

PUBLIC

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Further information on EXTRA 33/02 (AMR 51/065/2002, 29 April 2002) - Death penalty / Legal concern

USA (Maryland) Wesley Eugene Baker (m), black, aged 44

On 9 May 2002, Governor Parris Glendening announced a moratorium on executions in Maryland pending the outcome of a study into fairness of the state's death penalty. At the same time, he issued a stay of execution for Wesley Baker who was due to be put to death during the week of 13 May. The Governor said that he would stay any other execution that came before him. He also made it clear that he continues to support the death penalty.

A few days earlier, Lt Governor Kathleen Kennedy Townsend, the other addressee for appeals from this Urgent Action, had announced that she had urged the governor to declare a moratorium and to spare the life of Wesley Baker. She has now announced her candidacy for governor in the forthcoming elections. Governor Glendening is not running for re-election and will leave office in January 2003.

The University of Maryland is due to complete its study into the state's capital justice system in September 2002. Its prime focus is the impact of race on capital sentencing. Governor Glendening commissioned the study after his Task Force on the Fair Imposition of Capital Punishment concluded in 1996 that in Maryland "the high percentage of African-American prisoners under sentence of death and the low percentage of prisoners under sentence of death whose victims were African-American remains a cause for concern".

Governor Glendening said that he envisaged that the moratorium would stay in place until the study is completed and acted upon by the state legislature. He estimated that that would take about a year.

The full statement from the Governor was:

"The most difficult decision that a Governor must make is to determine whether or not the State should impose the death penalty. I continue to believe that there are certain crimes that are so brutal and so vile that they call for society to impose the ultimate punishment. However, reasonable questions have been raised in Maryland and across the country about the application of the death penalty.

"It is imperative that I, as well as our citizens, have complete confidence that the legal process involved in capital cases is fair and impartial. An extensive two-year study by the University of Maryland examining the effects of racial and jurisdictional factors on the imposition of the death penalty is nearing completion. Given that the study will be released soon, and the critical need to be absolutely sure of the integrity of the process, I am issuing a stay for this case and I will stay any others that come before me, pending completion of the study.

"In effect, I am issuing a moratorium until the study has been released and thoroughly reviewed by the Governor, the legislature and the public. It is important to note that the decision to issue these stays is in no way based on the specifics of these cases. While I have not conducted a full and comprehensive review of each case, I do know that the crimes for which the

death row inmates were convicted and sentenced were vicious. They are precisely the type of terrible murders that call for the ultimate sanction.

"We must have absolute confidence in the integrity of the process. I envision the stay remaining in place until the study is reviewed and acted upon by the legislature which I expect to take about one year. The next Governor will have the authority to adjust that timetable.

"This was a difficult decision. My heart goes out to the families of the victims of these horrible crimes. But I must honor the responsibility I have to be absolutely certain of both the guilt of the criminal and the fairness and impartiality of the process."

Maryland's moratorium is the second in the USA. In January 2000, the Governor of Illinois declared a moratorium in his state because of its "shameful record" of wrongful convictions in capital cases. The Illinois moratorium remains in effect, while the state considers the recent report of the Governor's Commission on Capital Punishment which made 85 recommendations for reform. Amnesty International is currently urging the Governor of Illinois to commute all death sentences in his state before he leaves office (see *Worldwide Appeals, The Wire*, May 2002).

No further action by the UA Network is requested. Many thanks to all who sent appeals.