

EXTERNAL (for general distribution)

AI Index: AMR 51/74/92

Distr: UA/SC

Please bring this action to the attention of the person responsible for outreach work in your section. Appeals from religious organizations and Canadians are considered to be particularly useful.

5 June 1992

Further information on EXTRA 25/92 (AMR 51/33/92 of 9 March 1992) and follow-ups AMR 51/37/92 of 16 March 1992, AMR 51/44/92 of 30 March 1992, AMR 51/51/49/92 of 10 April 1992 and AMR 51/62/92 of 5 May 1992 - Death Penalty

USA (Texas):

Joseph FAULDER (Canadian)

Joseph Faulder, who was scheduled to be executed by the state of Texas on 6 May 1992 and granted a stay of execution by the Texas Supreme Court, is now scheduled to be executed on 4 August 1992.

Joseph Faulder, white, now aged 54, was convicted in 1977 of the murder of Inez Philllips, white, during a robbery at her home in 1975.

Joseph Faulder's attorneys recently learned from his family that he had been diagnosed at the age of nine as suffering from brain damage as a result of a severe head injury. They also learned that he had begun drinking at the age of fourteen and became an alcoholic. Recent tests by a neuropsychologist for the defence, suggest that Joseph Faulder's brain damage may have impaired his ability to determine right from wrong at the time of the crime.

Amnesty International is concerned at the failure of Joseph Faulder's court-appointed defence attorney to present any of this mitigating evidence to the sentencing jury at the trial.

(For full details of this case, please refer to further information on EXTRA 25/92, AMR 51/49/92, issued on 10 April 1992).

BACKGROUND INFORMATION

Texas continues to lead the nation in death sentencing and executions. In April 1992, there were 349 prisoners under sentence of death in Texas. Texas has executed eight prisoners so far this year, the most recent being Robert Black on 22 May 1992. The method of execution is lethal injection.

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 or degrading treatment or punishment, as proclaimed in the Universal Declaration of Human Rights.

RECOMMENDED ACTION: Please telephone, send telegrams, telexes, faxes, express and airmail letters:

- referring to Joseph Faulder's history of brain damage and alcoholism, and

expressing concern that this evidence was not heard by the jury responsible for sentencing Joseph Faulder to death;

- urging the Board of Pardons and Paroles to convene and hold a full hearing into the new evidence uncovered by Joseph Faulder's attorneys as a result of tests by a neuropsychologist;

- asking the Board to recommend that Governor Richards grant clemency to Joseph Faulder by commuting his sentence of death.

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APPEALS TO:

Texas Board of Pardons and Paroles
8610 Shoal Creek Boulevard, PO Box 13401
Capitol Station
Austin, TX 78711-3401
USA

Telegrams: Texas Board Pardons/Paroles, Austin, TX 78711, USA

Faxes: + 1 512 406 5231

Salutation: Dear Board Members

COPIES OF YOUR APPEALS TO:

The Honorable Ann Richards
Governor of Texas
Office of the Governor
PO Box 12428, Capitol Station
Austin, TX 78711
USA

Faxes: + 1 512 463 1849

Salutation: Dear Governor Richards

The Letters Editor
Austin-American Statesman
Box 670
Austin, TX 78767
USA

Faxes: + 1 512 445 3679

The Letters Editor
Houston Chronicle
801 Texas Avenue
Houston, TX 77002
USA

Faxes: + 1 713 220 7868

and to diplomatic representatives of the USA in your country.

PLEASE SEND APPEALS IMMEDIATELY to arrive by 3 August 1992.