

EXTERNAL

AI Index: AMR 51/89/96

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Further information on EXTRA 159/96 (AMR 51/87/96, 17 October 1996) and follow-up (AMR 51/88/96) - Death Penalty

USA (VIRGINIA) Joseph PAYNE

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Joseph Payne, scheduled for execution on 7 November, had his sentence of death commuted to life imprisonment without the possibility of parole by Virginia's Governor, George Allen.

In a brief written statement, Governor Allen said there was ample evidence of Payne's guilt **in the record** (emphasis added), but that it was his responsibility as governor to commute a death sentence *"if I believe that there exists a substantial question involving the reliability of evidence presented at or after the trial...this is such a case."* Governor Allen also stated that his decision was based on *"consideration of the totality of the records, evidence and materials before me."*

Prior to the granting of clemency, four members of the jury that convicted and sentenced Payne came forward to state that they now doubted their verdict. Governor Allen denied that his decision was influenced by the "second thoughts" of the jurors in the case stating: *"I have not given any weight or credence to those affidavits."*

The mother of Payne's alleged victim also pleaded to the Governor for Payne to be spared. In an affidavit, Reba Dunford spoke of her doubts concerning Payne's guilt: *"I have doubts that Joe Payne killed my son. I can think of no greater tragedy than killing an innocent man. Please do not let this happen Governor Allen. It would be a terrible mistake and one that I could not live with."*

Payne learned of the Governor's decision to grant him clemency via a television set in the "death house" (a small cell adjacent to the execution chamber) three hours before his execution was scheduled to take place.

Despite the strong doubts about the guilt of Joseph Payne, the US Supreme Court denied his final legal appeal. Governor Allen was the last hope Payne had of not being executed.

Clemency has been granted by state governors 35 times since the resumption of executions in 1977. To date, 347 prisoners have been executed.

**Many thanks to all those who sent appeals on behalf of Joseph Payne. Letters welcoming the decision to grant him clemency may be sent to Governor Allen at the address indicated in the original EXTRA action.**