

URGENT ACTION

EXECUTION IN WASHINGTON STATE

Cal Brown was executed by lethal injection in Washington State, USA, on 10 September. He had spent over 16 years on death row. This was the state's first execution for nine years.

Governor Chris Gregoire denied clemency for **Cal Brown** on 8 September and the execution was conducted in the early hours of 10 September in the Washington State Penitentiary. In a statement the Governor said: "As governor, I have a constitutional duty to faithfully execute the laws of the state of Washington. I also have the solemn power to commute a death sentence to life imprisonment. The people of the State have entrusted the governor with this clemency power to use in extraordinary circumstances that call for leniency. The people did not intend the governor to use this power to substitute personal views for the laws of the State." The governor said that after reviewing the case, "and after contemplating the grave importance of this matter, I have determined I will not intervene. I find no basis to change the death sentence that was imposed by the jury in accordance with the laws of our state."

Governor Gregoire noted that the clemency petition had "asked me to consider [Brown's] diagnosis of a mental disorder" (Cal Brown has been diagnosed as suffering from bipolar disorder). The governor stated that "the jury heard this evidence and considered whether he knew right from wrong and was in control of his conduct at the time of the murder of Holly Washa."

On 27 May 1991, police in Washington State found the body of 21-year-old Holly Washa in the boot of her car. In statements given to police, Cal Brown described abducting, robbing, raping, torturing and killing Holly Washa. He was tried for her murder and sentenced to death on 28 January 1994.

Cal Brown also pled guilty to the attempted murder of another woman in California, and was sentenced to life imprisonment there.

In his final statement Cal Brown drew attention to the inconsistency of a capital justice system where people convicted of multiple murders have avoided the death penalty. He said, "I only killed one victim. I cannot really see that there is true justice. Hopefully, sometime in the future that gets straightened out."

The death penalty in Washington State has come under scrutiny following the case of Gary Ridgway, who in 2003 avoided the death penalty in return for his confession to murdering 48 women. The fact that he would serve a life sentence, while others would be executed for crimes with far fewer victims has, as the state Supreme Court put it in 2006, "caused many in our community to seriously question whether the death penalty can, in fairness, be proportional when applied to any other defendant." The court nevertheless upheld the death penalty, by five votes to four.

There have been 38 executions in the USA this year. Since the USA resumed judicial killing, there have been 1,226 executions nationwide, five of which have been carried out in Washington State.

No further action is requested. Many thanks to all who sent appeals.

This is the 1st update of UA 189/10 (AMR 51/078/2010). Further information: <http://www.amnesty.org/en/library/info/AMR51/078/2010/en>

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