

PUBLIC

AI Index: AMR 51/137/2001

18 September 2001

Further information on EXTRA 57/01 (AMR 51/125/2001, 21 August 2001) - Death penalty / Legal concern

USA (Ohio) John Byrd, white, aged 37 (m)

John Byrd's execution, scheduled for 12 September, was stayed by the Sixth Circuit Court of Appeals on 10 September.

John Byrd was sentenced to death in August 1983 for the murder of Monte Tewksbury in Cincinnati in April of that year. Byrd admits that he was present at the crime, but maintains that he did not kill Tewksbury.

The three-judge panel of the Sixth Circuit dismissed Byrd's appeal but stayed his execution until 18 September, "upon the request of a panel member for additional time to consider the matter". In a dissenting opinion, Judge Nathaniel Jones had written that the "complexity of the issues raised by the petitioner are of such scope and magnitude as to demand a careful and exhaustive analysis... a stay of execution is imperative. Byrd should not be put to death before this court is able to give full consideration to the issues raised in his case."

On 11 September, a majority of the full Sixth Circuit Court extended the stay of execution until 8 October to give the full court time to consider whether to hear the appeal.

On 12 September, the US Supreme Court rejected the State of Ohio's request to allow the execution to go ahead. With three Supreme Court Justices dissenting, the Court refused to overturn the Sixth Circuit stay.

The original stay of execution was issued about six hours after Governor Taft had denied clemency. In his statement, the governor said: "I have spent a great deal of time reviewing the case of John W. Byrd, Jr. I have reviewed the report and recommendation of the Ohio Parole Board which recommended against clemency by a vote of 10 to 1. I have reviewed the arguments advanced by Mr. Byrd's legal counsel. I have reviewed and considered many letters from individuals who have expressed their views on the death penalty and the appropriateness of granting clemency in this case. I have reviewed a detailed summary of the legal proceedings and consulted with my legal staff. I have considered the views of those who will be most impacted by my decision - Mr. Byrd and his family, and the family of Mr. Monte Tewksbury, a 40-year old husband and father of three children at the time of his murder. Most of all, I have sought prayerful guidance in making this decision.... A responsible jury, after hearing all the evidence, determined that Mr. Byrd stabbed Mr. Tewksbury and, to date, 23 stages of appeals have affirmed his conviction and death sentence. I can find no reasonable or compelling reason to disagree with these very thorough evaluations of Mr. Byrd's case... I pray for the family of John Byrd. I know this decision is not an easy one to accept. May God bless the family and friends of Monte Tewksbury."

The death warrant for John Byrd's execution has now expired. If his appeals are unsuccessful in the courts, the state will seek a new execution date.

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

