

PUBLIC

AI Index: AMR 51/069/2004

28 April 2004

Further information on UA 152/04 (AMR 51/064/2004, 21 April 2004) - Death penalty / Legal concern

USA (Texas) James Lee Clark (m), white, age 34

James Clark has received a stay of execution from a federal court, in order that his claim of mental retardation can be further reviewed. The claim had been rejected by the Texas state courts, despite compelling evidence that he has mental retardation.

The execution of prisoners with mental retardation is unconstitutional under a 2002 US Supreme Court decision, which held that a "national consensus" had evolved against such executions, but did not define "retardation" and allowed each state to decide how to comply with the ruling.

James Clark had been scheduled to be executed on 27 April. He was sentenced to death in May 1994 for the rape and murder of 17-year-old Shari Catherine Crews in June 1993.

No further action by the UA Network is requested at present. Many thanks to all who sent appeals.