

**PUBLIC**

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**Further Information on UA 210/05 (AMR 51/128/2005, 15 August 2005) Death Penalty**

**USA (Indiana)**

**Arthur P Baird II (m), white, aged 59**

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On 29 August, just two days before Arthur Baird was due to be executed, Indiana Governor Mitch Daniels commuted his death sentence and imposed a sentence of life without parole.

In his Executive Order commuting the sentence, Governor Daniels stated that he took this action because of "certain unusual, probably unique circumstances", making "a different outcome [seem] more just". The Order mentioned a number of key facts about the case: that the jury who originally sentenced him to death did not have the option of sentencing him instead to life without parole, and several jury members had stated that they would have imposed such a sentence instead of the death penalty had this option been available to them; that family members have said that they believed life without parole was the most appropriate penalty, and that Baird had rejected the equivalent of a life without parole plea agreement offered to him by the state before trial "apparently due to his delusional state".

While Governor Daniels made it clear he was making no judgement on the "ambiguous issue of Mr. Baird's degree of insanity", he noted that "it is difficult to find reasons not to agree" with findings of the courts that Baird suffered from mental illness at the time he committed the murders. He also referred to a recent finding by an Indiana Supreme Court judge that Baird is "insane in the ordinary sense of the word."

In recent days, the Indiana Parole Board had decided against recommending clemency in a vote of three to one and the state Supreme Court had voted against stopping the execution by three votes to two.

Arthur P Baird II was sentenced to death in 1987 for the murder of his parents, Arthur P Baird I and Kathryn Baird. Baird also received a prison sentence of 60 years for the murder, the previous day, of his wife Nadine, who was seven months pregnant at the time, and a further eight years for the murder of the foetus.

**Many thanks to all who sent appeals. No further action is required.**