

PUBLIC

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Further information on EXTRA 61/02 (AMR 51/128/2002, 7 August 2002) - Death penalty / Legal concern

USA (Ohio)Gregory Lott (m), black, aged 41

The Ohio Supreme Court has granted an indefinite stay of execution to Gregory Lott because of his claim of mental retardation. He was sentenced to death in 1987 for the murder of John McGrath in 1986.

After the US Supreme Court ruled on 20 June 2002 in *Atkins v Virginia* that the execution of people with mental retardation is unconstitutional, the Ohio Department of Corrections handed over to the defence some records showing that the prison authorities had assessed Gregory Lott's IQ at 72 in 1986. This could indicate possible mental retardation, and Lott's lawyers asked for the execution to be stayed while the state establishes procedures for determining which inmates are protected by the *Atkins* ruling.

It is possible that the Ohio Supreme Court will wait until the Ohio legislature enacts legislation on this issue. In the absence of a special legislative session being called, any such legislation is unlikely to be passed until next year.

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