

EXTERNAL (for general distribution)

AI Index: AMR 51/65/91

Distr: UA/SC

UA 423/91      Death Penalty

4 December 1991

USA: (North Carolina)

John Sterling Gardner

Anson Avery Maynard

---

Two executions have been scheduled in January 1992 in the state of North Carolina, USA. John Sterling Gardner is scheduled to be executed on 10 January, and Anson Avery Maynard on 17 January.

John Sterling Gardner, white, was sentenced to death on 23 September 1983 for the murders of Richard Adams and Kimberley Miller, both white. Mr Gardner's trial counsel was reprimanded by the state some four months before Mr Gardner's trial and is now suspended from the practice of law in North Carolina.

Anson Avery Maynard, an American Indian (Native American), was sentenced to death on 11 December 1981 for the murder of Steven Henry, white. Mr Maynard has consistently maintained his innocence of the murder. At the time of his trial in 1981, Mr Maynard refused to plead guilty to second degree murder with eligibility for parole after ten years. A white co-defendant in the crime agreed to testify against Mr Maynard at the trial and was not prosecuted. Mr Maynard would be the first known Native American executed in North Carolina since December 1949.

#### **BACKGROUND INFORMATION**

As of 2 December 1991 there were 71 prisoners under sentence of death in North Carolina. The most recent execution in the state was that of Michael Van McDougall on October 18 1991. Execution in North Carolina is by lethal injection or lethal gas, with the inmate having the option to choose lethal injection five days before the execution date.

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 proclaimed in the Universal Declaration of Human Rights.

#### **RECOMMENDED ACTION: Telegrams/telexes/faxes/express and airmail letters:**

- Urging Governor Martin to grant clemency to John Sterling Gardner and Anson Avery Maynard by commuting their death sentences.

- Expressing concern that Mr Gardner may have been inadequately represented at trial by an attorney who has since been suspended from practising law in North Carolina.

- Expressing concern that Mr Maynard's co-defendant testified against him at

trial and, in return, was not prosecuted himself.

**APPEALS TO**

The Honourable James Martin  
Governor of North Carolina  
State Capitol  
Capitol Square  
Raleigh, NC 27601-2905  
USA

**Telegrams: Governor Martin, Raleigh, NC 27601-2905**

**Tel: +(919) 733 9490**

**FAX: +(919) 733 2120**

**[Salutation: Dear Governor]**

**COPIES TO:** diplomatic representatives of the USA in your country.

**PLEASE SEND APPEALS IMMEDIATELY, TO ARRIVE BY 10 JANUARY FOR JOHN GARDNER AND  
BY 16 JANUARY 1992 FOR ANSON MAYNARD.**