

USA (MARYLAND) Tyrone GILLIAM

Tyrone Gilliam, black, is scheduled to be executed by lethal injection sometime during the week beginning 16 November 1998 (the prison warden picks the actual day, which remains a secret until a few hours before the execution).

Gilliam was sentenced to death in 1989 for the murder of Christine Doefler, white, who was shot during a robbery. According to information received by Amnesty International, Gilliam did not receive adequate legal representation during his trial. The attorney hired by his family had never been involved in a capital trial before and failed to prepare adequately. The attorney believed that the judge would not sentence Gilliam to death as the judge was Catholic (the Catholic church opposes the death penalty) and persuaded Gilliam to forgo a trial by jury and opt for a bench trial, in which the judge decides both guilt and sentence.

Gilliam's attorney also failed to present important mitigating evidence during the sentencing phase of the trial, leaving the judge with little choice but to impose the death penalty. Under current legislation, the death penalty must be imposed if the aggravating factors outweigh the mitigating factors. The judge was left unaware of the sexual abuse Gilliam suffered as a child at the hands of two uncles and that his father was addicted to various drugs and frequently subjected Gilliam to violence.

The evidence against Gilliam was based on his own confession and the testimony of an accomplice who identified him as the one who shot Doefler. Gilliam was arrested after his car crashed while he was being chased by police, causing him to go through the windscreen and sustain serious head injuries. He subsequently received medical treatment but was removed from the hospital by police officers before he was able to recover adequately. He was unable to walk unassisted when taken for interrogation.

Gilliam was then questioned for 13 hours, during which he twice directly denied shooting Doefler. Due to his injuries he was reportedly continuously close to falling unconscious and eventually confessed to the killing.

While the prosecution was aware of the extent of Gilliam's injuries during his interrogation and, therefore, that his confession may not have been truly voluntary, it suppressed this evidence. Gilliam's accomplice was offered a plea-bargain for a reduced sentence in return for his testimony.

BACKGROUND INFORMATION

The application of the death penalty in Maryland appears to be extremely racially biased. Twelve of the 15 men currently on death row are black. Thirteen of the 15 men - 10 of them black - were convicted of murdering a white person.

Amnesty International has been unable to establish the proportion of black murder victims in the state of Maryland as it appears no such statistics exist. However, approximately half of all murder victims in the US are black. One quarter of Maryland's population is black.

There is also a geographical bias in the administration of the death penalty. Ten of the 15 men on death row were convicted and sentenced in Baltimore County,

even though the nearby Baltimore City has a much higher murder rate (but only accounts for one of the 15 currently on death row).

In 1996 the Governor of Maryland appointed a Task Force to look into the racial disparity in the use of the death penalty. Although its findings were inconclusive, the Task Force found that "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-Americans remains a cause for concern." To Amnesty International's knowledge, no further action has been taken to redress the racial bias in the administration of the death penalty in Maryland.

The last people to be executed in Maryland were John Thanos (white, white victim) in 1994, after he refused to continue with his legal appeals, and Flint Hunt (black, white victim, executed in 1997).

The State Governor has sole power to commute a death sentence in Maryland.

RECOMMENDED ACTION: Please send telegrams/e-mails/faxes/express/airmail letters in English or your own language:

- expressing concern that Tyrone Gilliam is scheduled to be executed;
- acknowledging the seriousness of the crime for which he was convicted, and expressing sympathy for the victims of violent crime and their relatives;
- expressing concern that the judge who sentenced Tyrone Gilliam to death was left unaware of important mitigating circumstances and that Gilliam's confession may have been coerced by the withholding of medical attention during prolonged interrogation;
- expressing concern at the disproportionately high number of African-Americans on Maryland's death row and your concern that no attempt has been made to address the racial bias in the imposition of the death penalty;
- requesting that Governor Glendening commute the death sentence of Tyrone Gilliam and noting that this would be particularly appropriate in the 50th year of the Universal Declaration of Human Rights, especially in light of Article 3, which states "Everyone has the right to life..."

APPEALS TO:

Governor Parris Glendening, State House, 100 State Circle, Annapolis
MD 21401, USA

Phone: +1 410 974 3901

Fax: +1 410 974 3275

Email: governor@gov.state.md.us

Telegrams: Governor Glendening, Annapolis, Maryland, USA

Salutation: Dear Governor

COPIES TO:

The Letters Editor, *Baltimore Sun*, 501 N Calver Street, Baltimore, MD 21278
USA, **Faxes: +1 410 332 6977**

and to diplomatic representatives of USA accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.

"Everyone has the right to life..."
Article 3, Universal Declaration of Human Rights

Visit the Amnesty International UDHR campaign website on <http://www.amnesty.excite.com>