

URGENT ACTION

EXECUTION LOOMS AFTER 23 YEARS ON DEATH ROW

Stephen West is due to be executed in Tennessee, USA, at 10pm on 9 November. He was sentenced to death for two murders committed in 1986 when he was aged 23. He is now 48, having spent 23 years on death row, where he has been diagnosed with serious mental illness.

Wanda Romines and her 15-year-old daughter Sheila were murdered in their home in eastern Tennessee on 17 March 1986. Both had been stabbed multiple times and Sheila Romines had been raped. Stephen West and 17-year-old Ronald Martin were charged with the murders. It is not disputed that both were present at the crime. They were tried separately, with Stephen West being brought to trial first. His lawyers argued that Ronald Martin was the architect of the crime and that Stephen West had failed to stop the crime under threats of violence from the younger man. Stephen West was sentenced to death in March 1987. Ronald Martin was ineligible for the death penalty under state law because he was under 18 at the time of the crime. He was sentenced to life imprisonment. While he was in pre-trial custody, he had discussed the crime with a cellmate. In a conversation captured on audiotape, he said that Stephen West did not kill the two victims, but that he, Ronald Martin, had done it. At Stephen West's trial, the judge ruled that the tape was inadmissible on the grounds that it was hearsay.

Stephen West was represented at trial by two lawyers, neither of whom had worked on a death penalty case before. Their failure to investigate and present evidence of severe parental abuse in Stephen West's childhood has been one of the main issues on appeal. Several mental health experts have concluded that childhood abuse had left Stephen West with a serious mental disorder that affected his conduct at the time of the crime, and that this was an issue that could have been relevant at the trial as a defence against his conviction for capital murder or in mitigation against the death penalty (see overleaf).

In May 2010, a doctor retained by Stephen West's lawyers reviewed the prisoner's medical records. He found that Stephen West, whose family has a history of mental illness, has been diagnosed on death row as suffering from various serious mental illnesses, including major depression, paranoid schizophrenia and schizoaffective disorder.

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

- Acknowledging the seriousness of the crime for which Stephen West was sentenced to death;
- Expressing concern that his jury heard no evidence of the severe abuse to which he was allegedly subjected as a child, or any expert opinion on the effects this may have had on him at the time of the crime;
- Noting that the jury never heard the tape of his co-defendant stating that Stephen West did not kill either victim;
- Welcoming the fact that Tennessee law did not allow the death penalty against Ronald Martin because he was under 18 at the time of the crime, but drawing attention to the fact that Stephen West received a more severe punishment than the person who may have been the actual murderer;
- Noting that on death row, Stephen West has been diagnosed as suffering from serious mental illness;
- Calling on the Governor to grant clemency to Stephen West.

PLEASE SEND APPEALS BEFORE 9 NOVEMBER 2010 TO:

Governor Phil Bredesen
 Governor's Office
 Tennessee State Capitol
 Nashville, TN 37243-0001, USA
 Fax: +16 15 532 9711
 Email: Phil.Bredesen@tn.gov
 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

In 1998 Stephen West's father signed an affidavit stating "his mother and I severely abused Stephen from the time he was born in a mental institution in Indiana until he left home to join the army. We physically abused him by hitting him with our hands, sticks, bottles or anything else we had. This abuse was extreme and always very violent. Stephen was slammed against a wall so hard when he was a baby that he was knocked cross-eyed and required surgery." In 2001, a forensic psychologist stated "it is clear that Mr West suffered from intense psychological trauma and anxiety as a child directly due to the severe physical and emotional abuse of his parents". She concluded that he likely suffered from Posttraumatic Stress Disorder (PTSD), and that the "extreme trauma and anxiety during childhood set the stage for Mr West's having an acute stress response [during the crime] and becoming emotionally overwhelmed by the situation". In 2002, another doctor specializing in clinical and forensic psychiatry noted that Stephen West's family has a "significant history of mental illness", including bipolar disorder, and that his mother attempted suicide when pregnant with him. The expert wrote that "Stephen survived prolonged, life threatening maltreatment at the hands of his mother and her husband", including being beaten, kicked, punched and thrown into walls, and that the boy was also subjected to other "acts of cruelty", including public humiliation, degradation, captivity and isolation. He concluded that this kind of abuse "breaks the bonds that children need to develop into healthy adults" and from it Stephen West had developed an "insidious progressive form" of PTSD that "controlled and constricted his entire life", and that affected his conduct at the time of the crime. A third mental health expert drew similar conclusions, also in 2002.

The trial jury heard no evidence of such abuse or expert opinion about the effects it might have had on Stephen West. In 2008, a three-judge panel of the US Court of Appeals for the Sixth Circuit upheld the death sentence. The two judges in the majority wrote that if Stephen West's trial lawyers had discovered the evidence of his childhood abuse, they might have chosen to portray him "as the product of an unstable and abusive home" and that the jury "might have believed that the abuse made West the kind of person who was psychologically unable to confront or disobey strong, threatening people such as [Ronald] Martin" and might have chosen to spare his life. The two judges further speculated, however, that "the very same evidence may have had the opposite effect on the jury"; that the jurors "might have believed that violence begets violence and that West's past abuse made him the kind of person" who could have committed such a crime; and that they "might have despised West and sentenced him to death with greater zeal". The third judge dissented, accusing her two colleagues of taking an approach that "flies in the face of Supreme Court precedent". She concluded that had the trial lawyers "presented evidence of abuse and its effects on West, it is extremely likely that at least one juror would have determined that West's explanation for what happened to him while the crime took place – essentially that he froze – was plausible, making the death penalty unwarranted"

A review in May 2010 of Stephen West's prison records revealed that from 2001 to 2006 he had been diagnosed with major depressive disorder with psychotic features. In 2006, the diagnosis was changed to one of chronic paranoid schizophrenia", and it was noted that he was suffering "anxiety, depression and auditory hallucinations". In 2008, the diagnosis was again changed, this time to schizoaffective disorder, reflecting the prison doctor's view of Stephen West as having symptoms of schizophrenia – delusions and hallucinations – and of bipolar disorder – mania and depression. Stephen West has been prescribed various medications on death row, including high doses of the anti-psychotic drug Thorazine. Stephen West had no criminal record prior to the crimes for which he is facing execution. He is reported to have committed no acts of violence in his 23 years on death row.

Amnesty International opposes the death penalty unconditionally in all cases. The USA has carried out 1,229 executions since it resumed judicial killing in 1977, 41 of them this year (see also <http://www.amnesty.org/en/library/info/AMR51/095/2010/en>).

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