

EXTERNAL (for general distribution)

AI Index: AMR 51/90/92

Distr: UA/SC

24 July 1992

Further information on UA 202/92 (AMR 51/80/92, 17 June 1992) - and correction to AMR 51/80/92.corr of 19 June 1992 - Death Penalty

USA (Utah): William ANDREWS

Amnesty International has learned that the Utah Board of Pardons and Paroles declined to hold a second clemency hearing to consider William Andrews' petition. In August 1989 the Board considered the case and denied clemency by a vote of two to one. In Utah, the power to grant clemency rests exclusively with the Board of Pardons and Paroles.

Amnesty International remains gravely concerned at evidence suggesting that racial prejudice may have played a part in influencing the jury's decision to sentence William Andrews, who is black, to death. He was tried before an all-white jury from the community in which the highly publicized crime occurred. During the trial the jury received a hand-written note directing them to "Hang the Niggers." The crime became notorious in Utah: five white victims were held hostage in an Ogden hi-fi store in April 1974; they were tortured and shot, and three of them died as a result.

The trial judge refused numerous defence requests to separate the trials of William Andrews and his co-defendant, Dale Pierre Selby, and the two men were tried jointly in November 1974. Selby, the admitted leader and the one responsible for shooting the five victims, was convicted of capital murder and executed in August 1987. Overall, the evidence tends to indicate that Andrews' individual culpability was less than Selby's: Andrews followed Selby's lead but ultimately refused to participate in the killings and left the hi-fi store before Selby raped one victim and shot all five. The state of Utah has conceded that Andrews was not present at the scene of the crime when the five victims were shot.

Had the jury had an opportunity to consider Andrews' lesser participation in the crime in isolation, it is thought he could quite reasonably have been convicted of a lesser offence and spared the death penalty.

William Andrews was 19 years old and indigent at the time of the crime. He was represented at trial by an inexperienced court-appointed lawyer who had left law school less than a year beforehand. The lawyer failed to present relevant defence and mitigating evidence which would clearly have established Andrews' lesser role in the crime. As a result of inadequate legal representation, several appeal issues were later procedurally barred from review by the courts.

Amnesty International is urging the Board of Pardons and Paroles to reconsider its decision not to review William Andrews' case for a second time. In light of the many arguments in mitigation of his death sentence, Amnesty International

appeals that the Board grant clemency to William Andrews by commuting his death sentence.

FURTHER RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express and airmail letters:

- expressing deep regret at the Board's decision not to convene to examine William Andrews' clemency petition;
- urging the Board to reconsider its decision;
- reiterating the concern that racial prejudice may have influenced the jury's decision to sentence William Andrews to death;

page 2 of FU UA 202/92...

- noting that William Andrews was not present when the murders were carried out by his co-defendant, Dale Pierre Selby;
- expressing concern at the deficient legal representation William Andrews received at his trial;
- stressing the international interest and concern William Andrews' fate has provoked worldwide.

APPEALS TO:

Mr. H. L. Haun, Chairman
Mr. Don Blanchard, Member of the Board
Mr. Bill Peters, Member of the Board
Mr. Mike Sibbett, Member of the Board

Utah Board of Pardons and Paroles
448 East 60400 South 300
Murray, UT 84107,
USA

Telegrams: Utah Board Pardons, Murray, Utah 84107, USA
Telephone: + 1 801 261 2825
Faxes: + 1 801 261 6481

COPIES OF YOUR APPEALS TO:

The Letters Editor
Salt Lake City Tribune
30 East 1st S
Box 1257
Salt Lake City, UT 84111
USA
Faxes: + 1 801 521 9418

and to diplomatic representatives of the USA accredited in your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 29 July 1992.