

EXTERNAL (for general distribution)

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Further information on UA 77/93 (AMR 51/48/93, 19 March 1993) - and follow-ups: AMR 51/29/93, 7 April 1993, AMR 51/37/93, 29 April 1993, AMR 51/38/93, 6 May 1993, AMR 51/43/93, 19 May 1993, AMR 51/47/93, 3 June 1993, AMR 51/48/93, 4 June 1993, AMR 51/63/93, 7 July 1993, and AMR 51/76/93, 10 August 1993 and AMR 51/77/93, 16 August 1993 - Death Penalty

USA (Texas): Gary GRAHAM

Amnesty International has received further information on the case of Gary Graham whose execution was not carried out as scheduled on 17 August 1993 in Texas.

The stay of execution granted by a state court on 13 August 1993 was upheld by the Texas High Court hours before Graham's execution was due to take place.

According to press reports, a spokesman for the Texas Attorney General's office, which was opposing the stay, said that the stay would remain in force until all legal issues involved in the case are solved. Amnesty International understands that oral arguments on the case are scheduled to take place on 29 September 1993, but is trying to confirm this. One of the main issues now to be decided is whether the Texas Board of Pardons and Paroles should hold a hearing into Graham's innocence claim. Earlier this month a judge ordered that such a hearing be held but this has been vigorously opposed by the state authorities. The Board of Pardons and Paroles has thus far refused to hold any hearing into the case.

Gary Graham was convicted of the shooting death of Bobby Lambert in May 1981, during a robbery when he was 17-years-old. Although admitting to other crimes, Graham has always maintained his innocence of the murder. He was convicted on the uncorroborated testimony of an eye-witness whose evidence has since been challenged by other witnesses to the crime. Some of these witnesses were not examined by either the defence or prosecution counsel at the time of Graham's trial.

BACKGROUND INFORMATION

Texas has executed more people than any other US state - 64 since 1982 - four of whom were juveniles at the time of the crime. Curtis Harris, black, was the most recent juvenile offender to be executed, on 1 July 1993, and his older brother was executed weeks later for the same crime. The method of execution in Texas is lethal injection.

FURTHER RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express and

airmail letters in English if possible:

- urging the Board of Pardons and Paroles to hold a fair hearing into Graham's innocence claim;
- urging the Board to recommend that Governor Richards grant clemency to Gary Graham on humanitarian grounds.

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

Salutation: Dear Board Members

COPIES TO:

1) 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

2) Newspaper:
The Letters Editor
Austin-American Statesman
Box 670
Austin, TX 78767
USA

Faxes: +1 512 445 3679

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat,
or your section office, if sending appeals after 30 September 1993.