

EXTERNAL (for general distribution)

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Further information on UA 89/92 (AMR 51/38/92, 13 March 1992) - Death Penalty

USA (Virginia): Roger Keith COLEMAN

Roger Coleman was executed in Virginia's electric chair as scheduled on 20 May 1992. Governor Douglas Wilder denied clemency on 18 May and the US Supreme Court refused to intervene to stop the execution.

Coleman was convicted of the rape and murder of his sister-in-law, Wanda McCoy, in Grundy, Virginia, in 1981. He steadfastly maintained his innocence throughout his 11 years in prison and his lawyers sought to introduce fresh evidence in support of his claim. But the courts refused for procedural reasons to review the new evidence on its merits. When his lawyers inadvertently filed a notice of appeal one day late the US Supreme Court held that Coleman had forfeited his right to a review of his conviction and death sentence by the federal courts.

Announcing his decision to deny clemency to Coleman, Governor Wilder told a press conference, "I am not convinced he is innocent." He declined to say if he believed Coleman was guilty, but asserted that the execution would do "no substantial injustice."

The murder of Wanda McCoy went unsolved for five weeks before Coleman was arrested and charged. There were no witnesses to the murder, the murder weapon was never found, and forensic tests left room for doubt as to whether Coleman could have been the perpetrator. Coleman received poor legal representation at his trial: the two court-appointed lawyers later admitted that neither one had ever handled a capital trial before. Owing to their shortcomings, important alibi evidence supporting Coleman's claim that he was elsewhere during much of the 30 minutes or so in which the crime took place was not presented at his trial.

According to the prosecution, in a matter of ten minutes Coleman drove three miles, parked his truck, waded a stream, walked 350 yards uphill to McCoy's home, stabbed her, raped her twice, stabbed her again, then returned by the same route to his vehicle. Although the evidence against Coleman was purely circumstantial, prosecutors insisted there was no doubt about his guilt.

Roger Coleman was the fourteenth prisoner to be executed in Virginia over the past ten years. He was the 175th prisoner executed in the USA since 1977 when states began to enact their current death penalty laws.

Safeguards guaranteeing the protection of the rights of those facing the death penalty, adopted by the United Nations Economic and Social Council in 1984 (Ecosoc Resolution 1984/50), provide at (4) that "capital punishment may be imposed only when the guilt of the person charged is based upon clear and convincing evidence leaving no room for an alternative explanation of the facts." The circumstances suggest that this standard has not been met in the case of Roger Coleman.

Page 2 of FU 89/92

FURTHER RECOMMENDED ACTION: Please send faxes/express and airmail letters: please write in your personal capacity, not in the name of Amnesty International:

- expressing deep regret and grave concern at Governor Wilder's failure to stop the execution of Roger Coleman despite lingering doubts about his guilt;
- urging that clemency should always be granted in capital cases when there is any reasonable doubt about guilt; and questioning Governor Wilder's new, tougher clemency standard which requires that he be "convinced" of a prisoner's innocence;
- suggesting that the Virginia criminal justice system has been brought into disrepute by its aggressive prosecution of this case and its refusal to entertain the possibility that a miscarriage of justice may have occurred;
- expressing concern at the courts' strict adherence to procedural rules which prohibited them from considering the merits of new evidence Roger Coleman's lawyers sought to present. Such a standard seems wholly inappropriate in a case where the penalty sought by the state is death;
- urging Governor Wilder to encourage the state of Virginia to consider alternative punishments to the death penalty that are more in keeping with the highest moral principles of a civilized society.

APPEALS TO:

The Honorable L Douglas Wilder
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Salutation: Dear Governor

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PLEASE SEND APPEALS IMMEDIATELY.