

19 August 2002

Further information on UA 162/02 (AMR 51/086/2002, 31 May 2002) - Death penalty / Legal concern

USA (Texas) William Hodges, (m), white, aged 18

William Hodges, facing trial in Texas on charges of rape and murder, is no longer facing a death sentence. On 16 August, he pleaded guilty in return for the Smith County prosecution dropping its pursuit of the death penalty. Instead, he has been sentenced to life imprisonment. He will not be eligible for parole until he has spent at least 60 years in prison.

William Hodges was 17 at the time of the rape and murder of 22-year-old Tonya Boaz in January 2002. International law prohibits the imposition of the death penalty against anyone who was under 18 at the time of the crime.

Jury selection had already begun when the arrangement was struck. Prior to this, the prosecutors had refused to accept a plea bargain. It seems that several factors may have persuaded them to change their mind.

Firstly, jury selection was not going well for the prosecution. By the time of the plea bargain, only three jurors had been chosen, and the prosecution had already used up around half of its peremptory strikes (the right to reject jurors without giving a reason): far more than the defence had used. The prosecution may have been concerned that, if it proceeded to trial, the final jury may have been more favourable to the defence than to the state, as the latter would have been forced to accept jurors it would normally reject.

Secondly, the prosecutors may have perceived that they would face an uphill task convincing the jury that William Hodges would be likely to commit future criminal acts of violence, if allowed to live - the so-called "future dangerousness" question, which is a prerequisite for a death sentence in Texas. William Hodges' lack of a criminal record, and the fact that he had turned himself in to the police after the crime, could work against a jury making a finding of "future dangerousness". Furthermore, a psychologist and a psychiatrist hired by the defence to assess their client's "future dangerousness" concluded that he would not pose such a risk. The report of the expert hired by the prosecution reached the same conclusion. This report was issued on the day of the plea bargain. Although the state may have been able to find another expert who would argue that William Hodges would be a future danger, the report of their first expert was known to the defence and could be used at trial.

Thirdly, the family of the murder victim did not want the prosecution to pursue the death penalty, but reportedly felt that a life imprisonment would be more of a punishment.

Amnesty International is concerned that in such cases, a defendant accused of a crime committed when under 18 years old has to decide whether to accept or reject a plea bargain while under the threat of an internationally illegal punishment.

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