

PUBLIC

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Further information on EXTRA 50/01 (AMR 51/115/2001, 7 August 2001) - Death penalty / Legal concern

USA (North Carolina) Ronald Wayne Frye, white, aged 42

Ronnie Frye was executed in North Carolina in the early hours of 31 August 2001. He had been sentenced to death in November 1993 for the murder of his landlord, 70-year-old Ralph Childress, who was stabbed to death in January that year.

Governor Easley denied clemency on the evening of 30 August, after the US Supreme Court had rejected a final appeal. In a statement, the Governor said: "While I recognize that there is a question about the effectiveness at trial of one of the two defense attorneys, state and federal courts have carefully reviewed and unanimously rejected this claim".

Earlier in the week, former North Carolina Supreme Court Justice James Exum and the president of the North Carolina Academy of Trial Lawyers, Burton Craige, had said that Ronnie Frye's defence had not reached minimum standards during the sentencing phase, when important mitigating evidence was not presented by his lawyer, an alcoholic who drank instead of preparing for the trial (see original EXTRA). James Exum said: "The legal profession, the bench and the bar in this case simply did not do what we expect them to do. It did not provide a counsel who was sober. For some reason, our courts did not step in when they should have. So now we're asking the governor to step in. This is what clemency powers are for."

In an opinion piece in the Raleigh newspaper, the *News and Observer*, on 22 August, Gene R. Nichol, Dean at the University of North Carolina School of Law, wrote: "If Frye is put to death, it will speak of more than his sins against Mr Childress. The state Supreme Court has concluded, amazingly, that Frye's representation was not so inadequate as to violate the Constitution. The federal courts' review on habeas corpus has become so trivialized, and so cursory that they didn't give Frye a second thought. He should have been grateful, one guesses, that he was offered a lawyer at all - even a drunken one. Ronald Frye is poor. And you get what you pay for in America... it is certain, beyond doubt, that a system that puts Frye to death without representation is markedly unjust. It mocks our commitment to equality under law. It ought to embarrass both bench and bar. At this late date, it is up to the governor to demand that we do better."

On 2 August, the North Carolina Supreme Court had rejected the claim brought by various death row inmates that Governor Easley could not be an impartial arbiter of clemency petitions because of his former role as the state's Attorney General and before that as a local prosecutor. Officials from the Attorney General's office and relatives of Ralph Childress urged Governor Easley to let the execution of Ronnie Frye go ahead.

Ronnie Frye becomes the 48th prisoner to be executed in the USA this year, and the 731st since the country resumed judicial killing in 1977. Nineteen of these executions have been carried out in North Carolina.

No further action by the UA Network is requested. Many thanks to all who sent appeals.