

**EXTERNAL (for general distribution)**

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**EXTRA 71/93**

**Death Penalty**

**26 July 1993**

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**USA (Texas):**       **Joseph JERNIGAN**  
                          **Carl KELLY**  
                          **Richard WILKERSON**

Amnesty International has learned with concern that four more people are scheduled to be executed in Texas, USA, during August 1993. They are: Joseph Jernigan on 5 August, Carl Kelly on 20 August, Richard Wilkerson on 31 August and a fourth prisoner, who has specifically requested that his wishes not to have any appeals made on his behalf be respected, on 12 August.

Joseph Jernigan, white, was sentenced to death on 3 November 1981, for the murder in July 1981 of Edward Hale, white, during a robbery at Hale's home. An accomplice in the crime received a 30 year prison term.

Carl Kelly, black, was convicted for the murder in September 1980 of two white men during the course of a robbery, and sentenced to death on 5 June 1981 for the murder of one of the men, Steven Pryor. A co-defendant who pleaded guilty to his involvement in the crime, received a life sentence for the murder of the second man, David Riley. In February 1990, Kelly came within 13 hours of execution before a stay was granted by the Texas Court of Criminal Appeals.

Kelly's attorneys had presented new evidence relating to Kelly's background, which apparently included a history of childhood abuse, neglect and beatings, which was not heard by the jury which sentenced him to death. However, this information was contended by the Texas authorities. (For further information see EXTRA 60/92, AMR 51/85/92 of 3 July 1992 and follow-up AMR 51/93/92 of 31 July 1992)

Richard Wilkerson, black, was sentenced to death on 4 November 1983 for the murder of a white male.

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.

#### **BACKGROUND INFORMATION**

Amnesty International has mounting concerns regarding the death penalty in Texas. The state leads the nation in carrying out executions; many prisoners do not have legal representation to present their appeals; and it continues to execute juvenile offenders, flouting international standards. A major study on racial discrimination conducted in the 1970s found that, in Texas, offenders who killed white victims were several times more likely to be sentenced to

death than white offenders who killed black victims. Under Texas clemency rules, the governor may commute a sentence of death only if she receives a favourable recommendation from a majority of the Board of Pardons and Paroles.

Amnesty International remains concerned about the reluctance of the Board to hold full clemency hearings in death penalty cases. Apart from a number of commutations granted in the 1980s as the result of two key court rulings, the Board has never recommended clemency in any death penalty case in recent years. As of 20 April 1993, there were 376 prisoners under sentence of death in Texas; more than in any other US state. The most recent person to be executed in Texas was Curtis Harris on 1 July 1993. The method of execution is lethal injection.

**RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express and airmail letters either in English if possible, or in your own language:**

Appeals to the Board of Pardons and Paroles:

- urging the Board to recommend that Governor Richards grant clemency to Joseph Jernigan, Carl Kelly and Richard Wilkerson, who have all been scheduled to be executed in August 1993, by commuting their death sentences;

Appeals to Governor Richards:

- urging Governor Richards to grant clemency to Joseph Jernigan, Carl Kelly and Richard Wilkerson, who have all been scheduled to be executed in August 1993;

Appeals to both:

- acknowledging the seriousness of the crimes for which Joseph Jernigan, Carl Kelly and Richard Wilkerson were sentenced to death;

- expressing concern at the increasing number of executions being carried out in Texas;

- citing arguments against the death penalty, for example, it is imposed disproportionately on people from poor backgrounds and black and other ethnic minority groups, and that detailed research in the USA and other countries has provided no evidence that the death penalty deters crime more effectively than other punishments;

- citing the fact that no decline in homicides has been identifiable in those US states which now execute prisoners on a regular basis. Indeed, in its annual national crime report, released in August 1992, the Federal Bureau of Investigation (FBI) reported that violent crime in Texas, which has carried out more executions than any other US state, had increased during 1991 over the previous year by almost three times as much as that of the nation as a whole during the same period.

**APPEALS TO**

Texas Board of Pardons and Paroles  
Executive Clemency Unit  
Texas Department of Criminal Justice  
Pardons and Paroles Division  
PO Box 13401, Austin, TX 78711  
USA  
**Telegrams: Texas Board Pardons/Paroles,  
Austin, TX 78711, USA**  
**Faxes: + 1 512 467 0945**  
**Telephone: + 1 512 406 5852**

The Honorable Ann Richards  
Governor of Texas  
Office of the Governor  
PO Box 12428, Capitol Station  
Austin, TX 78711, USA  
**Telegrams: Governor Richards, Austin,  
TX 78711, USA**  
**Faxes: + 1 512 463 1849**  
**Telexes: 910 874 1849**  
**Telephone: + 1 512 463 2000**

**Salutation: Dear Board Members**  
**COPIES OF YOUR APPEALS TO:**

**Salutation: Dear Governor**

Newspaper:

The Letters Editor  
Austin-American Statesman  
Box 670, Austin, TX 78767  
USA  
**Faxes: +1 512 445 3679**

and to diplomatic representatives of USA accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 4 August for Joseph Jernigan, 19 August for Carl Kelly and 30 August for Richard Wilkerson.