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## ***Stay of execution: Texas conveyor belt of death comes to momentary halt***

*Governor George W Bush's unprecedented reprieve granted to a Texas death row inmate minutes before his execution yesterday represents a small pause in the Texas machinery of death, Amnesty International said today.*

*"The 30-day reprieve granted to Ricky McGinn shows that even a state that has executed men and women at a rate of one every two weeks for the past five and a half years can be susceptible to increased scrutiny," the organization added.*

*"The pressure on Texas and US authorities against judicial killing must be maintained and increased."*

*Ricky McGinn's execution was blocked 20 minutes before it was due, to allow for new DNA tests to be carried out to examine his claim that he did not rape and murder his 12-year-old stepdaughter in 1993.*

*It was the first time that Governor Bush has used his power to authorize such a reprieve since taking office in January 1995, a period which has seen some 131 executions.*

*"While we support DNA testing for death row inmates, the death penalty can never be free from the risk of fatal error. Only abolition can guarantee that," Amnesty International said, noting that Troy Farris, James Beathard, and Odell Barnes all went to their deaths in Texas in the past 18 months despite serious doubts over their guilt. Odell Barnes's execution caused international outrage.*

Gary Graham, also known as Shaka Sankofa, is one of 14 men scheduled for execution in Texas in the next 12 weeks. He was convicted on the basis of a single, disputed, eyewitness testimony. No physical evidence links him to the crime. No DNA testing could help exonerate him if indeed he was wrongfully convicted and condemned, as he has claimed for the past 19 years. He is scheduled for lethal injection on 22 June.

“We do not know whether Gary Graham is guilty or innocent of the murder of which he was sentenced to die more than half his lifetime ago,” Amnesty International said.

“But neither will Governor Bush or his appointees on the state’s clemency board when the case comes before them. It remains to be seen if they will let Gary Graham go to his death with serious questions about his conviction remaining.”

Guilt or innocence aside, Gary Graham’s death sentence violates international law forbidding the use of the death penalty against those who were under 18 at the time of the crime.

“Whilst Ricky McGinn’s reprieve is a victory for him and his appeal lawyers, it must not be forgotten that the risk to the wrongfully convicted is not the only injustice being perpetrated against capital defendants in Texas,” Amnesty International said.

Texas frequently violates international standards in its relentless pursuit of judicial killing, including in its use of the death penalty against the mentally impaired, children, foreign nationals deprived of the rights to consular access, and the routine denial of indigent defendants to adequate legal representation.

*“All those concerned for human rights should draw strength from Ricky McGinn’s reprieve,” Amnesty International said. “It shows that even the leading US death penalty state, one that executes more than most countries, can be made to hesitate.”*

*“The leadership in Texas, and across the USA as a whole, must now focus on the bigger picture. The death penalty is a cruel, outdated, ineffective, and fallible punishment which must be abolished,” Amnesty International concluded.*

### **Background**

*Texas accounts for 218 of the 639 US executions carried out since 1977, and has executed more inmates in the past three years than any other US state in over two decades. This year alone, 19 prisoners have been put to death in the state.*

*Texas’ record on the death penalty has come under increased scrutiny because of Governor Bush’s presidential bid, his repeated assertions that all those executed under his watch have been guilty as charged, and since his counterpart, Governor Ryan, suspended executions in Illinois because of repeated wrongful convictions.*

*In March 1998 Governor Bush refused a DNA-based reprieve request in to Jerry Lee Hogue, who went to his death maintaining his innocence.*

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