

EXTERNAL

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EXTRA 135/95

Death Penalty

8 November 1995

**USA (Missouri) Anthony Joe LARETTE
 Robert O'NEAL, aged 33**

Anthony Joe LaRette and Robert O'Neal are scheduled for execution in Missouri on 29 November 1995 and 6 December 1995 respectively.

LaRette was sentenced to death in 1982 for the murder of Mary Flemming. One of Missouri's longest serving death row inmates, LaRette has a long history of mental illness. As a child he was diagnosed as having learning difficulties and developed abnormal behaviour, including auditory hallucinations, after two childhood accidents. Two weeks after the second accident, LaRette, then aged nine, first exhibited assertive behaviour and attacked a female family friend. Diagnosed as suffering from psychomotor epilepsy, LaRette was placed on a course of drugs, but his outbursts of aggressive behaviour, which were often of a sexual nature, continued. He would frequently find himself up to 25 miles away from home and "would wake and realise I was lost frightened and scared". LaRette continued with treatment for his mental illness. The doctor treating him reported that sexual offences such as indecent exposure, choking of older women and rape were possibly committed during black-out spells. During this time LaRette spent at least two years in mental hospital.

In 1968, LaRette joined the army but was discharged because of his mental illness. He spent most of the following years either in mental institutions, where he was diagnosed as suffering from temporal lobe epilepsy, or in prison. In 1977, he left hospital unauthorized and stopped taking medication. He married his second wife and became involved in drug abuse. In 1980, on his wedding anniversary, LaRette found his wife in bed with another man. He attempted to kill his wife twice in two weeks and began to experience increasing anger. It was immediately after this that he is accused of killing Mary Flemming. A few days later, having hallucinated that he killed his wife, he attempted to kill himself by stabbing himself three times in the chest and slashing his neck three times.

Despite the fact that he was charged with a crime carrying a possible death sentence, LaRette was assigned a lawyer who had no prior criminal trial experience. The attorney requested a mental evaluation of LaRette based on his suicide attempt. The evaluation found, without having referred to LaRette's extensive prior mental records, that he had no mental disorder. No second evaluation was ever requested.

No defence witnesses were called during the trial and the jury took just 82 minutes to decide on a guilty verdict. The penalty phase of the trial lasted less than an hour. The only mitigating evidence presented by LaRette's attorney was the reading of a statement which included details of how upset LaRette was after finding his wife in bed with another man. The jury, which was never given the full details of LaRette's mental illness, took just 63 minutes to recommend a sentence of death.

The execution of Anthony LaRette may be in contravention of United Nations Economic and Social Council (ECOSOC) resolution 1989/64, adopted in May 1989, which recommends "eliminating the death penalty for persons suffering from mental retardation or extremely limited competence".

Robert O'Neal was sentenced to death for the murder of fellow prison inmate Arthur Dale in 1984. O'Neal did not deny being involved in the killing but claimed he was acting in self-defence. The main evidence against him was the testimony of two prison guards - one who claimed to have witnessed the murder. The prosecution urged the jury to believe the guard's version of events, while failing to disclose three prior felony convictions against the guard, despite the request, prior to the start of the trial, for details of the criminal records of all prosecution witnesses. The guard's convictions were only discovered by defence attorneys in November 1993. They are currently preparing to raise this issue in the appeal courts.

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/telexes/faxes/express/airmail letters in English or your own language:

To Governor Carnahan:

- urging the Governor to grant clemency to Anthony LaRette and Robert O'Neal;

To the Board of Pardons and Paroles:

- urging that they recommend that Governor Carnahan grant clemency to Anthony LaRette and Robert O'Neal;

To both:

- expressing concern that evidence relating to Anthony LaRette's history of mental illness was not presented to the jury responsible for sentencing him to death; - citing the ECOSOC resolution;

- 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 on behalf of Anthony LaRette from mental health professionals would be welcome.

APPEALS TO:

The Honourable Mel Carnahan
Governor of Missouri

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Salutation: Dear Governor

Missouri Board of Pardons and Paroles

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