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UNITED STATES: GEORGIA TO EXECUTE ELLIS WAYNE FELKER DESPITE GRAVE DOUBTS CONCERNING HIS GUILT

The State of Georgia is scheduled to put Ellis Wayne Felker to death in the electric chair at 14.00 Thursday 14 November despite grave doubts about his guilt for the crime for which he was sentenced to die.

“That Georgia should even contemplate this execution going ahead when there is serious concern about whether Ellis Wayne Felker is in fact guilty is unacceptable,” Amnesty International said today.

“No system of justice is infallible, and for this reason every justice system should strive to correct mistakes when they happen. By executing Ellis Wayne Felker, Georgia deprives him of his life and the state the opportunity to admit a mistake has been made at a later date, should the evidence newly discovered by defence attorneys prove his innocence.”

Ellis Wayne Felker has survived two attempts by Georgia to have him executed in 1996. The most recent on 10 September was stayed by the courts -- less than 30 minutes before it was scheduled and after his head and leg had been shaved to take the electrodes -- after the discovery of five crates of police notes and evidence that the prosecution had failed to make available to defence attorneys at the original trial in 1982. The crates contained a signed confession from another suspect in the case and forensic samples from the victim and crime scene that, via DNA testing, could exonerate Ellis Wayne Felker.

Authorities in Georgia refuse to even consider that a mistake could occur in the administration of the death penalty. The Attorney General of Georgia, Michael Bowers, recently went on record as stating that there were no innocent prisoners on death row: “*There is rarely any question about the guilt of these people, virtually none. That is a myth...these guys on death row are the pits*”.

When asked specifically about the Ellis Wayne Felker case, Bowers replied: “*I’ve talked to the cops who investigated him, and I asked them: ‘Guys, is there any doubt about his guilt?’ And they told me, ‘Bullshit’*”.

Other evidence against Ellis Wayne Felker also appears weak. He was accused of murdering Joy Ludlum, who disappeared 14 days before the discovery of her body. Ellis Wayne Felker, who knew Joy Ludlum, was the main suspect and was put under police surveillance within hours of her disappearance. After the discovery of Joy Ludlum’s body in a creek, the first autopsy put her death within the previous five days. However, when it was realized that this would have ruled Ellis Wayne Felker out as a suspect as he had been under police surveillance for the previous 13 days, the findings of the autopsy were changed. The autopsy was carried out by an unqualified laboratory technician.

Attorneys representing Ellis Wayne Felker during the appeals process showed the original notes from the autopsy and photographs of Ludlum's body to pathologists who unanimously concluded that she could not have been dead for longer than three days. However, the appeal courts have upheld Ellis Wayne Felker's conviction.

Amnesty International is urging the Attorney General of Georgia to implement a full investigation into the possible innocence of Ellis Wayne Felker and not to oppose legal appeals for a stay of execution from defence attorneys representing him.

## **BACKGROUND INFORMATION**

Georgia has executed 20 inmates since the resumption of executions in 1983: this is the sixth largest number for a state in the USA. Since the resumption of executions, four death row inmates in Georgia have been found innocent. Sixty-five death row inmates have been cleared and released by the federal appeal courts since 1973. Three hundred and forty-seven prisoners have been executed in the USA since 1977.

In June 1996 Amnesty International released a document *The Death Penalty in Georgia: Racist, Arbitrary and Unfair* detailing many concerns around the manner in which the death penalty is administered.

Several inmates have been released from death rows in the USA after being exonerated this year. Roberto Miranda was released in Nevada after 14 years and Dennis Williams and Verneal Jimerson were released in Illinois after 18 years. On 7 November the Governor of Virginia commuted the death sentence of Joseph Payne to life imprisonment without parole three hours before his scheduled execution after serious doubts were raised concerning his guilt. Retrials have been ordered in numerous death penalty cases.

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