

**EXTERNAL**

**AI Index: AMR 51/96/96**

**EXTRA 183/96**

**Death Penalty**

**22 November 1996**

**USA (Virginia)**

**Gregory Beaver  
Larry Stout  
Lem Tuggle  
Ronald Hoke**

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The above four men are scheduled to be executed in Virginia on 3, 10 (International Human Rights Day), 12 and 16 December 1996 respectively.

Larry Stout, black, was sentenced to death for murder committed during a robbery.

According to information received, Larry Stout suffered extensive abuse at the hands of his father as a child. At sentencing, Stout's attorney reportedly did not present any mitigating evidence on his behalf. On appeal, the District Court found that Stout's trial attorney had been deficient in not presenting evidence of his abused background and overturned his death sentence. This ruling however, was reversed by a higher court.

Lem Tuggle, white, was sentenced to death in 1984 for the rape and murder of Jessie Geneva Havens in 1983. In November 1995 the US Supreme Court ordered a review of Tuggle's case after ruling unanimously that Tuggle's death sentence was wrongly upheld by the Virginia Supreme Court and a federal appeals court without proper consideration of what role sentencing errors had played in Tuggle's death sentence. According to press accounts, Tuggle was not allowed to hire a psychiatrist at state expense to rebut the findings of a state psychologist who testified at trial that Tuggle would pose a future danger to society. Although the Virginia Supreme Court invalidated the finding of future dangerousness, it upheld Tuggle's death sentence based on a remaining aggravating factor. In June 1995 the Appeals Court upheld this decision. The Supreme Court reportedly ruled that: "the absence of such evidence [ie. psychiatric evidence] may well have affected the jury's ultimate decision, based on all of the evidence before it, to sentence [Tuggle] to death rather than life imprisonment." The Court said a lower court must decide whether Tuggle's death sentence "might be sustained or reimposed" or whether a new sentencing trial was necessary. In April 1996 the US Circuit Court of Appeals upheld Tuggle's death sentence.

Ronald Hoke, white, was sentenced to death for the murder of Virginia Snell in October 1985. Hoke, a former mental health patient, who had been released from hospital shortly before the crime, turned himself in and confessed to the crime. He was sentenced to death by a judge. On appeal, it was found that there was sufficient evidence in Hoke's case to have had a trial by jury, and a retrial was ordered. However, this ruling was overridden by a higher court.

Amnesty International has no further information on the case of Gregory Beaver, who is white.

#### **BACKGROUND INFORMATION**

As of 31 July 1996 there were 53 prisoners under sentence of death in Virginia.

Thirty-three prisoners have been executed in the state under its present death penalty laws. Virginia ranks third in the list of states which have carried out the most executions (Texas is first with 107 and Florida second with 37) since executions resumed in the US in 1977. If these executions go ahead, along with the execution of Joseph O'Dell scheduled for 18 December (see EXTRA 182/96,

AMR 51/95/96) Virginia will have executed more prisoners within 15 days than it has so far executed in any one year since it resumed executions in 1982.

The most recent person to be executed in Virginia was Ronald Bennett on 21 November 1996. Prisoners in Virginia choose their method of execution from either electrocution or lethal injection.

In Virginia, the Governor has sole authority to grant commutations, although he may act on a recommendation for commutation from the state's Board of Pardons and Paroles.

On 7 November 1996 Governor George Allen commuted the death sentence of Joseph Patrick Payne. Payne will now serve a life sentence without parole. Two other death row inmates have had their death sentences commuted in Virginia in the last five years. Joseph Giarratano's and Herbert Bassette's death sentences were commuted by Governor Wilder in 1991 and 1992 respectively, because of doubts concerning their guilt.

Amnesty International opposes the death penalty in all cases as a violation of the right to life and the right not to be subjected to cruel, inhuman or degrading punishment, as proclaimed in the Universal Declaration of Human Rights.

**RECOMMENDED ACTION: Please send appeals in English or in your own language:**

- expressing concern that Gregory Beaver, Larry Stout, Lem Tuggle, and Ronald Hoke are scheduled to be executed on 3, 10, 12 and 16 December 1996 respectively;
- welcoming the commutation of the death sentence granted to Joseph Payne on 7 November 1996 and urging Governor Allen also to commute these four death sentences also;
- in the case of Lem Tuggle, expressing concern that at trial he was not allowed to hire a psychiatrist to rebut psychiatric evidence presented by the prosecution, and that the absence of such evidence may have affected the jury's decision whether to sentence Tuggle to death or life imprisonment, a concern which was raised by the US Supreme Court when it ordered a review of the case in November 1995;
- expressing concern that Larry Stout received poor legal representation at trial and that as a consequence evidence relating to the abusive background he suffered as a child was not presented to the court;
- expressing opposition to the death penalty in all cases.

**APPEALS TO:**

The Honourable George Allen  
Governor of Virginia  
State Capital  
Richmond, VA 23219, USA

**Telegrams: Governor George Allen, Richmond, VA 23219**

**Telephone: +1 804 786 2211**

**Faxes: +1 804 371 6351**

**Salutation: Dear Governor**

**COPIES OF YOUR APPEALS TO:**

The Letters Editor  
Richmond Times-Dispatch  
Box 85333  
Richmond, VA 23293, USA

**Faxes: +1 804 775 8019**

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

**PLEASE SEND APPEALS IMMEDIATELY.**