

28 September 1999

Further information on UA 206/99 (AMR 51/129/99, 12 August 1999) - Death penalty / Legal concern**USA (Arizona) Bobby Charles Purcell, aged 18**

On 17 September 1999, a Maricopa County Superior Court judge in Phoenix, Arizona, sentenced Bobby Purcell to life in prison without the possibility of release. The teenager had been convicted in June of killing Renelyn Simmons, 15, and Andre Bradley, 16, when he fired his newly-purchased shotgun into a group of school students in Phoenix on 6 June 1998. Bobby Purcell was 16 at the time of the crime.

At the sentencing hearing which began on 10 September, the court heard evidence of the years of emotional abuse and neglect to which Bobby Purcell had been subjected as a child. His mother was 14 when he was born and she became addicted to methamphetamine when he was seven years old. According to testimony presented at the sentencing, she became very abusive towards him after her drug addiction began, lying to him, stealing from him and telling him that she hated him. Bobby Purcell has never had contact with his biological father.

Expert testimony presented to the court claimed that as a result of his rejection and abandonment, Bobby Purcell began to become "extremely angry" around the age of 11. He subsequently dropped out of school and started to take drugs, including methamphetamines. As a young teenager he regularly came into contact with the law, and spent time in juvenile detention. According to the expert testimony, he became "a young man with significant emotional and psychiatric problems" and filled with self-hatred.

His lawyer argued that the killings, which occurred when Bobby Purcell fired a single shot into the group of students, were not premeditated. The father of one of the victims stated in court that the teenager should be punished but not put to death, arguing that it is wrong for anyone to kill. The father of the other victim urged the judge to impose the death penalty.

Bobby Purcell's lawyer also filed an *amicus curiae* (friend of the court) brief, including in the name of Amnesty International, which detailed the international ban on the use of the death penalty against defendants who were under 18 at the time of the crime.

In his sentencing, the judge said that "the court declines to consider as a mitigating circumstance international law or the opinions or beliefs of people around the world" concerning the use of the death penalty against someone who was 16 at the time of the crime. Instead the judge adopted the commonly-held US view that US law and US public opinion take priority over international law: "Capital punishment is permitted by the United States Constitution. The people of Arizona, through their elected representatives have mandated that death is an appropriate sentence for certain aggravated first degree murders."

However, the judge did find that Bobby Purcell's age and family background were grounds for not imposing a death sentence. He said that at the time of the murders, Bobby Purcell was a "dangerous and pitiless child, one devoid of empathy or compassion for others, made that way by parental rejection, abandonment and abuse. Defendant was a child who simply had no adult in his life who was willing or able to make Bobby Purcell's welfare a priority. By

virtue of his upbringing, defendant had no one to turn to for help and by virtue of his age, he had no reason to know how troubled he was or how to deal with his enormous psychological problems. Virtually no 16-year-old could cope with such problems on his own."

However, the judge ruled that he would impose "the most severe non-capital sentence available" because Bobby Purcell was "an extreme danger to the community and because he has no real commitment to better himself." He ordered that the defendant serve two consecutive life sentences, "and not be released for the remainder of his natural life."

The UN Convention on the Rights of the Child, one of the treaties which bans the use of the death penalty against child offenders, also prohibits the use of life imprisonment without the possibility of release for those convicted of crimes committed when under 18. The USA is one of only two countries not to have ratified the Convention, the other being Somalia.

No further action by the UA Network is requested. Bobby Purcell's lawyer has asked that his thanks be passed on to all those who sent appeals, which he believes had a strong impact, despite the judge's statement on international law and opinion. He has said that the prosecutor received very many appeals from around the world urging that the death penalty not be pursued against Bobby Purcell. The prosecution copied the appeals to the defence team and the judge.