

PUBLIC

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Further information on EXTRA 27/02 (AMR 51/058/2002, 12 April 2002) and follow-up (AMR 51/063/2002, 25 April) - Death penalty / Legal concern

USA (Missouri): Christopher Simmons (m), white, aged 26

On 28 May, the Missouri Supreme Court stayed Christopher Simmons's execution, scheduled for 5 June, pending a decision on a case in the US Supreme Court. He was sentenced to death in 1994 for the murder of Shirley Crook, committed when Simmons was 17 years old. International law prohibits the execution of people who were under 18 at the time of the crime.

In *Atkins v Virginia*, the US Supreme Court will decide on the constitutionality of executing people with mental retardation. Simmons's lawyers asked for the stay, arguing that the result of this may affect the 1989 decision under which the US Supreme Court ruled that the execution of people for crimes committed when they were 16 or 17 years old was constitutional. The Missouri Supreme Court evidently believes there is some merit to that argument. A decision in the *Atkins* case is expected from early July.

A few hours after Christopher Simmons's execution was halted, Napoleon Beazley in Texas was executed for a crime committed when he was 17. The Texas courts and governor had refused to halt the execution even though they had been presented with the same argument raised in the Simmons case. This is another stark illustration of the arbitrariness of the death penalty in the USA.

See also: *USA: In whose best interests?* (AMR 51/063/2002, 24 April 2002), and *USA: Killing hope, confirming hypocrisy - Texas executes another child offender* (AMR 51/082/2002, 29 May 2002).

No further action is requested at present. Many thanks to all who sent appeals.