

EXTERNAL

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EXTRA 138/96

Death Penalty

28 August 1996

USA (ILLINOIS) Raymond Lee STEWART

Raymond Lee Stewart, black, is scheduled to be executed in Illinois on 17 September 1996. He was sentenced to death in 1981 for the murders of Willie Fredd and Albert Pearson. In 1982 he received a second death sentence for the murders of Kevin Kaiser and Kenny Faust and was convicted of two further murders in Wisconsin. The murders occurred during a week-long crime spree.

According to information received by Amnesty International, as a child Stewart suffered severe beatings from his father, who was an alcoholic. The father, who had a history of violence towards the whole family, forced Stewart to leave home at 14. Although the father was employed, the family lived in poverty in a home with no electricity, little food and no medical care. According to attorneys currently representing Stewart, the original trial attorney failed to develop Stewart's deprived and abusive upbringing when putting forward mitigating factors to the jury during the sentencing phase of the trial.

During the hunt for Stewart the father gave information to the police that led to Stewart's arrest. The father later claimed \$4,400 in reward money.

The mother of Albert Pearson (one of the victims) has campaigned for Stewart not to be executed stating that: "if he is executed, it will devastate me."

However, the stepfather of Kevin Kaiser has been quoted in the press as stating: "if they want someone to flip the switch, I'll do it."

The case of another Illinois death row inmate, currently before the US Supreme Court, could affect Stewart's appeals due to the similarities in the cases.

Both cases involve the judge's instructions given to the jury before they retired to consider whether to sentence the defendant to death: apparently in Stewart's case the jury were left unaware that they could sentence Stewart to life imprisonment without parole. However, the US Supreme Court has refused to stay Stewart's execution and has yet to give its decision on the case.

The jury was made up of 11 whites and one black.

BACKGROUND INFORMATION

In Illinois the Governor has sole authority to grant clemency/commutations or reprieves. The Prisoner Review Board makes recommendations to the Governor who decides whether to follow the recommendations or not.

As of 30 April 1996, there were 164 prisoners under sentence of death in Illinois. The last prisoner to be executed was George Delvechio on 22 November 1995. The method of execution is lethal injection.

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

Appeals to the Illinois Prisoner Review Board:

- urging the Prisoner Review Board to recommend to Governor Edgar to grant clemency to Raymond Lee Stewart;

Appeals to Governor Edgar:

- urging him to commute the death sentence of Raymond Lee Stewart;

Appeals to both:

- expressing sympathy for the victims of violent crimes and their families;
- expressing concern that Raymond Lee Stewart is to be executed before the US Supreme Court rules on an issue that could be beneficial to his appeal;
- expressing concern that Raymond Lee Stewart was sentenced to death by a jury that may have been unaware of the mitigating circumstances of his childhood.

APPEALS TO:

State Prison Review Board
319 E Madison, Suite A
Springfield, IL 62701
USA

Telephone: +1 217 782 7273

Faxes: +1 217 524 0012

Telegrams: State Prison Review Board, Springfield, Illinois, USA

Salutation: Dear Board Member

The Honorable Jim Edgar
Governor of Illinois
207 State House
Springfield, IL 62706
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