

**EXTERNAL (for general distribution)**

**AI Index: AMR 51/53/93  
Distr: UA/SC**

**EXTRA 56/93**

**Death Penalty**

**10 June 1993**

**USA (Texas): Denton CRANK  
Markham DUFF-SMITH**

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Amnesty International is concerned that two prisoners are scheduled to be executed imminently in Texas, USA. Denton Crank, white, is scheduled to be executed on 15 June 1993, and Markham Duff-Smith, also white, on 29 June 1993.

Markham Duff-Smith was convicted on charges that he allegedly hired a third party to murder his mother. He was sentenced to death in August 1981. A co-defendant was also sentenced to death, and is currently awaiting retrial after his death sentence was reversed on appeal.

Denton Crank was sentenced to death on 25 June 1985 for the murder of a white male.

Amnesty International opposes the death penalty in all cases as a violation of the right to life, and the right not to be subjected to cruel, inhuman and degrading treatment or punishment, as enshrined in the Universal Declaration of Human Rights.

#### **BACKGROUND INFORMATION**

Amnesty International has mounting concerns regarding the death penalty in Texas. The state leads the nation in carrying out executions; many prisoners do not have legal representation to present their appeals; and it continues to schedule executions of juvenile offenders, flouting international standards.

Most prisoners under sentence of death in Texas were sentenced under a statute which severely restricted the consideration of mitigating circumstances at their sentencing hearing. In September 1991, this statute was changed to allow for the consideration of any mitigating circumstance to be taken into account.

However, the new law has not been applied retroactively. A major study on racial discrimination conducted in the 1970s found that, in Texas, offenders who killed white victims were several times more likely to be sentenced to death than offenders who killed black victims. Under Texas clemency rules, the governor may commute a sentence of death only if she receives a favourable recommendation from a majority of the Board. Apart from a number of commutations granted in the 1980s as the result of a key court ruling, the Board has never recommended clemency in any death penalty case in recent years.

Texas has the largest number of people under sentence of death than any other US state. As of 20 April 1993, there were 376 prisoners under sentence of death in Texas. The most recent person to be executed was Christopher Sawyers, on 18 May 1993. The method of execution is lethal injection.

**RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express and airmail letters in English if possible:**

Appeals to Governor Richards and Board of Pardons and paroles:

- expressing concern that Denton Crank and Markham Duff-Smith are scheduled to be executed in Texas on 15 June and 29 June;

Appeals to the Board of Pardons and Paroles ONLY:

- urging that the Board recommend that Governor Richards grant clemency to Denton Crank and Markham Duff-Smith.

Appeals to Both:

- expressing deep concern at the increasing numbers of executions being scheduled in Texas, and at the state's high rate of executions.

**APPEALS TO:**

1) Texas Board of Pardons and Paroles  
8610 Shoal Creek Boulevard, PO Box 13401  
Capitol Station  
Austin, TX 78711-3401  
USA

**Telegrams: Texas Board Pardons/Paroles, Austin, TX  
78711, USA**

**Faxes: +1 512 467 0945**

**Telephone: +1 512 406 5852**

**Salutation: Dear Board Members**

2) The Honorable Ann Richards  
Governor of Texas  
Office of the Governor  
PO Box 12428, Capitol Station  
Austin, TX 78711  
USA

**Telegrams: Governor Richards, Austin, Texas 78711, USA**

**Telephone: + 512 463 2000**

**Faxes: +1 512 463 1849**

**Telexes: 910 874 1849**

**Salutation: Dear Governor**

**COPIES TO:**

The Letters Editor  
Houston Chronicle  
801 Texas Avenue  
Houston, TX 77002  
USA

**Faxes: +1 713 220 7868**

and to diplomatic representatives of USA accredited to your country. The World Conference on Human Rights is being held in Austria this month and you can enhance the power of your appeals by also sending copies to the diplomatic representative of USA in Austria during June at the following address:

USA EMBASSY:

The Ambassador  
Botschaft der Vereinigten Staaten von Amerika  
Boltzmanngasse 16, 1090 Wien  
Austria

**Faxes: +43 222 310 06 82**

**PLEASE SEND APPEALS IMMEDIATELY, TO ARRIVE BY 14 JUNE ON BEHALF OF DENTON CRANK,  
AND 28 JUNE ON BEHALF OF MARKHAM DUFF-SMITH.**