

URGENT ACTION

EXECUTION IMMINENT, BUT JURORS NOW OPPOSED

Timothy Adams, a 42-year-old African American man, is scheduled to be executed in Texas on 22 February. He was sentenced to death for the murder of his young son in 2002. Three of the 12 jurors who voted for death at his trial in 2003 are among those now appealing for clemency.

Timothy (Tim) Adams shot his 19-month-old son Timothy ("TJ") during a stand-off with police in Houston, Texas, on 20 February 2002. After surrendering, he gave police a statement admitting to the murder. He pleaded guilty at his trial. The jury convicted him, and after a sentencing phase voted that, even though he had no prior criminal record, he would likely commit future acts of violence that would "constitute a continuing threat to society" – a prerequisite for a death sentence in Texas – and that there was insufficient mitigating evidence to warrant a life sentence.

Although the defence lawyers presented a number of character witnesses at the sentencing, they presented only one family member, the defendant's mother. Other relatives of Tim Adams – who are also members of the murder victim's family – are now appealing for clemency. For example, Tim Adams's father – the grandfather of the victim – has said: "Losing TJ was especially hard for me... However, I cannot imagine losing my son to this tragedy as well... I do not know what I will do if we lose Tim". The brother of Tim Adams has said "It's hard to explain why Tim did what he did... It was totally out of character... I still have a strong relationship with him. I often break down when I leave the prison after our visits. I cannot imagine losing my brother". His sister states: "It's going to affect my family in a bad way if he is executed. I would never wish this on anyone, even my worst enemy... This would just be another huge loss to our family". Tim Adams has a 23-year-old son from a previous relationship who has said: "I can't put my finger on why my father would do something like that. Yet, my father was very loving and taught me right from wrong when I was growing up. He was a good father. He is not a bad person. I wish I had had the opportunity to say something in support of my father at his trial".

Three of the jurors from the original trial are also supporting clemency. One of them has said that she initially voted for a life sentence, but "felt pressured by the other jurors to change my vote". She said that she has "carried the guilt around for years knowing that I sentenced Adams, a man who had done wrong but who was otherwise a good, religious, and hard-working person, to death". Another former juror recalled that "Adams was so remorseful during the trial, and I could tell that he was hurting a lot". However, she said that he too had felt "pressured" by other jurors "into believing that Adams was a cold-hearted man" and had voted for death. Both jurors said that they had learned more about Tim Adams since the trial that confirmed their original leaning to vote for a life sentence.

Tim Adams is reported not to have committed a single disciplinary infraction during his eight years on death row.

PLEASE WRITE IMMEDIATELY in English or your own language, in your own words:

- Acknowledging the seriousness of the crime for which Tim Adams was sentenced to death;
- Noting that three of the jurors are calling for commutation of the death sentence;
- Calling on the authorities to recognize the suffering that execution causes family members;
- Urging the parole board to recommend to Governor Perry that he commute the death sentence;
- Calling on Governor Perry to do all in his power and influence to stop this execution.

PLEASE SEND APPEALS AS SOON AS POSSIBLE, AND BEFORE 22 FEBRUARY TO:

Clemency Section, Texas Board of Pardons and Paroles
8610 Shoal Creek Blvd. Austin, TX 78757-6814, USA
Fax +1 512 467 0945

Email: bjpp-pio@tdcj.state.tx.us

Salutation: Dear Board members

Governor Rick Perry
Office of the Governor, P.O. Box 12428
Austin, Texas 78711-2428, USA

Fax: + 1 512 463 1849

Salutation: Dear Governor

Also send copies to diplomatic representatives of the USA accredited to your country. Please check with your section office if sending appeals after the above date.

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ADDITIONAL INFORMATION

A few days before the 20 February 2002 shooting in Houston, Tim Adams's wife had moved out of their flat, taking the baby with her. On 20 February, she returned to the apartment to collect her belongings. Confronted by her husband, she telephoned the police. Tim Adams fired a shot at her, and she fled the home, leaving the child behind. In the ensuing stand-off, Tim Adams told police that he was suicidal and would kill himself if anyone tried to enter the apartment. He was eventually talked into surrendering. His young son had already been shot.

Amnesty International opposes the death penalty in all cases, unconditionally, regardless of the crime or the offender. To end the death penalty is to abandon a destructive, diversionary and divisive public policy that is not consistent with widely held values. It not only runs the risk of irrevocable error, it is also costly, in social and psychological terms as well as to the public purse (a fact which is drawing increasing public concern in the USA in the current economic climate). It has not been proved to have a unique deterrent effect. It tends to be applied in a discriminatory way, on grounds of race and class. It denies the possibility of reconciliation and rehabilitation. It promotes simplistic responses to complex human problems, rather than pursuing explanations that could inform positive strategies. It diverts resources that could be better used to work against violent crime and assist those affected by it. The death penalty extends the suffering of the victim's family to that of the condemned prisoner.

Today, 139 countries are abolitionist in law or practice, a clear majority. Such countries have concluded either that the death penalty is unnecessary, or that it is incompatible with modern standards of justice, or both. While international law recognizes that some countries retain the death penalty, this acknowledgment of present reality should not be invoked "to delay or to prevent the abolition of capital punishment", in the words of Article 6.6 of the International Covenant on Civil and Political Rights. In 2007, 2008 and 2010, the United Nations General Assembly passed resolutions calling for a worldwide moratorium on executions, pending abolition.

There have been 1,239 executions in the USA since judicial killing resumed there in 1977, including five so far this year. Of the 464 prisoners put to death in Texas (37 per cent of the national total), 115 were convicted in Harris County, where Tim Adams was sentenced to death. If Harris County was a state, it would account for more executions than any other state in the USA apart from the rest of Texas. See USA: One county, 100 executions: Harris County and Texas - a lethal combination, July 2007, <http://www.amnesty.org/en/library/info/AMR51/125/2007/en>; also USA: Too much cruelty, too little clemency: Texas nears 200th execution under current governor, April 2009, <http://www.amnesty.org/en/library/info/AMR51/057/2009/en>. There have been 225 executions in Texas since Governor Rick Perry took office in December 2000.

Arbitrariness, discrimination and error mark the death penalty in the USA, along with its inescapable cruelty. Public and political support for the death penalty has weakened in recent years, possibly a result of an erosion of belief in its deterrence value, an increased awareness of the frequency of wrongful convictions in capital cases, and a greater confidence that public safety can be guaranteed by life prison terms rather than death sentences. In 2008, Senior Supreme Court Justice John Paul Stevens revealed that he had decided, after more than three decades on the country's highest court, that the death penalty was a cruel waste of time. "I have relied on my own experience", he wrote, "in reaching the conclusion that the imposition of the death penalty represents the pointless and needless extinction of life with only marginal contributions to any discernible social or public purposes". Since retiring from the Supreme Court in June 2010, he has said that there was one vote during his nearly 35 years on the Court that he regretted – his vote with the majority in *Gregg v. Georgia* in 1976 that allowed executions to resume in the USA. See also USA: A learning curve, towards a 'more perfect world', October 2010, <http://www.amnesty.org/en/library/info/AMR51/095/2010/en>

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