

EXTRA 11/00

Death penUSA (Virginia) Lonnie Weeks, Jr., black, aged 27

Lonnie Weeks is scheduled to be executed in Virginia on 16 March 2000. He was sentenced to death in October 1993 for the murder of a police officer.

On 23 February 1993, Virginia State Trooper Jose Cavazos stopped the stolen car in which Lonnie Weeks and his uncle were travelling. As 20-year-old Weeks got out of the car, he shot and killed the officer. He was arrested the following day and admitted to the crime, which he said was the result of panic. He told officials of his remorse, and that he wanted to kill himself because of what had happened. He had no prior record of violence.

At his trial, the jury found him guilty of the crime, and proceedings moved into the sentencing stage. The defence presented mitigating evidence in arguing for a life sentence, whereas the prosecution sought to prove two aggravating factors that warranted death -- that Weeks would represent a continuing threat to society, and that the crime was particularly heinous.

During their deliberations, the jurors sent the judge a note asking for clarification as to whether they were obliged to sentence Weeks to death if they found either or both of the aggravating factors (there was no such obligation). The judge merely referred them to the paragraph of the written instructions already in front of them (and which presumably were the source of their apparent confusion), without offering any further clarification. Two hours later the jury unanimously returned a sentence of death.

Lonnie Weeks was two hours from execution on 1 September 1999, when the US Supreme Court issued a stay to consider whether the jurors had understood their sentencing instructions. On 19 January 2000, a sharply divided Supreme Court ruled against Weeks. Five of the Justices ruled that the US Constitution had not been violated when the judge referred the jurors to what was a constitutionally sufficient instruction.

Four of the Justices dissented, saying it was a "virtual certainty" that the jury had been confused. They said that, given the "unusually persuasive" mitigating evidence in the case, it was likely that the jurors had had to overcome a "strong desire to spare the life of Lonnie Weeks", and had voted for death as a result of a misunderstanding of their duty under the law. The Justices noted that a majority of the jurors had been in tears when asked for their sentencing vote.

Since the trial, two of the jurors have signed affidavits that they had wanted to sentence Lonnie Weeks to life imprisonment, but that other jurors had believed that the law required them to pass a death sentence because they had found an aggravating factor in his crime (its heinous nature -- the jury did not find that Weeks would be a future threat to society). Given that a jury must be unanimous in its vote for death, if either of these two jurors had felt in a position to hold to their opinion, Weeks would have received a life sentence.

The jury heard how Lonnie Weeks grew up in a poor, violent neighbourhood of Fayetteville, North Carolina. Abandoned by his drug-addicted mother, he was brought up by his grandmother and by all accounts was a model student and member of the community. Just four years before the crime he was the captain and star of his high school basketball team. However, after his girlfriend became

pregnant with their child, Lonnie Weeks decided to reject the athletic scholarship that he had been offered and the college education it would allow him to embark upon, and to seek employment instead. Aged 19, unable to earn sufficient money to support his family (a second child was on the way), he gradually fell into small-time marijuana dealing. He was arrested and given a suspended sentence as this was his first offence. Around that time, he reportedly began carrying a gun after another drug dealer beat him and threatened to kill him.

As well as the nine trial witnesses who testified to Weeks's non-aggressive character and difficult background, the defendant himself took the stand to express his remorse for the crime: "I took an innocent man's life... it was very wrong... Every time I hear someone talk about Mr Cavazos, I begin to cry because it hurts me. It hurts me so bad into my heart that sometimes I actually feel like I could die from that pain."

Before the scheduled execution in September 1999, the son and daughter of Jose Cavazos appealed to Governor Gilmore to grant clemency to Lonnie Weeks: "We have thought about this very carefully. In our hearts, we have forgiven all that has been done to our family. We want to set an example to society." They urged the Governor to break the cycle of violence and "show that the state is compassionate, kind, forgiving, and truly loving, and not vengeful, hateful, inflexible..." They urged that the state not make two more children fatherless.

Fourteen prisoners have been executed in the USA this year, bringing to 612 the total number of executions since the country resumed judicial killing in 1977. Amnesty International opposes the death penalty in all cases.

RECOMMENDED ACTION: Please send telegrams/faxes/express/airmail letters in English or your own language, in your own words using the following guide:

- acknowledging the seriousness of the crime of which Lonnie Weeks was convicted and expressing sympathy for the family and friends of State Trooper Jose Cavazos;
- noting the strong evidence that his trial jury mistakenly believed that they were obliged to sentence him to death once they had found an aggravating factor;
- noting that two jurors have signed affidavits explaining this misunderstanding, and that they had wanted a sentence of life imprisonment;
- noting the powerful dissenting opinion from four US Supreme Court Justices noting the "unusually persuasive" mitigating evidence in this case, including Lonnie Weeks' own expressions of remorse;
- urging the Governor to grant clemency to Lonnie Weeks.

APPEALS TO:

The Honourable James Gilmore
Governor of Virginia
State Capitol
Richmond, VA 23219, USA

Telegrams: Governor Gilmore, Richmond, VA, USA

Fax: +1 804 371 6351

Tel: +1 804 786 2211

Salutation: Dear Governor

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

You may also write brief letters of concern (not more than 250 words) to:

Letters to the Editor, *Richmond Times-Dispatch*, PO Box 85333, Richmond, VA
23293, USA. **Fax: +1 804 775 8090**

PLEASE SEND APPEALS IMMEDIATELY.