

EXTERNAL (for general distribution)

AI Index: AMR 51/94/94

Distr: UA/SC

UA 404/94

Death Penalty

17 November 1994

USA (Missouri)

A J Bannister

Alan Jeffrey ("A J") Bannister is scheduled to be executed in Missouri on 7 December 1994. All avenues of legal appeal have been exhausted, and Mr Bannister's lawyers have recently presented a petition for clemency to Governor Carnahan.

A J Bannister, white, was convicted of the murder-for-hire killing of Darrell Ruestman, white, in August 1982. He was sentenced to death on 10 March 1983.

At trial, the prosecution's theory was that A J Bannister was a hired "hit man", which was not refuted by the court-appointed defence. According to the clemency petition, Mr Bannister received "woefully inadequate defence". His court-appointed attorney, who met with him only about 3 or 4 times prior to the trial, did little or no investigation of the facts surrounding the case, and presented "absolutely no defense" during either the guilt or penalty phases of the trial. The trial lasted just 3 days and the jury convicted him after less than an hour of deliberation.

Investigations conducted since 1991 suggest that A J Bannister was not hired to kill Ruestman, but was instead persuaded that Ruestman wanted to kill him because of a mix-up over a drugs deal. Bannister visited Ruestman's home, and shot him allegedly during a struggle.

A J Bannister's attorneys say that his execution would be disproportionate to the nature of the crime, and a clear miscarriage of justice. They are calling on Governor Carnahan to order a thorough investigation of the facts surrounding the crime, and to consider the issue of inadequate defense counsel at trial, which has never been addressed by any state or federal court because of a procedural technicality. They claim that had this issue been considered it "would have resulted in a new and fair trial".

BACKGROUND INFORMATION

As of 20 July 1994 there were 91 prisoners under sentence of death in Missouri.

The most recent person to be executed in the state was Frank Guinan, on 6 October 1994. The method of execution is lethal injection.

In Missouri, the Governor has final clemency authority; the Board of Pardons and Paroles submits recommendations to the Governor.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express and airmail letters either in English if possible:

- Expressing deep concern that A J Bannister is scheduled to be executed in Missouri on 7 December 1994;
- Urging Governor Carnahan to grant clemency to A J Bannister by commuting his sentence of death;
- Urging Governor Carnahan to review the facts of the case which were never

heard at trial due to the inadequacy of A J Bannister's trial attorney, and which may have resulted in a sentence less than death.

APPEALS TO

The Honorable Mel Carnahan
Governor of Missouri
PO Box 720
Jefferson City, MO 65102
USA

Telegrams: Governor Carnahan, Jefferson City, MO 65102, USA

Faxes: + 1 314 751 4458

Telephone: + 1 314 751 3222

PLEASE SEND APPEALS IMMEDIATELY.