

EXTERNAL

AI Index: AMR 51/139/95

EXTRA 131/95

Death Penalty

6 November 1995

USA (Missouri) Robert T SIDEBOTTOM, aged 33

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Robert Sidebottom is scheduled to be executed in Missouri on 15 November 1995. He was sentenced to death for the murder of his grandmother in 1985. Sidebottom has been without legal representation and therefore unable to file an appeal against his execution. The US 8th Circuit Court has now granted Sidebottom an attorney. However, according to reports, the attorney appointed lives in Florida, a considerable distance from Missouri and has stated that she is unable to represent Sidebottom due to other commitments. The attorney has described her appointment as "outrageous" and has requested a stay of execution for Sidebottom in order for a "meaningful" attorney to be appointed to his case.

Sidebottom is reported to suffer from borderline mental retardation and to be easily manipulated. There are doubts about his degree of culpability and understanding of the crime for which he was sentenced to death.

There are also doubts about whether there were appropriate aggravating circumstances for the death penalty to be applied in Sidebottom's case. The victims' family had asked for the death penalty not to be sought and called for "no more killing".

*The Implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty (Resolution 1989/64), adopted by the United Nations Economic and Social Council (ECOSOC) in 24 May 1989, states in Article 1(a): "Affording special protection to persons facing the charges for which the death penalty is provided by allowing time and facilities for the preparation of their defence, including the adequate assistance of counsel **at every stage of the proceedings**, above and beyond the protection afforded in non-capital cases" (emphasis added).*

#### BACKGROUND INFORMATION

As of 31 August 1995, there were 93 prisoners under sentence of death in Missouri. The most recent execution was that of Tony Murray on 26 July 1995. The method of execution is lethal injection. In Missouri the Governor has final clemency authority; the Board of Pardons and Parole submits recommendations to the Governor.

**RECOMMENDED ACTION: Please send telegrams/faxes/express/airmail letters in English or your own language:**

To Governor Carnahan:

- urging the Governor to grant clemency to Robert Sidebottom;

To the Board of Pardons and Paroles:

- urging that they recommend Governor Carnahan to grant clemency to Robert Sidebottom;

To both:

- expressing concern that Robert Sidebottom was scheduled to be executed while he was without legal representation; and that the attorney currently

representing him has expressed her belief that she is unable to offer adequate legal representation;

- urging the Governor and Board to take into consideration the possibility that it was not appropriate for Robert Sidebottom's crime to be considered a capital case;
- referring to the ECOSOC guidelines above;
- requesting that, at the very least, Governor Carnahan delay Sidebottom's execution in order for a suitable attorney to be appointed to him, and to allow time for that attorney to become familiar with the case;
- referring to arguments against the death penalty (for example, its brutalizing effect on all those involved in the process; the fact that it has never been shown to deter crime more effectively than other punishments; the fact that it is arbitrary and often falls disproportionately on minority and under-privileged groups);
- expressing sympathy for the victims of violent crime and their families, but explaining Amnesty International's opposition to the death penalty in all cases.

**APPEALS TO:**

The Honourable Mel Carnahan  
Governor of Missouri  
PO Box 720  
Jefferson City, MO 65102, USA

**Telegrams: Governor Carnahan, Jefferson City, MO 65102, USA**

**Faxes: +1 314 751 1495**

**Telephone: +1 314 751 3222**

**Salutation: Dear Governor**

Missouri Board of Pardons and Paroles  
Department of Corrections  
117 Commerce Drive  
Jefferson City, MO 65109, USA

**Telegrams: Missouri Pardons Board, Jefferson City, USA**

**Faxes: +1 314 751 4099**

**Salutation: Dear Chairman and Board Members**

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and to diplomatic representatives of USA accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.**