

# URGENT ACTION

## SHOOTING SURVIVOR OPPOSES GUNMAN EXECUTION

**Mark Stroman is due to be executed in Texas on 20 July. He was sentenced to death in 2002 for the murder of an Indian immigrant following the 9/11 attacks in the USA. A Bangladeshi man he also shot during a series of post-9/11 crimes is calling for clemency.**

On 4 October 2001, Vasudev Patel, a native of India who had lived near Dallas, Texas, for 10 years, was shot and killed in the petrol station he and his wife operated there. The shooting was captured on surveillance camera, and the following day Mark Anthony Stroman was arrested at his home. The murder was part of a series of violent crimes in the area following 11 September 2001 for which Mark Stroman claimed responsibility. He said he committed them in retaliation for the 9/11 attacks, against people he considered of Middle Eastern descent. At his trial for the murder of Vasudev Patel, the state also introduced evidence that on 15 September 2001 Mark Stroman had shot and killed a Pakistani immigrant, Waqar Hasan, at his grocery shop, and on 21 September 2001 had shot Rais Bhuiyan, an immigrant from Bangladesh in the service station where he was working. Rais Bhuiyan survived, despite being shot in the face with a shotgun at close range.

In April 2002, a jury convicted Mark Stroman of capital murder, namely murdering Vasudev Patel in the course of an actual or attempted robbery. On appeal in federal court, Mark Stroman's lawyer argued that due to mental impairment he did not have the necessary criminal intent to commit capital murder. Instead, she has argued that, "in a paranoid, delusional state", Mark Stroman "shot these individuals believing they were Arab, enemies-of-the-United States". She has presented expert mental health evidence in support of this claim (see overleaf)

Rais Bhuiyan has recounted how, when Mark Stroman walked into his store, he offered the gunman cash and pleaded not to be shot. "In reply [Stroman] asked me, 'Where are you from?'. When Rais Bhuiyan said "Excuse me?", he was shot in the face. He survived, underwent multiple surgeries, and has lost sight in his right eye. Today he is appealing for Mark Stroman not to be executed and for his death sentence to be commuted. He says "Hate doesn't bring a peaceful solution to any situation, which I realized after I became a victim of a hate crime because of the September 11, 2001 World Trade Center tragedy. This single incident changed my entire life and helped me to realize that hate only brings fear, misery, resentment and disaster into human lives. It creates obstacles to healthy human growth, which, in turn, diminishes society as a whole...I forgave Mark Stroman many years ago. I believe he was ignorant, and not capable of distinguishing between right and wrong, otherwise he wouldn't have done what he did."

### PLEASE WRITE IMMEDIATELY in your own language:

- Acknowledge the seriousness of the crime for which Mark Stroman was sentenced to death and explaining that you are not seeking to downplay the suffering caused by the violence attributed to him after the 9/11 attacks;
- Calling on the Board and the Governor to break the cycle of killing by commuting the death sentence of Mark Stroman.

### PLEASE SEND APPEALS AS SOON AS POSSIBLE, AND BEFORE 20 JULY 2011 TO:

Clemency Section, Texas Board of Pardons and Paroles  
8610 Shoal Creek Blvd. Austin, TX 78757-6814, USA  
Fax +1 512 467 0945  
Email: bpp-pio@tdcj.state.tx.us  
**Salutation: Dear Board members**

Governor Rick Perry, Office of the Governor,  
PO 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. Check with your section office if sending appeals after the above date.

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### ADDITIONAL INFORMATION

According to the state's evidence, in pre-trial custody after killing Vasudev Patel, Mark Stroman had told another inmate that the shooting had been his patriotic duty and "this country hadn't done their job so he was going to do it for them". The Texas authorities have asserted that "it is evident from the trial testimony that Stroman decided to express his anger for the September 11, 2001, terrorist attacks by killing people he believed were native to the middle and far east", and that this was "his apparent motive for killing Patel". It said robbery was "not a motive" in the murder of Waqar Hasan and that neither had Mark Stroman taken any money during the attempted murder of Rais Bhuiyan. In the case of Vasudev Patel, Mark Stroman had demanded money but shot him. He then demanded that the victim, who was lying fatally wounded on the floor, open the cash register.

At Mark Stroman's trial, his lawyer obtained expert mental health evidence, but not in time for the guilt phase of the trial. At the sentencing phase, the lawyer presented expert evidence of the defendant's childhood abuse and mental impairments. One expert testified that "Without the combination of abuse and neglect, rejection, untreated behavioural disorder, and the affects of drug addiction, it is unlikely that [Stroman] would have become a violent person who would engage in such acts". The other expert testified that, in her opinion, Mark Stroman had a "significant history of posttraumatic stress disorder" (PTSD) and that brain scan results indicated that he had brain damage. The jury nevertheless passed a death sentence.

Mark Stroman's appeal lawyer has argued that Stroman did not have the necessary state of mind to commit capital murder, and that the trial lawyer should have presented expert evidence to this effect. She has presented conclusions of an expert in child and drug abuse whose opinion is that Mark Stroman did not have the necessary mental state for him to be guilty of capital murder under Texas law, due to mental impairments resulting from childhood neglect, abuse, PTSD, possible bipolar disorder, organic brain damage, and a 17 year addiction to methamphetamine. She said that this, "coupled with a 12-13 day sleepless binge on methamphetamine", resulted in "paranoid and delusional behaviour and aggression during which Mr Stroman actually believed that he was acting on behalf of the American people to avenge the events of September 11, 2001."

The appeal lawyer has pointed to a 2008 ruling of the Texas Court of Criminal Appeals which states that: "mental diseases or defects may affect a person's perception of the world just as much as they may affect his rational understanding of his conduct or his capacity to make moral judgments". If "the defendant suffers from mental delusions such that he sees a 'trespasser' or a 'Muslim' when everyone else around him sees a police officer, he cannot be convicted of intentionally shooting at a police officer, although he may be convicted of intentionally shooting at a trespasser or Muslim." Guilt of the specific offence of shooting a police officer "requires that the State prove, beyond a reasonable doubt that the defendant intended to shoot a police officer, not a trespasser or Muslim". Nevertheless, in 2009, the US District Court upheld Mark Stroman's conviction for capital murder, concluding that the evidence of his mental impairment was insufficient under US law to warrant relief.

Although the state has argued that Mark Stroman has shown no remorse for his crimes, he has written: "I cannot tell you that I am an innocent man. I am not asking you to feel sorry for me and I won't hide the truth. I am a human being and made a terrible mistake out of love, grief and anger, and believe me I am paying for it every single minute of the day and it haunts me in my sleep as well... Let's just say that [after 9/11] I could not think clearly anymore and I am sorry to say I made innocent people pay for my rage, anger, grief and loss. I have destroyed my victim's families as well as my own."

Amnesty International opposes the death penalty in all cases, regardless of the crime, the offender, or the method of execution. There have been 1,258 executions in the USA since judicial killing resumed there in 1977. Texas accounts for 470 of these executions. There have been 24 executions in the USA this year, six of them in Texas.

Name: Mark Stroman

Gender m/f: m

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