

PUBLIC

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EXTRA 41/03

Death Penalty/Legal concern

USA (North Carolina)

Henry Lee Hunt (m), native American, aged 58

Henry Lee Hunt is scheduled to be executed in North Carolina on 12 September. He was sentenced to death in 1985 for the murders of Jackie Ransom and Larry Jones in 1984.

On 29 August, a judge ordered DNA testing of a cigarette butt found at the scene of one of the murders. Prosecutors have said that the cigarette butt found at the scene was the same brand that Hunt smoked. This is reportedly the only physical evidence linking Henry Lee Hunt to the murders. On 4 September, the state laboratory told the judge that they were unable to extract a DNA sample from the cigarette butt. Hunt's attorneys are continuing to protest his innocence and are calling for the cigarette butt to be sent to another, more sophisticated laboratory for DNA testing.

At the original trial, the prosecution presented evidence that Jackie Ransom's wife Dottie Ransom, together with Rogers Locklear, to whom she was also married, bigamously, hired A.R. Barnes to kill Jackie Ransom. Her motive was to obtain the proceeds on a life insurance policy that she had taken out on Jackie Ransom's life. According to the state, A.R. Barnes recruited his brother Elwell Barnes to commit the murder, and the latter recruited Henry Hunt to assist in the crime. Jackie Ransom was killed on 8 September 1984. The second murder victim in the case, Larry Jones, was killed on 14 September. The state presented evidence that Larry Jones knew who had killed Jackie Ransom and was talking to the police about it. Jerome Ratley, who was apparently present at the murder of Larry Jones, testified that Henry Hunt shot and killed Larry Jones in order to eliminate him as a potential witness.

Henry Hunt has consistently maintained his innocence. According to his current lawyers, there is evidence that raises serious questions about the reliability of his conviction:

- Henry Hunt has passed two lie detector tests administered by a respected polygraph expert which supports his claim of innocence.
- After the initial police investigation, police arrested A.R. Barnes. He failed a lie detector test and confessed to the murder of Jackie Ransom; a week later he recanted and implicated his brother and Henry Hunt. A.R. Barnes was charged with conspiracy, and Elwell Barnes and Henry Hunt were charged with capital murder (Elwell Barnes was also sentenced to death, but died in prison in 2001 while awaiting a resentencing hearing).
- In 1989 Elwell Barnes signed an affidavit that he (Elwell Barnes), his brother A.R. Barnes, and others – but not Henry Hunt – committed both murders, and that Henry Hunt had nothing to do with either murder.
- The State Bureau of Investigation and the Lumberton Police Department destroyed files on the investigation of the case before Henry Hunt's appeal lawyers were able to review them.
- Jerome Ratley's account of the killing of Larry Jones conflicts with the physical evidence of that murder. Two reconstruction experts recently concluded that the murder of Larry Jones could not have happened the way that Jerome Ratley related to the trial jury.
- The prosecution withheld evidence that, in interviews with police, Larry Jones had not mentioned Henry Hunt in relation to Jackie Ransom's death; at the time, Larry Jones was implicating Rogers Locklear as the person responsible for the murder. This would tend to undermine the state's theory of Henry Hunt's motive for killing Larry Jones.
- With the exception of the cigarette butt, no physical evidence links Henry Hunt to either murder. Prosecutors introduced a shovel into evidence which they claimed Henry Hunt had used to bury one of the

victims. The jury was left unaware that the soil on the shovel did not match the soil in which the victim had been buried.

- Initial witness statements conflicted with each other, and it was only as they changed over time that the discrepancies were eliminated. For example, Bernice Cummings, Henry Hunt's former girlfriend, provided testimony that linked him to the murder weapon. She had initially told police that she knew nothing about a gun. In subsequent months, her account changed several times. Another state witness, Jim Delton Freeman, whose testimony also linked Henry Hunt to the murder weapon, also changed his account various times.

Many of the people who testified for the prosecution were either involved in the murders or had reason to deflect blame away from themselves. Rogers Locklear and Dottie Ransom, who admitted that they conceived and arranged Jackie Ransom's murder, pleaded guilty and served fewer than five years each in prison. A.R. Barnes served less than eight years in prison for conspiracy to murder. Jerome Ratley was not charged. Jim Delton Freeman was facing 10 to 15 years imprisonment on a parole violation at the time of Henry Hunt's trial. After he testified, the parole violation charge against him was not pursued.

Henry Lee Hunt was previously the subject of EXTRA 04/03 (AMR 51/008/2003, 15 January 2003) and follow-up. He was scheduled to be executed on 24 January 2003, but received a stay of execution just 35 hours before his scheduled execution.

BACKGROUND INFORMATION

Amnesty International is not in a position to know if Henry Lee Hunt is guilty or innocent, and opposes his execution in any event. It notes, however, that the case displays some of the factors present in cases of wrongful conviction in other capital cases in the USA – such as prosecutorial withholding of evidence and the reliance on questionable accomplice testimony. The UN Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty state: "Capital punishment may be imposed only when the guilt of the person charged is based upon clear and convincing evidence leaving no room for an alternative explanation of the facts".

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 Jackie Ransom and Larry Jones, and explaining that you are not seeking to excuse the manner of their death or minimize the suffering caused;
- opposing the execution of Henry Lee Hunt, who is due to be executed on 12 September;
- noting that he has consistently maintained his innocence of the murders, and that he has passed two lie detector tests administered by a renowned polygraph expert;
- using information in this action, expressing concern at other aspects of the case that undermine confidence in the conviction;
- calling on the Governor to grant clemency to Henry Lee Hunt and to support a moratorium on executions in North Carolina.

APPEALS TO:

State Governor

Governor Michael F. Easley
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Telegram: State Governor, North Carolina, USA

Fax: +1 919 715 3175 or 919 733 2120

Email via website: <http://www.governor.state.nc.us/email.asp?to=1>

Salutation: Dear Governor

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

PLEASE SEND APPEALS IMMEDIATELY.