

USA (Virginia) Douglas Christopher Thomas, aged 25

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Douglas Christopher Thomas is scheduled to be executed in Virginia on 16 June 1999 for a murder committed when he was 17. International law forbids the death penalty for those under 18 at the time of the crime.

Chris Thomas was convicted in 1991 of the 1990 murders of J.B. Wiseman and Kathy Wiseman, the parents of his 14-year-old girlfriend Jessica Wiseman. He received a 65-year prison sentence for the murder of J.B. Wiseman, and was sentenced to death for the murder of Kathy Wiseman.

International standards ban the use of the death penalty against children, not to excuse their crimes, but in recognition of their immaturity and potential for change. By contrast, the US justice system has decided that Chris Thomas is beyond redemption, as it has with many other of its juvenile offenders.

Chris Thomas was born on 29 May 1973. His father's only contact with him was in hospital just after the birth, and in 1996 when he visited him on death row. When he was two, his mother moved away and he was adopted by his maternal grandparents. Apart from displaying a marked fear of being left alone, Chris Thomas is said to have been a happy child until he was 12, in 1985, when several of his family died in rapid succession. An uncle with whom he was particularly close was killed in an accident, and his grandparents (his adoptive parents) died shortly after.

Chris Thomas went to live with his mother. They were not close, and she did not respond to her son's insecurities as his grandparents had. He became involved in petty offending and drug abuse. He would often miss school and his grades plummeted. Psychological assessments of him during this period describe an isolated, seriously depressed teenager who was alienated from school and home. In January 1990 he went to live with his paternal uncle and aunt, who threatened to return him to his mother when his offending continued. In the summer of 1990 he met Jessica Wiseman and the two became involved in an intense sexual relationship. Her father's disapproval of this escalated to his threatening to kill Chris if he continued to see Jessica. The children then allegedly devised a plan to kill Jessica's parents, which culminated in the shooting of the adults in their bedroom on the night of 10 November 1990.

On 11 November, under police questioning without a lawyer or an adult present, while still under the effects of alcohol and drugs, and having slept for only two hours in the past 40, Chris Thomas confessed to both murders. He later partially retracted the confession, saying that he had not fired the fatal second shot at Kathy Wiseman. She had survived the first shot, come to Jessica's bedroom where the two children were, and been shot again. The possibility that Chris Thomas had not fired this second shot was not explored at trial. Jessica Wiseman was tried separately as a juvenile and was released in 1997 at the age of 21.

Chris Thomas's defence lawyers employed a psychologist to do an assessment of him for use during the sentencing phase of his trial. He found that Chris Thomas was a developmentally immature teenager, who in taking the full blame for the crime was trying to protect Jessica. However, the defence lawyers became worried that this psychologist would be an ineffective defence witness. On the eve of the sentencing hearing they approached the prosecution's

psychological expert instead and asked him to testify on Chris Thomas's behalf, including testimony that Jessica Wiseman had been the motivating factor behind the boy's actions. The prosecution's expert agreed, but stressed that he could not present a complete or adequate case for mitigation. It is highly unusual for the same expert, in effect, to testify both for and against a defendant, given that the two require different preparation and presentation. The jury decided that there were no mitigating reasons to spare Chris Thomas's life, and on 21 November 1991 the judge upheld its recommendation for a death sentence.

Before the trial, a motion for a change of venue because of extensive local publicity on the case was denied. Shortly after the proceedings, a motion for mistrial brought by the defence lawyers after they received information that several jurors had known the two murder victims personally was also denied, as have been all Chris Thomas's subsequent appeals.

#### **BACKGROUND INFORMATION**

The International Covenant on Civil and Political Rights and the Convention on the Rights of the Child both forbid the use of the death penalty against those under 18 at the time of the crime. This principle is now so widely accepted, and adhered to, that it has become a principle of customary international law, binding on countries no matter which international instruments they have or have not ratified.

Since 1990 there have been 19 known executions of juvenile offenders in six countries. Nine were carried out in Iran, Nigeria, Pakistan, Saudi Arabia and Yemen, while the other 10, including the only four known in 1998 and 1999, have taken place in the USA. Most recently, Sean Sellers was executed in Oklahoma on 4 February 1999 for crimes committed at 16. In October 1998, Virginia executed Dwayne Wright for a crime committed at 17.

#### **RECOMMENDED ACTION: Please send faxes/express/airmail letters in English or your own language (and publicize this case in any way you can):**

- expressing deep concern that Douglas Christopher Thomas is facing execution in violation of the international ban on the death penalty against those who were under 18 at the time of the crime;
- explaining that this ban is now so widely recognized and adhered to worldwide that it has become a principle of customary international law, binding on all countries regardless of their international ratifications;
- emphasising that the federal system of government cannot be used to justify this execution, and that neither the federal government nor individual US states have the legal right to exempt themselves or any other jurisdiction from this international obligation;
- politely stating your opinion that the execution Chris Thomas would further undermine the credibility of the USA's repeated claim to be a progressive force for human rights in the world;
- urging that the execution be stopped.

#### **APPEALS TO:**

The Honorable James S. Gilmore III, Governor of Virginia, State Capitol, Richmond, VA 23219, USA. **Fax: +1 804 371 6351. Salutation: Dear Governor**

The Honorable Madeleine Albright, Office of the Secretary of State, 2201 C Street N.W., Washington, DC 20520, USA. **Fax: +1 202 647 1533. Salutation: Dear Secretary of State**

The Honorable Janet Reno, Attorney General, Department of Justice, 950 Pennsylvania Ave, N.W., Room 440, Washington, DC 20530, USA. **Fax: +1 202 514 4371. Salutation: Dear Attorney General**

**COPIES TO:** diplomatic representatives of USA accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.**