

UA 20/00

Death penUSA (Texas) Odell Barnes Jr., black, aged 31

Odell Barnes is scheduled to be executed in Texas on 1 March 2000 for the murder of Helen Bass in Wichita Falls in 1989. There are serious questions about his guilt.

The body of Helen Bass was found in her bedroom on 30 November 1989. She had been shot, bludgeoned, and had knife wounds. Forensic testing found Odell Barnes' fingerprint on the bedside lamp (which may have been used to club the victim), and two small blood stains matching the victim's blood type on his overalls (later confirmed by DNA testing). Semen at the scene was consistent with Barnes' type (later confirmed by DNA testing), although it was not established that Bass had been sexually assaulted. Eyewitness testimony placed Barnes at the crime scene, and witness testimony connected him to the likely murder weapon (a gun belonging to Helen Bass). Odell Barnes was convicted and sentenced to death in 1991.

Investigations by his current lawyers, however, have thrown into question the reliability of the evidence used to convict Barnes. This has cast doubt on his guilt and demonstrates the inadequacy of his defence lawyers' pre-trial investigation and trial performance. In particular:

- an expert has found that the tiny bloodstains on the overalls contained a preservative used in the storing of blood. He concluded from the level of preservative in the stain that the blood did not come directly from the victim, but was spilled or planted on the overalls after the crime;
- two experts who reviewed the crime scene evidence concluded that the perpetrator(s) clothing would have been covered in blood;
- in the view of the same two experts, the state's crime scene investigation was "sloppy and unprofessional" and disregarded established procedures. The police's own recognition of this reportedly led to an "overhaul" of procedures following the Bass case;
- scientific evidence suggests that the semen could have been deposited days before the crime, consistent with Odell Barnes' claim (endorsed by others) that he had a consensual sexual relationship with Helen Bass;
- Helen Bass' son has said that the lamp had been in his mother's home for at least five years before her death. At the trial, the state argued that she had only recently acquired it and that Barnes' fingerprint could not therefore have been left before the crime (the Barnes family knew Bass and several people have said that Odell Barnes visited her home several times);
- the alleged eyewitness sighting of Barnes leaving the victim's house occurred some 45 minutes before Helen Bass returned home;
- there is evidence, kept from the trial lawyers, that a key state witness, Pat Williams, received probation rather than a jail sentence on drug charges in return for testifying against Odell Barnes, against reported county policy at the time banning plea bargains in drug cases;
- the current defence lawyers have found evidence that another state witness, Johnny Ray Humphrey, whose trial testimony linked Barnes to the gun, was seen coming out of the Bass home on the night of the crime;
- a woman who was in Wichita County Jail in 1996 has stated that she heard another woman (who was Williams' girlfriend in 1989) tell co-detainees that "Pat", "Johnny Ray" and "Delbert" had come to her apartment on the night of the Helen Bass murder covered in blood and carrying guns and that "Johnny Ray" had allegedly threatened her with "I'll kill you like I killed Mrs Helen Bass";

- a woman has given a statement implicating another person, her former boyfriend, Randy Lee Harper, in the murder. She has stated that on the night of the murder he was covered in blood and had a gun. She says that he threatened her in order that she would provide him with an alibi.

BACKGROUND INFORMATION

The US capital justice system has repeatedly been shown to be prone to error as a result of factors such as the use of unreliable witness testimony and physical evidence, prosecutorial and police misconduct and inadequate defence representation. Since 1973 more than 80 prisoners have been released from US death rows after evidence of their innocence emerged.

Governor Bush has stated that the only capital cases in which he will intervene are those where there is doubt about the prisoner's guilt. The only commutation so far under his governorship on this basis was that of Henry Lee Lucas in 1998.

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

- expressing sympathy for the families of murder victims;
- expressing concern that Odell Barnes is scheduled for execution despite serious questions about his guilt in the murder of Helen Bass, which have not been heard in open court;
- noting that, unknown to the jury, a key state witness may have been offered a deal in return for testimony against Barnes;
- noting doubts surrounding the reliability of the physical evidence, including expert opinion that the victim's blood was planted or spilled on Barnes' overalls after the crime;
- noting expert opinion that the police investigation of the crime scene was "sloppy and unprofessional";
- noting new witness evidence implicating others in the crime, including key prosecution witnesses;
- noting Governor Bush's contention that he will only use his power of reprieve or commutation in cases where a prisoners' guilt is in doubt;
- noting that over 80 prisoners have been released from US death rows since 1973 after investigations uncovered evidence of their wrongful conviction;
- urging clemency for Odell Barnes.

APPEALS TO:

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Salutation: Dear Mr Chairman

The Honourable George W. Bush
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Salutation: Dear Governor

COPIES TO: to diplomatic representatives of USA accredited to your country.

You may write (in not more than 250 words) to "Letters to the Editor" at:

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