

URGENT ACTION

UTAH CONDUCTS FIRST EXECUTION IN 11 YEARS

Ronnie Lee Gardner was killed by firing squad in Utah shortly after midnight on 18 June, in the state's first execution since 1999. He had been on death row for 25 years.

Ronnie Gardner was sentenced to death in 1985 for the murder of Michael Burdell. Final appeals to the courts for a stay of execution were unsuccessful. The Board of Pardons and Parole denied clemency in a decision announced on 14 June. Appeals for a temporary reprieve were then directed to the state governor who has such power under the Utah Constitution, although he does not have the authority to commute a death sentence. On 17 June, Governor Gary Herbert denied the request for a stay of execution. In a letter to Ronnie Gardner's lawyers, he said: "Upon careful review, there is nothing in the materials provided this morning that has not already been considered and decided by the Board of Pardons and Parole or numerous courts. Mr Gardner has had a full and fair opportunity to have his case considered by numerous tribunals."

Ronnie Gardner's lawyers had recently obtained statements from four of the jurors from the original trial. One states that if she had heard the full mitigating evidence about Ronnie Gardner's deprived and abusive upbringing, and expert evidence of his brain damage, that was not presented at the trial, she might have voted for a life sentence. In addition, she added, if life imprisonment without parole had been an option at the time (as it now is), "there may have been a different outcome". A second former juror was clearer: "If I would have heard these mitigating factors 25 years ago, I would have voted for life". A third former juror said that if life without parole had been an option in 1985, "I would have chosen that". A fourth juror, who was heavily pregnant at the time of the trial, revealed that "I was the last juror to agree to vote for the death penalty. I felt I was coerced into voting for death. At one point during deliberations, I locked myself in a bathroom to avoid the pressure I was feeling. I agreed to vote for death because I just wanted to go home". She added that she supported commutation of his death sentence, and that "If I were voting today I would not be swayed and would vote for life without parole".

For the execution, the 49-year-old Ronnie Gardner was strapped into a chair, hooded, and had a white target pinned to his chest. He was then shot by five unidentified police officers who had volunteered to carry out the shooting. One of the rifles was loaded with a blank, without the gunmen knowing which one. Ronnie Gardner was pronounced dead at 12.17am.

The case has generated much media attention because Ronnie Gardner chose to be put to death by firing squad rather than lethal injection. However, he had told his lawyer that he was choosing this method not to obtain publicity, but because it was his preference.

Amnesty International opposes the death penalty unconditionally, in all cases and in all countries, regardless of the method used to kill the prisoner, or the nature of the crime for which he or she was sentenced to death. The USA has now carried out 29 executions so far this year, and 1,217 since resuming judicial killing in 1977. Utah accounts for seven of these executions, including the first carried out in the USA after the 1976 Supreme Court decision that allowed executions to resume: Gary Gilmore was shot by a Utah firing squad on 17 January 1977 after refusing to appeal against his death sentence. Three of the five men executed in Utah since then have also been so-called "volunteers" who waived appeals and "consented" to execution. The execution of Ronnie Gardner is the first in Utah since 1999 and the first "non-consensual" execution there since 1992.

In a message to Amnesty International, one of Ronnie Gardner's lawyers has written: "I should mention that a couple of weeks before the weekend [of 12/13 June], we went to the Board of Pardons to look through their files. There was an enormous stack of letters from around the world asking the Board to commute Ronnie Lee's sentence and we were told they were receiving 60-70 letters per day... Thank you so much for your support".

No further action by the UA Network is requested; many thanks to all who sent appeals.

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