

EXTERNAL

AI Index: AMR 51/48/97

5 August 1997

Further information on UA 188/97 (AMR 51/35/97, 25 June 1997) - Death Penalty

USA (CALIFORNIA) Thomas Thompson

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Thomas Thompson, scheduled to be executed in California on 5 August 1997, has had his death sentence overturned by the 9th US Circuit Court of Appeal.

On 3 August, the Court voted 7-4 to overturn Thompson's rape conviction. Since the rape conviction was the special circumstance qualifying Thompson as a capital case, this automatically annulled his death sentence. In its ruling the Court stated: "Bower's [Thompson's trial attorney] cumulative errors in failing to investigate and impeach the jailhouse informants and to rebut the forensic evidence of rape cast grave doubt on the reliability of the rape conviction...". The judges also stated that the prosecution's use of conflicting theories of the murder in the separate trials of Thompson and his co-defendant violated Thompson's right to due process of law.

The Court also asked the US district court to examine whether Thompson's first degree murder conviction should stand in light of its ruling setting aside the rape conviction.

The prosecution appealed the Court's decision to the US Supreme Court stating that it believed the Court's decision "cuts against the very nature of the death penalty reforms that were enacted by the Congress and the president a year ago to prevent these types of successive appeals." This was a reference to the Anti-terrorism and Effective Death Penalty Act signed into law by President Clinton in April 1996.

The Court's decision was also criticised by California's governor, Pete Wilson, who said it was the decision of a "coterie of liberal judges". Wilson had previously denied Thompson's clemency petition.

Prison officials continued with preparations for Thompson's execution in case the US Supreme Court ruled to reinstate the rape conviction. Thompson had said goodbye to visiting friends and relatives and was about to be moved to deathwatch cell on the evening of 4 August, a few hours before the execution was scheduled at 12.01am on 5 August, when notification that the US Supreme Court had upheld the stay came through.

California Attorney General Dan Lungren described the 9th US Circuit Court's decision as "inexplicable...it sends a message to the victims that justice delayed is tough luck for you" and that he hoped the US Supreme Court would put an end to the "9th Circuit circus".

No further action is required by the Urgent Action Network. Thank you to all those who sent appeals on behalf of Thomas Thompson.