

PUBLIC

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Further information on EXTRA 166/99 (AMR 51/190/99, 24 November 1999) - Death penalty / Legal concern

USA (Indiana) D.H. Fleenor, white, aged 49

D.H. Fleenor (full name) was executed as scheduled in the first few minutes of 9 December 1999 in Indiana State Prison. He had been sentenced to death for the murder of his parents-in-law on 12 December 1982.

Serious questions about D.H. Fleenor's mental health - whether he was delusional, and did not comprehend the nature of, or reason for, his punishment - remained unanswered (see original EXTRA). The courts rejected D.H. Fleenor's attorneys' attempts to have the execution stayed so he could undergo a psychiatric evaluation. The lawyers' efforts were made more difficult by Fleenor's belief that they were "in league" with the state. The lawyers have also stated that Fleenor insisted that God would spare him, and that he planned to speak with news reporters "in a few months" -- well beyond his scheduled execution date.

Because of Fleenor's belief that the defence lawyers were conspiring against him, he had refused to meet with them since October, and reportedly claimed to be represented by another, nonexistent, attorney. Fleenor refused to ask for clemency, reportedly saying that he should be shown "no mercy". However, according to reports, in the moments before his execution he stated, "I am not guilty", a final indication of his delusional beliefs.

Governor O'Bannon rejected appeals for clemency, saying that he refused to "second guess" the judicial proceedings that had put D.H. Fleenor on death row. He also rejected claims that D.H. Fleenor might be suffering from serious mental problems that rendered him incompetent to be executed.

The local press reported that the Governor had been "flooded" with hundreds of appeals for clemency, including from Amnesty International. Pope John Paul II's US representative appealed for clemency, as did the Bishop of Gary, in north Indiana, who wrote in his appeal: "The imposition of the death penalty upon Mr Fleenor only exacerbates the culture of violence, which so deeply characterizes society today."

D.H. Fleenor becomes the 94th inmate to be executed in the USA in 1999. He was one of four prisoners scheduled for execution today, 9 December 1999, the eve of Human Rights Day (see News Service 231/99, AMR 51/197/99, 8 December 1999 -- USA: *Four prisoners to be killed on the eve of Human Rights Day as USA heads for 100th execution in 1999*). One other of the four, Bobby Lynn Ross in Oklahoma, was also executed in the first few minutes of 9 December. The two others - James Beathard in Texas and Andre Graham in Virginia -- remain scheduled for execution this evening. Urgent Action participants have been appealing on their behalf.

A total of 594 prisoners have been executed in the USA since the country resumed executions in 1977 -- the vast majority of these executions have been carried out in the 1990s.

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