

PUBLIC

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Further information on UA 149/08 (AMR 51/049/2008, 30 May 2008) – Death penalty/Legal concern

USA (Texas) Charles Dean Hood (m), white, aged 38

Charles Hood's execution warrant expired at midnight on 17 June without the state carrying out his execution.

Charles Hood was sentenced to death in 1990 for the murders of Ronald Williamson and Tracie Lynn Wallace in 1989. Twenty years old at the time of the crime, Charles Hood has been on death row for nearly 18 years.

In a recent appeal, Charles Hood's lawyers filed evidence that the judge and the prosecutor at Hood's trial were having an affair at the time of the trial, and that this raised doubts about the fairness of the proceedings. The appeal included an affidavit from a former member of the prosecutor's office claiming that it was "common knowledge" that the judge and the prosecutor had had a six-year relationship from 1987 to 1993. The judge in question subsequently served on the Texas Court of Criminal Appeals. She has since retired.

On 16 June, 10 leading US ethicists filed a statement with the Texas Court of Criminal Appeals lending their support to the argument that such a relationship was a "structural defect" in the proceedings against Hood that had rendered his trial "invalid." The Court of Criminal Appeals rejected the appeal, saying that the allegations were not new.

On 17 June, the Texas judge who had set Charles Hood's execution date withdrew the execution warrant, and then recused himself (withdrew) from the case. The Texas Court of Criminal Appeals subsequently ordered reinstatement of the warrant, which was due to expire at midnight local time. Reinstatement was not immediately possible, however, because of the withdrawal of the judge from the case. As the deadline for the execution approached and litigation continued in the courts, the prison authorities said that they would not have time to carry out the lethal injection in line with its execution protocol. Governor Rick Perry then apparently issued a one-off 30-day reprieve from execution.

Texas accounts for 406 of the USA's 1,106 executions carried out since 1977. There has been one execution in Texas this year.

No further action from the UA Network is requested at this stage. Many thanks to all who sent appeals. Amnesty International will continue to monitor Charles Hood's situation, and take further campaigning action as necessary.