

23 June 1999

Further information on EXTRA 59/99 (AMR 51/79/99, 14 May 1999) - Death Penalty / Legal Concern**USA (Indiana)Gregory DICKENS Jr, black, aged 18**

At his recent trial in St Joseph County Superior Court, South Bend, Indiana, Gregory Dickens Jr. was found guilty of a murder committed when he was 16 years old. The jury has recommended that he be sentenced to life in prison without parole. The judge will formally sentence Gregory Dickens at a hearing scheduled for 9 July 1999. Although under Indiana law the judge has the power to override the jury's recommendation and sentence Gregory Dickens to death, it is considered highly unlikely that he will do so.

On 5 June, Gregory Dickens was found guilty of killing South Bend police corporal Paul Deguch, who was shot on 24 August 1997. The defendant's mother broke down in distress when the verdict was announced, and collapsed after leaving the courtroom.

On 7 June, the defence presented a motion to have the prosecution's pursuit of the death penalty dismissed on the grounds that it was in violation of the USA's obligations under Article 6(5) of the International Covenant on Civil and Political Rights, which forbids the use of the death penalty against those under 18 at the time of the crime. The prosecution argued that the issue had been ruled on in other US courts and had no merit. The judge dismissed the defence motion.

Because the prosecution continued to pursue the death penalty against Gregory Dickens, the trial went into a separate sentencing phase, which began on 7 June. At the sentencing stage of a US capital trial, the jury is presented with aggravating and mitigating factors in order to enable them to decide whether the defendant should live or die.

In mitigation, the defence lawyers presented evidence of Gregory Dickens's change from being a good-natured child to a deeply troubled adolescent, and the degree to which parental neglect had contributed to this. The jurors heard details and testimony from friends and relatives relating to his exposure to illegal drugs from an early age, principally because both his parents and a number of his uncles were drug users.

On 8 June, the jury decided that Gregory Dickens should not be sentenced to death. Afterwards one of the jurors told the local media: "I think everyone felt compassion and hurt for Greg; otherwise he might have gotten the death penalty... I feel awful for the Deguch family because they don't have the officer anymore, and I feel awful for Greg because he is like a lost soul. The streets just ate him up. The streets can be a rough place."

The jury was presented with one other sentencing option, namely life imprisonment without parole, which they recommended. This sentence also violates international standards: Article 37(a) of the UN Convention on the Rights of the Child (CRC) states that "neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age." The USA is the only country, apart from Somalia, which has not ratified the CRC.

This was the first death penalty trial in St Joseph County since 1980, and only the third in the South Bend area as a whole since 1990. As such, the trial sparked local debate on the death penalty, but also focused local media attention on racial tensions in South Bend after an all-white jury was selected for the trial. Gregory Dickens is black and Paul Deguch was white. Since the trial, there have been demands locally for a change in the way jury lists are drawn up in order to ensure greater minority representation. St Joseph County has a non-white population of around 12 per cent, and yet the majority of juries in the county are reported to be all-white.

On 14 June a public rally was held in South Bend, highlighting general community concerns over alleged police harassment and brutality, particularly against blacks. Demonstrators also voiced their concerns over the issue of the all-white jury in Gregory Dickens's trial, which some in the community believe may have contributed to a wrongful conviction. Gregory Dickens testified in his own defence on 3 June and claimed that another man carried out the shooting. The man he named as the gunman testified on the same day and denied that he shot the police officer, or that he was present at the scene of the crime.

Gregory Dickens's lawyers intend to appeal against the verdict and sentence.

No further action by the UA Network is requested. Many thanks to all who sent appeals on behalf of Gregory Dickens Jr.