

PUBLIC

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Further information on UA 134/08 (AMR 51/044/2008, 22 May 2008) – Death penalty

USA (Texas) Derrick Sonnier (m), black, aged 40

Derrick Sonnier received an indefinite stay of execution from the Texas Court of Criminal Appeals in the afternoon of 3 June, a few hours before he was due to be put to death. He was sentenced to death in 1993 for the murder of his neighbour and her young son in 1991.

The Court of Criminal Appeals granted the stay in response to a motion filed by Derrick Sonnier's lawyers challenging the constitutionality of the Texas lethal injection procedures.

The last execution in Texas was on 25 September 2007. Executions were then put on hold nationwide pending the US Supreme Court's review of the constitutionality of lethal injection. On 16 April, in *Baze v. Rees*, the Court upheld the constitutionality of Kentucky's lethal injection procedures, and Chief Justice John Roberts indicated that in future cases a stay of execution on the lethal injection issue would probably only be granted if "the condemned prisoner establishes that the State's lethal injection protocol creates a demonstrated risk of severe pain. He must show that the risk is substantial when compared to the known and available alternatives." A state with a lethal injection protocol "substantially similar" to Kentucky's "would not create a risk that meets this standard." Justice John Paul Stevens nevertheless suggested that litigation on the lethal injection issue would continue.

Sonnier's lawyers requested a stay because of a case still pending in the Texas Court of Criminal Appeals questioning the constitutionality of lethal injection in Texas. Additionally, the lawyers argued that the Texas authorities had recently revised the state's execution protocol, including in relation to the training of executioners, and that any such changes had not been examined by any court.

There have been three executions in the USA since the *Baze* ruling, and 1,102 since judicial killing resumed there in 1977. Texas accounts for 405 of these executions. There are currently 13 men scheduled to be put to death in Texas by mid-October.

In the *Baze* decision, Justice Stevens, who has been on the Supreme Court since 1975, revealed that his experience had led him to the conclusion that "the imposition of the death penalty represents the pointless and needless extinction of life with only marginal contributions to any discernible social or public purposes. A penalty with such negligible returns to the State is patently excessive and cruel and unusual punishment."

In late 2007, the UN General Assembly passed a landmark resolution calling for a worldwide moratorium on executions. Amnesty International opposes the death penalty in all cases, unconditionally, regardless of the method chosen to kill the condemned prisoner. There is no such thing as a humane, fair, reliable or useful death penalty system (see '*The pointless and needless extinction of life: USA should now look beyond lethal injection issue to wider death penalty questions*', <http://www.amnesty.org/en/library/info/AMR51/031/2008/en>.)

No further action by the UA Network is requested at present. Many thanks to all who sent appeals.