

## **Media Advisory**

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### **USA: Serious allegations of racism and injustice in Nevada death penalty case**

*The authorities in Nevada should commute the death sentence of Thomas Nevius, whose appeal to the US Supreme Court was rejected yesterday despite serious allegations of racial discrimination and inadequate legal representation, Amnesty International said today as it issued a new report on the case.*

*Convicted in 1982 for the murder of David Kinnamon in Las Vegas in 1980, Thomas Nevius has been on death row in Nevada for nearly two decades. Amnesty International's report highlights several concerns, including:*

*-- The inexperience of Thomas Nevius's trial lawyer who has admitted that Nevius did not receive the quality of representation that a capital case demands. For example, the jury was left unaware that Thomas Nevius has mental retardation, as recorded since school. Earlier this year, six jurors from the original trial signed affidavits that they would not have voted for a death sentence if they had known of his mental disability.*

*-- Racial discrimination; at jury selection, the prosecutor removed all four blacks and both Hispanics, ensuring that Nevius, who is African American, would be tried in front of an all-white jury for the murder of a white man and the attempted sexual assault of a white woman. In a conversation after the trial, the prosecutor allegedly told the defence lawyer; "You don't think I wanted all those niggers on my jury, did you?".*

-- According to an expert in eyewitness testimony, the prosecution's key witness, the wife of David Kinnamon, may have mistakenly identified Thomas Nevius as the gunman. While Thomas Nevius's claim is not one of actual innocence – his involvement in the burglary that led to the murder was enough to sustain a verdict of first-degree murder under Nevada's felony murder rule – the extent of his culpability is questionable.

"This case raises profound questions of racial discrimination, culpability, and the adequacy of the legal representation afforded to this mentally impaired man," Amnesty International said. "As such, it is a case that epitomizes why the USA's relentless resort to judicial killing is casting a deepening shadow over the reputation of a country that considers itself a champion of human rights".

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*USA: Nevada's planned killing of Thomas Nevius is available on Amnesty International's website, [www.amnesty.org](http://www.amnesty.org) or for printed copies, with photographs, phone Amnesty International's press office in London, UK, on +44 20 7413 5566*

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*Last updated :*