

EXTERNAL (for general distribution)

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UA 448/91 Death Penalty

18 December 1991

USA (Virginia)

Herbert Bassett

Herbert Bassett is scheduled to be executed in Virginia on 23 January 1992. He was convicted of the murder of a 16-year-old petrol station attendant, Albert Burwell, who was shot during a robbery on 23 November 1979.

Bassett was convicted on the testimony of three co-accused. No other corroborating evidence linked him to the crime. Although the three co-accused were themselves charged with capital murder they were granted favourable treatment in exchange for their testimony against Bassett. Two were permitted to plead guilty as accessories to murder and were given one-year suspended sentences. The third was acquitted as an accessory.

Bassett's first trial jury could not agree as to his guilt or innocence. At his second trial he was convicted and sentenced to death. Herbert Bassett has consistently denied any participation in the murder. His wife, mother and niece testified at both his trials that he was with them at the time of the crime. The jury at Bassett's two trials were not aware of the plea bargains the state had arranged with the co-accused in exchange for their testimony.

BACKGROUND INFORMATION

As of 23 August 1991 there were 45 prisoners under sentence of death in Virginia. Twelve prisoners have been executed since 1982 (most recently, Derick Peterson on 22 August 1991). The method of execution is electrocution.

RECOMMENDED ACTION: Telegrams/telephone calls/faxes/express and airmail letters:

- urging Governor Wilder to grant clemency by commuting Herbert Bassett's death sentence
- expressing concern at the absence of evidence to corroborate the accounts given by three co-accused who were themselves given favourable treatment by the state in exchange for their testimony against Bassett
- expressing deep alarm at the prospect that Virginia would envisage executing a prisoner where there are lingering doubts about his guilt.

APPEALS TO:

The Honorable L Douglas Wilder
Governor of Virginia
State Capitol
Richmond, VA 23219

**Telegrams: Governor Wilder, Richmond,
VA23219, USA**

Tel: (804) 786 2211

Faxes: (804) 786 3985

[Salutation: Dear Governor]

and to diplomatic representatives of the USA in your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat,
or your section office, if sending appeals after 22 January 1992.