

PUBLIC

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Death Penalty

USA (TEXAS)

David Martinez (m), Hispanic, aged 29

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David Martinez is scheduled to be executed on 28 July 2005, for the murder of a 24-year-old white woman, Kiersa Paul, in July 1997. Martinez, who is Hispanic, was 21 at the time.

According to his lawyers, David Martinez suffered abuse and neglect as a child: his parents divorced after his father announced that he was gay, and David went to live with his mother. Social workers appointed to the family apparently observed that the animals in the home were treated better than the children. David's adopted brother was taken into the care of the local authorities, but David remained with his mother, who took him and left the state.

At a later date David returned to live with his father and, according to his lawyers, there is evidence to support allegations that as a teenager he was sexually abused in his father's home by his father's gay partner and possibly other men. David ultimately left his father's home and lived with various friends.

#### **BACKGROUND INFORMATION**

Amnesty International opposes the death penalty in all cases, regardless of questions of guilt or innocence. The death penalty is a symptom of a culture of violence, not a solution to it. It has not been shown to have a unique deterrent effect, denies the possibility of rehabilitation, carries the risk of irreversible error as well as inconsistent and discriminatory application, and consumes resources that could be used to fight violent crime and assist those affected by it.

Today, 120 countries are abolitionist in law or practice. In the USA the capital justice system is marked by arbitrariness, discrimination and error. Since the USA resumed executions in 1977, it has carried out 974 executions, 345 of which were carried out in Texas.

In Texas the Governor can grant clemency if the Board of Pardons and Paroles recommends that he do so. The Governor also has the power to grant temporary reprieves.

#### **RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:**

- expressing sympathy for the family and friends of Kiersa Paul, explaining that you are not seeking to excuse the manner of her death or to minimize the suffering caused;
- opposing the execution of David Martinez;
- urging the Board of Pardons and Paroles to recommend that the Governor grant clemency to David Martinez;
- urging the Governor to accept such a recommendation, or in the event that the Board votes against clemency, to use his power of reprieve to stop the execution and request that the Board reconsider.

#### **APPEALS TO:**

Rissie Owens, Presiding Officer, Board of Pardons and Paroles, 1300 11<sup>th</sup> Street, Suite 520, PO Box 599, Huntsville, TX 77342-0599, USA.

**Fax:** +1 936 291 8367

**Salutation:** Dear Ms Owens

Charles Aycock, Board of Pardons and Paroles, 5809 S. Western, Suite 237, Amarillo, TX 79110, USA  
**Fax:** +1 806 358 6455  
**Salutation:** Dear Mr Aycock

Linda Garcia, Board of Pardons and Paroles, 1212 N. Velasco, Suite 201, Angleton, TX 77515, USA  
**Fax:** +1 979 849 8741  
**Salutation:** Dear Ms Garcia

Juanita Gonzalez, Board of Pardons and Paroles, 3408 S. State Hwy. 36, Gatesville, TX 76528, USA  
**Fax:** +1 254 865 2629  
**Salutation:** Dear Ms Gonzalez

Jackie DeNoyelles, Board of Pardons and Paroles, 207 E Reagan,, Palestine, TX 75801, USA  
**Fax:** +1 903 723 1441  
**Salutation:** Dear Ms DeNoyelles

Jose L Aliseda, Board of Pardons and Paroles, 420 S Main, San Antonio, TX 78204, USA  
**Fax:** +1 210 226 1114  
**Salutation:** Dear Mr Aliseda

Governor Rick Perry, Office of the Governor, PO Box 12428, Austin, Texas 78711-2428, USA  
**Fax:** +1 512 463 1849  
**Email via:** <http://www.governor.state.tx.us/contact#contactinfo>  
**Salutation:** Dear Governor

**COPIES TO:** diplomatic representatives of the USA accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY. ALL APPEALS MUST ARRIVE BY 28 JULY.**