

PUBLIC

AI Index: AMR 51/124/2001

20 August 2001

Further information on UA 156/01 (AMR 51/095/2001, 22 June 2001) and follow-ups (AMR 51/110/2001, 31 July and AMR 51/122/2001, 16 August) - Death penalty / Legal concern

USA (Texas)Napoleon Beazley [m], black, aged 25

As well as pursuing appeals in the courts, Napoleon Beazley's lawyers are asking the Texas Board of Pardons and Paroles to reconsider its vote against clemency, this time taking into account the original trial judge's support for commutation of the death sentence. The judge's letter supporting clemency for Napoleon Beazley was faxed to Governor Perry after the Board had voted.

In Texas capital cases where clemency is sought, the Board of Pardons and Paroles makes a recommendation to the Governor. If the Board recommends clemency, he can ignore it. If they vote against clemency, he cannot overturn it, although he can grant a 30-day reprieve.

On 13 August the Board of Pardons and Paroles voted 10-6 against recommending that the Governor commute Napoleon Beazley's death sentence. This was an unusually high number of votes for commutation. Governor Perry had not announced whether he would issue a 30-day reprieve when the Texas Court of Criminal Appeals granted Beazley a stay of execution, less than four hours before he was due to be killed.

In her 15 August letter, the Honourable Cynthia Stevens Kent of the 114th District Court of Smith County, who had overseen Napoleon Beazley's 1995 trial, cited Beazley's age at the time of the crime as the reason for her support for commutation to a life sentence. Napoleon Beazley was 17 at the time of the murder of John Luttig. International law bans the death penalty against those under 18 at the time of the crime.

In reaction to Judge Kent's letter, Smith County District Attorney Jack Skeen, Tyler Police Chief Gary Swindle and Smith County Sheriff J.B. Smith wrote to Governor Perry on 17 August urging him to ignore the judge's appeal. District Attorney Skeen wrote urging the governor "in the strongest terms possible to DENY the request of Judge Cynthia Kent to commute Napoleon Beazley's sentence to life". Chief Swindle wrote: "It is obvious that Napoleon Beazley is a threat to society. There is no way he deserves anything less than the death penalty". Sheriff Smith described Napoleon Beazley as a "cold-blooded killer".

Napoleon Beazley had no prior criminal record, and has been a model prisoner on death row. For further information on the case, including AI materials, see www.abanet.org/crimjust/juvjus.

FURTHER RECOMMENDED ACTION: Please appeal to as many of the addressees as possible, in English if possible, IN YOUR OWN WORDS:

- noting the last minute appeal by the original trial judge, the Honourable Cynthia Stevens Kent, in support of commutation;
- urging the Board member to reconsider their vote against clemency in the light of Judge Kent's appeal and to recommend that Governor Perry commute Napoleon Beazley's death sentence.

APPEALS TO:

The following 10 Board members voted against clemency last week. **Salutation for all: Dear Board Member [last name]**

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COPIES TO:

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and to diplomatic representatives of the USA accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.