

EXTERNAL (for general distribution)

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EXTRA 48/92

Death Penalty

7 May 1992

USA (Texas):

Ricardo ADALPE GUERRA, Mexican

Ricardo Adalpe Guerra, a Mexican undocumented worker, is scheduled to be executed on 12 May 1992. He was convicted of the murder of a white police officer, James Harris, and sentenced to death on 4 October 1982. Adalpe Guerra and his companion, Roberto Carrasco Flores (also a Mexican undocumented worker), were stopped in their car by Officer Harris on 13 July 1982. Evidence at trial suggested that Flores shot Harris. The two then fled to a nearby house where Flores told friends he had killed a policeman. The police pursued them and Flores was killed in the ensuing shootout. The murdered officer's gun was allegedly found in Flores' belt. Adalpe Guerra did not participate in the shootout but gave himself up outside the house. He was convicted and sentenced to death within three months of the crime. He was 20 years old at the time of the crime, and had recently arrived in the USA from Mexico in search of work.

Adalpe Guerra's lawyers have argued that community prejudice against Mexican undocumented migrant workers jeopardized his right to a fair trial after there was substantial pretrial publicity in Houston, where the crime occurred. On appeal, two judges on the Texas Court of Criminal Appeals felt the state's evidence was insufficient to uphold Adalpe Guerra's conviction and death sentence. However, Adalpe Guerra's conviction was affirmed, and most avenues of legal appeal are now exhausted.

BACKGROUND INFORMATION

Clemency has not been granted to any prisoner under sentence of death in Texas since the death penalty was reintroduced there in the mid-1970s. Under the Texas clemency rules, the governor may commute a death sentence only if she receives a favourable clemency recommendation from the 18-member Board of Pardons and Paroles. The Board has convened only very rarely to consider petitions for clemency. Their reluctance to hold full clemency hearings is a matter of great concern to Amnesty International.

Since 1982, Texas has executed 47 prisoners: nearly twice as many as any other state. The most recent execution was that of Billy White on 23 April 1992 (see EXTRA 41/92, AMR 51/47/92, 7 April 1992 and further information AMR 51/57/92 issued on 24 April 1992). Three of those executed were juvenile offenders. There are some 345 prisoners currently under sentence of death in Texas. The method of execution is lethal injection.

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 or degrading punishment, as proclaimed in the Universal Declaration of Human Rights.

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RECOMMENDED ACTION: Please telephone and send telegrams/faxes/express and airmail letters:

- urging the Texas Board of Pardons to convene a clemency hearing to consider the case of Ricardo Adalpe Guerra;
- appealing to the Board to recommend that the Governor grant clemency by commuting Ricardo Adalpe Guerra's death sentence;
- asking the Board to look into allegations that pretrial publicity and anti-Mexican prejudice may have jeopardized Adalpe Guerra's right to a fair trial;
- referring to evidence which indicated that Adalpe Guerra was not the actual killer of the police officer;
- expressing grave alarm at the increasing number of executions in Texas.

APPEALS TO:

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

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

Telephone: + 1 512 459 2782

Faxes: + 1 512 459 2790

[Salutation: Dear members of the Board]

COPIES OF YOUR APPEALS TO:

The Honorable Ann Richards
Governor of Texas
PO Box 12428, Capitol Station
Austin, TX 78711-2428
USA

Faxes: + 1 512 463 1849

and to diplomatic representatives of the USA in your country.

PLEASE SEND APPEALS IMMEDIATELY to arrive in the USA by 12 May 1992.