights ring hollow. It has carried out 949 executions since 1977. North Carolina accounts for 34 of these executions.

There is a strong moratorium movement in North Carolina because of concerns about the fairness and reliability of the death penalty. There have been almost 1,100 resolutions passed calling for a moratorium on executions. These resolutions have been passed by town councils, private businesses, church

congregations and religious organizations, political parties, and student and community groups. Many North Carolina newspapers have editorialized in favour of a moratorium on executions.

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

- expressing sympathy for the family and friends of Mary Gladden, and explaining that you are not seeking to excuse the manner of her death or to minimize the suffering caused;
- opposing the execution of William Powell;
- noting evidence that the murder was not premeditated and that the defendant did not have a history of violence and has been a model inmate;
- calling on the governor to stop this execution and to support a moratorium on executions in North Carolina.

APPEALS TO:

Governor Michael F. Easley
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699, USA

Fax: +1 919 715 3175 or 919 733 2120

Email via website: <http://www.governor.state.nc.us/email.asp?to=1>

Salutation: Dear Governor

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

PLEASE SEND APPEALS IMMEDIATELY.