

EXTERNAL

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EXTRA 109/96

Death penalty / Legal concern

18 July 1996

USA (OKLAHOMA) Steven Keith Hatch

Steven Keith Hatch, white, is scheduled to be executed by the state of Oklahoma on 9 August 1996. He was sentenced to death for the murder of Rev. Richard Douglass and his wife, Marilyn Douglass, on 15 October 1979. He also is serving two 45-year consecutive prison sentences for shooting with intent to kill.

The crime, investigation and trial received substantial publicity because Rev. Douglass was a minister of the Southern Baptists' Church which supports the use of the death penalty. Brooks Douglass, the son of the victims, who survived being shot, has since become a senator in Oklahoma. He recently supported a new law that allows the relatives of murder victims to watch the execution of the perpetrator and intends himself to watch Hatch's execution.

According to information received by Amnesty International, the record of the trial shows that Hatch was not the triggerman but that his co-defendant, Glen Burton Ake, admitted shooting the victims. During separate trials, Ake and Hatch were convicted of two counts of first-degree murder and sentenced to death.

Ake's case was overturned in a landmark US Supreme Court decision, *Ake v. Oklahoma*, after his trial lawyer had pleaded that Ake was suffering from paranoid schizophrenia. At his second trial, Ake was convicted, but the jury opted to give him two life sentences for the murder of Richard and Marilyn Douglass. The fact that Ake suffered from paranoid schizophrenia indicates that Hatch probably had, as he claims, no knowledge of Ake's intention to kill the Douglasses. He was not in the house when the murder was committed.

Hatch's convictions were not overturned on the same grounds as Ake's case, but a lower state court, citing another US Court case, *Enmund v. Florida*, overturned his death sentence and remanded his sentencing back to the trial court. At the second sentencing hearing, Hatch was sentenced to death without a jury being present. Hatch challenged the resentencing on the grounds that Judge Chatman, a former district attorney, should have stepped down from the case. An Oklahoma County district judge, Joe Cannon, was assigned to conduct a third sentencing hearing where Hatch again was sentenced to death. During this same period, according to media reports, Joe Cannon was the subject of an investigation by the Oklahoma State Bureau of Investigation and was subsequently forced into medical treatment rather than face hearings concerning his alleged gross partiality in office.

During his time on death row, Steven Keith Hatch has been a model prisoner and has had no disciplinary hearings in 10 years. He was one of the only two prisoners allowed to work in the prison law library.

BACKGROUND INFORMATION

As of 30 April 1996, there were 190 prisoners under sentence of death in Oklahoma. Since executions resumed in 1990, seven prisoners have been put to death in the state under its present death penalty laws. The last prisoner to be executed was Benjamin Brewer, on 26 April 1996. The method of execution is lethal injection.

Hatch has requested a clemency hearing before the Oklahoma Pardon and Parole Board. If a majority of board members agree to grant a hearing, it will likely be set sometime during the week of 29 July to 2 August 1996.

The Oklahoma Pardon and Parole Board must recommend by a majority before the Governor can grant pardon or commutation. The Governor, however, does not have to follow a favourable recommendation. The Governor can stay executions for up to 60 days without the Pardon and Parole Board's vote.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in English or your own language:

To the Oklahoma Pardon and Parole Board: (*appeals to arrive on or before 26 July 1996*)

- urging the Oklahoma Pardon and Parole Board to recommend that Governor Keating commute Steven Keith Hatch's death sentence;

To Governor and Board:

- expressing concern that Steven Keith Hatch is scheduled to be executed;
- acknowledging the seriousness of the crime for which Hatch was convicted and expressing sympathy for the victims of violent crime and their families;
- expressing deep concern that he was not the trigger man and yet is facing execution, while his co-defendant who committed the murder is serving a life sentence;
- referring to Hatch's exemplary behaviour in prison and to the fact that he is one of the few death row prisoners allowed out of his cell to work which he is doing diligently;
- expressing opposition to the death penalty in all cases.

APPEALS TO:

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Telegrams: Pardon and Parole Board, Oklahoma City, Oklahoma, USA

Salutation: Dear Board Members

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and to diplomatic representatives of USA accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.