

EXTERNAL (for general distribution)

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EXTRA 87/95

Death Penalty

25 July 1995

USA (Oklahoma)

Robert Brecheen

Robert Brecheen, white, is scheduled to be executed in Oklahoma on 11 August 1995. He was sentenced to death in 1983 for the murder of Marie Stubbs, white, in March 1983.

Marie Stubbs was a prominent local resident, and the crime, investigation and trial received substantial publicity. Brecheen's trial attorney tried unsuccessfully to change the trial venue. According to a recent affidavit from his trial attorney, there was "general hostility in Ardmore [the town where the crime and the trial took place] to Robert Brecheen", as well as towards himself.

Robert Brecheen was represented at trial by an inexperienced attorney who had never handled a capital case before, who failed to present any mitigating evidence during the sentencing phase of the trial. In an affidavit dated 11 July 1995, he talks about the difficulty of getting any attorney to represent Robert Brecheen, and says: "Unfortunately, having never tried a capital case, I was unfamiliar with the importance of the second stage (penalty phase) of trial and with what evidence and approaches could be used in that part of the proceeding to convince the jury that a sentence less than death was appropriate."

He finishes his affidavit by stating: "I firmly believe that Robert Brecheen should not have received the death penalty. A number of factors unfairly hurt Robert's case...perhaps, my unfamiliarity with second stage proceedings in a capital case"...This case has troubled me deeply for many years because I know Robert did not receive a fair trial. I have great faith in our system of justice, but here there was a breakdown. A man was unfairly sentenced to die. I wish more than anything that I could try Robert's case again, for I am virtually certain a different result would be obtained."

In a recent petition, Brecheen's current attorneys have raised questions about two jurors on the jury who may not have been impartial.

During his time on death row, Robert Brecheen has been a model prisoner, taking care of his elderly, disabled cell mate - feeding him, dressing him, and assisting him in daily living.

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 and degrading punishment as proclaimed in Article 5 of the Universal Declaration of Human Rights. The organization is additionally concerned that Robert Brecheen's execution may violate Article 5 of the United Nation's Economic and Social Council's (ECOSOC) Safeguards guaranteeing protection of the rights of those facing the death penalty, which states: "Capital punishment may only be carried out pursuant to a final judgement rendered by a competent court after legal process which gives all possible safeguards to ensure a fair trial, ...including the right of anyone suspected of or charged with a crime for which capital punishment may be imposed to adequate legal assistance at all stages of the proceedings."

BACKGROUND INFORMATION

As of 30 April 1995, there were 128 under sentence of death in Oklahoma. Since executions resumed in 1990, five prisoners have been put to death in the state under its present death penalty laws. The last prisoner to be executed was Roger Dale Stafford, on 1 July 1995. The method of execution is lethal injection.

The Oklahoma Pardon and Parole Board must recommend by majority before the Governor can grant pardon or commutation. The Governor, however, does not have to follow a favourable recommendation. The Governor can stay executions for up to 60 days without the Pardon and Parole Board's vote. A clemency hearing is due to take place on Robert Brecheen's case before the Oklahoma Pardon and Parole Board on 31 July 1995. According to his attorneys, several correctional officers are supporting his request for clemency.

RECOMMENDED ACTION: Please make telephone calls/send telegrams/faxes/electronic mail messages/express and airmail letters in English if possible:

To the Oklahoma Pardon and Parole Board:

- urging the Oklahoma Pardon and Parole Board to recommend that Governor Keating commute Robert Brecheen's death sentence;

To the Governor:

- urging that at the very least, Governor Keating grant Robert Brecheen a 60-day stay of execution to allow the courts to fully investigate new evidence concerning possible jury misconduct;

To both:

- expressing concern that Robert Brecheen (inmate number: 133188) is scheduled to be executed in Oklahoma on 11 August 1995, while acknowledging the seriousness of the crime for which he was convicted;

- expressing deep concern that he was represented at trial by an inexperienced attorney who had never handled a capital case before (refer to the attorney's recent affidavit, and use some of the quotes mentioned above);

- referring to the ECOSOC guidelines;

- referring to Robert Brecheen's care of his elderly, disabled cell mate, and the fact that several correctional officers have supported his request for clemency.

APPEALS TO:

*** to arrive before 31 July ***

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