

EXTERNAL (for general distribution)

AI Index: AMR 51/85/92

Distr: UA/SC

EXTRA 60/92

Death Penalty

3 July 1992

USA (Texas):

Carl Eugene KELLY

Carl Eugene Kelly is scheduled to be executed by the state of Texas on 30 July 1992.

Carl Kelly, black, now aged 32, was convicted in the September 1980 murders of two men during the course of a robbery. He was sentenced to death in 1981 for the murder of one of the men, Steven Pryor, who was white. A co-defendant, who plead guilty to his involvement in the crime, received a life sentence for the murder of the second man, David Riley.

In February 1990, Kelly came within 13 hours of execution before a stay was granted by the Texas Court of Criminal Appeals. Kelly's attorneys presented new evidence relating to Kelly's background, including a history of childhood abuse, neglect and beatings, which was not heard by the jury which sentenced him to death.

Since he has been in prison, Carl Kelly has become active in the prison workshop, making wooden jewellery boxes for sale by Amnesty International. He says that doing this work "...makes me feel good inside. Something I accomplish that makes me proud."

[A previous Urgent Action was issued on this case in February 1990 - UA 69/90, AMR 51/02/90 and a follow-up AMR 51/04/90 of 28 August 1990.]

BACKGROUND INFORMATION:

Amnesty International is deeply concerned at the high rate of executions in Texas. Texas has executed 50 prisoners since 1982: almost twice as many as any other state. Eight of the nineteen US executions so far this year were in Texas. The prisoner most recently executed by the state was Robert Black, on 22 May. As of April 1992 there were 349 prisoners under sentence of death in Texas. The method of execution is lethal injection.

Clemency has not been granted to any prisoner under sentence of death in Texas since the death penalty was reintroduced there in the mid-1970s. Under the Texas clemency rules, the governor may commute a death sentence only if she receives a favourable clemency recommendation from the 18-member Board of Pardons and Paroles. The Board has convened only very rarely to consider petitions for clemency. Their reluctance to hold full clemency hearings is a further matter of great concern to Amnesty International.

Amnesty International opposes the death penalty in all cases as a violation of the right to life and the right not to be subjected to cruel, inhuman or degrading punishment, as proclaimed in the Universal Declaration of Human Rights.

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RECOMMENDED ACTION: Please send telegrams/faxes/telephone calls/express and airmail letters:

- urging the Board of Pardons and Paroles to convene a clemency hearing to consider the case of Carl Kelly;
- asking the Board to recommend that Governor Richards grant clemency to Carl Kelly by commuting his death sentence;
- referring to Carl Kelly's history of abuse and neglect and expressing concern that this important mitigating evidence was not heard by the jury responsible for sentencing him to death.

APPEALS TO

Texas Board of Pardons and Paroles
8610 Shoal Creek Boulevard, PO Box 13401
Capitol Station
Austin, TX 78711-3401
USA

Telegrams: Texas Board Pardons/Paroles, Austin, TX 78711, USA
Faxes: +1 512 406 5231
Telephone: +1 512 406 5852

Salutation: Dear Board Members

COPIES OF YOUR APPEALS TO:

The Honourable Ann Richards
Governor of Texas
Office of the Governor
PO Box 12428, Capitol Station
Austin, TX 78711
USA

Faxes: +1 512 463 1849

The Letters Editor
Dallas Morning News
Communications Center
Dallas, TX 75265
USA

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and to diplomatic representatives of the USA in your country.

PLEASE SEND APPEALS IMMEDIATELY, TO ARRIVE BY 29 JULY 1992.