

28 April 2000

Further information on EXTRA 42/00 (AMR 51/61/00, 18 April 2000) - Death penalty / Legal concern**USA (Oklahoma) Charles Adrian Foster, black, aged 51**

Charles Foster's appeal for clemency has been rejected by the Oklahoma Pardon and Parole Board. He remains scheduled for execution on 25 May.

At the 26 April hearing, Charles Foster's lawyer argued for clemency on the basis of his client's mental impairment, the fact that he has been a model prisoner for 17 years, and that his inadequate legal representation at trial had meant that alibi evidence supporting his claim of innocence had not been presented to the jury. Also speaking on behalf of Charles Foster were a Pentecostal minister whose husband was executed in Oklahoma in 1992, Cecille Fuller (the alibi witness - see original EXTRA), and two Catholic nuns from Minnesota who have corresponded with him. One of the two nuns, who is 89 years old, urged that the state of Oklahoma "promote life rather than add to the violence and brutalization of American society."

For the state, an Assistant District Attorney urged that the execution be allowed to go ahead. She argued that the issues of innocence and mental retardation had been adequately considered in the courts, and that Charles Foster's religious conversion and character today were not relevant. A niece of the murder victim, Claude Wiley, also spoke against clemency, reportedly stating that Charles Foster "doesn't deserve to live under any circumstances."

Finally, Charles Foster was brought in. He read a statement, maintaining his innocence of the murder of Claude Wiley. He told of his religious faith, and his correspondence with various ministries and individuals. An Easter card which he had made for the Board members was presented to them.

The four board members present unanimously rejected clemency.

It was noted in the local press that the Board had also received appeals for clemency from Amnesty International members around the world, including the UK, Netherlands, Australia, Germany and Italy.

Please continue appeals to Governor Keating in your own words using the recommendations from the original EXTRA as a guide:

- expressing concern that Charles Foster is scheduled for execution despite evidence that he is learning disabled, and despite doubts about his guilt;
- noting that South Dakota recently became the 13th of the 38 death penalty states to ban the use of the death penalty against the mentally retarded;
- noting that international standards oppose the use of the death penalty against the mentally retarded and require adequate defence representation at all stages of proceedings;
- expressing concern that Charles Foster's trial lawyer's performance was very poor, as noted by the strong 10th Circuit dissenting opinion in 1999;
- noting Cecille Fuller's affidavit, bolstering Foster's version of the crime and undermining his wife's (the key prosecution witness);
- calling on the governor to stop the execution of Charles Foster.

APPEALS TO:

The Honourable Frank Keating
Governor of Oklahoma
State Capitol, Room 212, Oklahoma City,
OK 73105, USA
Fax: + 1 405 521 3353

Salutation:Dear Governor

COPIES TO: diplomatic representatives of the USA accredited to your country.

You may also write brief letters of concern (not more than 250 words) to:

“Your Views”, *The Oklahoman*, PO Box 25125, Oklahoma City, OK 73125, USA

Faxes: + 1 415 475 3183

Letters to The Editor, *Tulsa World*, 315 South Boulder Avenue, Tulsa, OK 74103, USA

Faxes: + 1 918 581 8353

PLEASE SEND APPEALS IMMEDIATELY.