

EXTERNAL (for general distribution)

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EXTRA 34/93 Death Penalty

1 April 1993

USA (Arizona): James Dean CLARK

James Dean Clark is scheduled to be executed by the state of Arizona on 14 April 1993.

James Clark, white, was sentenced to death in July 1978 for the murder of three white males and one white female in December 1977.

James Clark was represented at trial by an inexperienced attorney who had never defended a capital case before. He failed to interview any witnesses, before trial, including 24 witnesses who testified for the prosecution at trial whose names were earlier disclosed to the defence by the state. The failure to interview witnesses is considered extremely unusual in a serious felony case, such as Clark's. Clark's conviction was based largely on the testimony of an informant who was not identified in court, which prevented Clark's attorney from properly cross-examining him. According to Clark's present attorney, this witness committed perjury during testimony. Clark's current appeal is, among other things, seeking to redress this error.

Clark's attorney failed to carry out any investigation of his background for use at the sentencing phase of the trial. Had he done so, he would have discovered that James Clark was born to very young, alcoholic parents who subjected him to serious physical abuse throughout his childhood. In his early teens, Clark's parents divorced, and he became involved in petty crime which resulted in him being sent to a reform school. After running away from the reform school he was re-arrested and returned to a federal youth detention center where he attempted to commit suicide at the age of 16.

Further investigation of James Clark's background would have provided evidence of his mental disorders at the time of the crime. During his trial, court-appointed doctors were ordered to carry out a mental health evaluation of Clark. According to his present attorneys, they failed to carry out any tests and "did not compile a complete or accurate medical and social history of Petitioner [Clark]". Clark's attorneys claim that "the examinations performed by the doctors were grossly substandard and as such, resulted in a conviction and death sentence based on inaccurate, incomplete and unreliable evidence". In 1992 Clark was examined by David Lisak P.H.D, (a clinical psychologist and specialist in the treatment of adult men who had suffered physical and sexual abuse as children), and was found to have been suffering from Post Traumatic Stress Syndrome (PTSD) at the time of the crime. This evidence, which might have been offered in mitigation, was not presented at his trial.

BACKGROUND INFORMATION

As of 15 January 1993, there were 110 prisoners under sentence of death in Arizona.

The most recent person to be executed in the state was John George Brewer, on 3 March 1993. The method of execution in arizona has recently been changed from the gas chamber to lethal injection. Prisoners who were under sentence of death before the change was introduced may choose between lethal injection or the gas chamber.

In Arizona the Governor may grant clemency or reprieves only on recommendation of the state Board of Pardons and Paroles.

Amnesty International opposes the death penalty unconditionally as the ultimate form of cruel, inhuman and degrading punishment, and as a violation of the right to life as enshrined in the Universal Declaration of Human Rights

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

To the Arizona Board of Pardons and Paroles:

- urging the Board of Pardons and Paroles to recommend that Governor Symington grant clemency to James Dean Clark by commuting his sentence of death;

To Governor Symington:

- urging that clemency be granted to James Dean Clark, and his death sentence be commuted;

To Both:

- expressing concern that James Dean Clark is scheduled to be executed on 14 April 1993;

- expressing concern that James Clark was represented at trial by an inexperienced attorney, who had never defended a capital case before;

- expressing concern that no evidence relating to his deprived family background was presented at his trial;

- referring to the recent findings of the clinical psychologist that James Clark was suffering from PTSD at the time of the crime and that this evidence was not presented at trial.

APPEALS TO

1) Robert Tucker
Chairperson
Arizona Board of Pardons and Paroles
1645 West Jefferson, Suite 326
Phoenix, AZ 85007, USA

Telegrams: Mr Tucker, Arizona Board Pardons/Paroles, Phoenix, AZ 85007, USA

Telephone: +1 602 542 5656

Faxes: +1 602 542 5680

Salutation: Dear Mr Tucker

2) The Honorable Fife Symington
Governor of Arizona
1700 West Washington
Phoenix, AZ 85007, USA

Telephone: +1 602 542 4331

Faxes: +1 602 542 7601

Salutation: Dear Governor

COPIES OF YOUR APPEALS TO:

The Letters Editor
Arizona Republic
Box 1950
Phoenix, AZ 85004, USA

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

PLEASE SEND APPEALS IMMEDIATELY, TO ARRIVE IN ARIZONA BY 14 APRIL 1993.