

EXTERNAL

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EXTRA 03/96

Death Penalty / Legal concern

12 January 1996

USA (UTAH) John TAYLOR

John Taylor, white, is scheduled to be executed in Utah on 26 January 1996. He was sentenced to death on 19 December 1989 for the rape and murder of 11-year-old Charla Nicole King on 23 June 1989. He was sentenced by a judge after waiving his right to a trial by jury. He has decided to drop his appeals and allow the state authorities to carry out his execution.

According to information, John Taylor's decision to drop his legal appeals has been prompted by the conditions under which death row inmates are held in Utah. Prisoners under sentence of death are reportedly held in a maximum security unit that is also used as a punishment block for the general prison population. Prisoners in the unit are locked in a cell for 23 hours a day and can only communicate with other inmates by shouting through the cell door.

John Taylor, who has heart, lung and stomach complaints, has also reportedly cited inadequate medical care as a reason for dropping his appeals. Amnesty International has been told that prison inmates in Utah are charged \$4 for visits to the doctor. The fee is deducted from the inmate's prison account, taking the account into debit if insufficient funds are available. Inmates also use their prison accounts to hire televisions and buy goods from the prison authorities. The general prison population can supplement their accounts by working in the prison. However, work is not available to prisoners under sentence of death.

John Taylor was represented at trial by two state-appointed attorneys who were inexperienced in handling capital cases, and who failed to conduct an adequate investigation of the case and gave John Taylor poor advice. The lead attorney, who had never handled a capital case before and was reportedly confused by the state's death penalty law, advised John Taylor to waive his right to a jury trial. His advice was apparently based on discussions with others that the community was hostile (making any jury hostile) and on unsubstantiated rumours that the presiding judge would not impose the death penalty.

John Taylor's attorneys reportedly did not challenge eye witnesses or important aggravating testimony, and failed to properly prepare for the sentencing phase of the trial. The only mitigating evidence they presented was testimony from John Taylor's aunt and uncle who testified about matters that took place nearly 30 years before, when John Taylor was two years old.

Amnesty International opposes the death penalty in all cases as a violation of the right to life and the right not to be subjected to cruel and degrading punishment as proclaimed in Article 5 of the Universal Declaration of Human Rights. The execution of prisoners who have chosen to abandon their appeals, in no less a gross human rights violation than any other execution. The fact that an individual makes such a choice does not relieve the state of its responsibility in taking the life of one of its citizens.

BACKGROUND INFORMATION

As of 31 August 1995 there were 11 prisoners under sentence of death in Utah. The method of execution is firing squad or lethal injection. John Taylor has decided to be executed by firing squad. The last person to be executed in

Utah was William Andrews on 30 July 1992 - by lethal injection. Utah is the only US state that includes firing squad as a method of execution. No one has been executed by firing squad in the USA since Gary Gilmore on 17 January 1977, who was the first person to be executed in the USA under present death penalty statutes. There is reportedly no protocol for the procedure which according to information involves a five man team, one of who will use a blank bullet so that none of them knows who was the real executioner. In Utah the state Board of Pardons and Paroles has the power to grant clemency.

RECOMMENDED ACTION: Please send faxes, telegrams, express and airmail letters in English, or your own language:

- expressing concern that John Taylor is scheduled to be executed in Utah on 26 January 1996;
- acknowledging the seriousness of the crime for which John Taylor has been sentenced to death and expressing sympathy for the victims of violent crime and their friends and families;
- urging the Board of Pardons to commute John Taylor's death sentence;
- expressing concern about reports that John Taylor was represented at trial by lawyers who were inexperienced in handling capital cases which may have prevented full presentation of mitigating circumstance in the sentencing hearing.

APPEALS TO

Michael R Sibbett, Chair
Utah Board of Pardons
448 East, 6400 South #300
Murray, UT 84107, USA

Telegrams: Board of Pardons, Murray, Utah, USA

Faxes: +1 801 261 6481

Salutation: Dear Mr Sibbett

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and to diplomatic representatives of the USA accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.