

PUBLIC

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Further information on UA 290/06 (AMR 51/166/2006, 1 November 2006) – Death penalty / Legal concern

USA (Virginia) John Yancey Schmitt (m), white, aged 33

John Schmitt was executed in Virginia on 9 November 2006. He had been sentenced to death for the murder of a security guard, Earl Shelton Dunning, during a bank robbery in 1999.

John Schmitt had sought clemency on the grounds that the shooting had been accidental and that he had been denied a fair trial on the grounds of prosecutorial misconduct. On 9 November, Governor Timothy Kaine denied clemency. In a statement, the governor said: "Having carefully reviewed the Petition for Clemency and judicial opinions regarding this case, I find no compelling reason to set aside the sentence that was recommended by the jury, and then imposed and affirmed by the courts. Accordingly, I decline to intervene."

Among those who called for clemency was William Page True, former warden of Sussex 1 State Prison which houses Virginia's death row. Page True, who was warden of the prison until September 2005 and knew John Schmitt for over four years there, acknowledged the seriousness of his crime, but added that "there's a lot worse inmates that I've dealt with in my 36 years in prison systems than Mr. Schmitt." On seeking clemency, he said: "I've never done anything like this before in my life. It's tough for me because I'm as hard-core as they come. I just don't think he should be put to death. I don't want to diminish his conduct. It was terrible. Somebody died and families are suffering... But this guy is no worse than most of those other guys in these prisons [with] life sentences, and that's my feeling."

John Schmitt was the 52nd person to be put to death in the USA this year and the 1,056th since judicial killing resumed there in 1977. Virginia accounts for 98 of these executions.

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