

---

**USA (Texas) Brian Keith Roberson, black, aged 36**

---

Brian Roberson is scheduled to be executed in Texas on 9 August 2000. He was convicted of robbing and stabbing to death his elderly neighbours in their home on 30 August 1986. After his arrest the 22-year-old admitted that he had killed James Boots (79) and Lillian Boots (75) while high on PCP and alcohol, but could not recall exactly what had taken place or why.

Brian Roberson is black. The murdered couple were white. At jury selection for Roberson's trial, the prosecutor used his peremptory strikes (the right to remove a prospective juror without giving a reason) to remove all but one of the blacks in the jury pool. According to Roberson's clemency petition, the prosecutor, challenged about his apparently discriminatory use of peremptory strikes, suggested that blacks who answered a question in a certain way did not meet the standard of intelligence required to sit on a jury, and referred to poorer education standards for blacks.

When Brian Roberson was 10 years old, his father was stabbed to death in a grocery store by a white man who was high on drugs. The man turned himself in to the police, was subsequently sentenced to 13 years in prison, and reportedly released after three. At the time, Brian Roberson's mother, Bettye Roberson, had told the press that she did not want the death penalty for her husband's killer, because another killing would not bring him back.

Bettye Roberson, concerned by reports of ineffective court-appointed lawyers for poor defendants, sold her home to pay for legal representation for her son. However, neither of the two attorneys she hired with the meagre resources she raised had any capital trial experience. Realising that they were out of their depth, they subsequently asked the trial court to appoint an attorney who had such experience. The additional lawyer was appointed less than a month before the trial began.

At the sentencing phase of Roberson's 1987 trial, his lawyers presented minimal mitigating evidence. They failed to elicit mitigating testimony from the witnesses they called, or to present expert or other testimony (such as from his mother) to make the jury fully aware of how the death of Roberson's father had affected him and may have contributed to his descent into drug addiction. In contrast, the prosecution painted a picture of a remorseless individual whose juvenile criminal record meant that he would be a future danger to society if allowed to live. After deliberating for about 90 minutes, the jury decided that he should die.

Bettye Roberson wrote in 1995, "If my son gets executed a part of me will die with him. The worst fear every mother has is losing her child. Every day I have lived with that threat for the past eight years... This is the true torture of the death penalty. I hope that Brian will get a life sentence. This would be better than having to go to Huntsville to pick up my son's dead body."

**BACKGROUND INFORMATION**

Amnesty International opposes the death penalty unconditionally. This ultimate cruel, inhuman and degrading punishment creates more victims and is a symptom of, not a solution to, a culture of violence. Some 108 countries have abolished judicial killing in law or practice, a statistic increasingly throwing the

spotlight on the USA's accelerating execution rate. Over 450 of the 653 executions carried out in the USA since they resumed in 1977 have been carried out since 1993; 55 prisoners have been put to death this year, 25 of them in Texas.

The pace of execution in Texas is coming under increased scrutiny, especially since the Illinois governor announced that he was suspending executions in his state because of its "shameful" record of wrongful convictions. A recent article in the *Chicago Tribune*, which had investigated the Illinois death penalty prior to the January moratorium and found it to be riddled with injustice, concluded that the same problems, including inadequate defence representation and prosecutorial misconduct, were plaguing Texas capital justice.

In a 1990 report, the General Accounting Office (an independent agency of the US Government) concluded that 82 per cent of the 28 major studies into racial discrimination and the US death penalty it had reviewed had found a correlation between the race of the victim and the likelihood of a death sentence; that is, that after taking all other factors into account, a defendant was several times more likely to be sentenced to death if the murder victim was white. Of the 224 prisoners executed in Texas since the state resumed judicial killing in 1982, 181 (81 per cent) were convicted of killing white people. In 1998, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions concluded that "race, ethnic origin and economic status appear to be key determinants of who will, and who will not, receive a death sentence in the United States."

**RECOMMENDED ACTION: Please send telegrams/faxes/express/airmail letters in English or your own language, in your own words, using the following guide:**

- acknowledging the seriousness of the crime for which Brian Roberson is scheduled to be executed, and expressing sympathy for the relatives of James and Lillian Boots;
- expressing concern at the prosecutor's systematic exclusion of African Americans from the trial jury;
- expressing concern that Brian Roberson's lawyers presented only minimal mitigating evidence to challenge the state's contention that he should die;
- noting that more than half the countries of the world have abolished the death penalty in law or practice, and that executions in Texas are increasingly damaging the USA's image internationally;
- calling for clemency for Brian Roberson, and urging the addressees to support a moratorium on executions in Texas.

**APPEALS TO:**

The Honorable George W. Bush  
 Governor of Texas  
 PO Box 12428, Austin, TX 78711-2428, USA  
**Faxes: + 1 512 463 1849 or +1 512 637 8800**  
**Telegrams: Governor Bush, Austin, TX, USA**  
**Salutation: Dear Governor**

Texas Board of Pardons and Paroles  
 PO Box 13401, Austin, TX 78711-3401, USA  
**Faxes: + 1 512 463 8120**  
**Salutation: Dear Board Members**

**COPIES TO:** diplomatic representatives of the USA accredited to your country.

You may also send letters of concern (not more than 250 words) to:  
Letters to the Editor, *Dallas Morning News*, PO Box 655237, Dallas, TX 75265,  
USA.

**Fax:** + 1 972 263 0456

**E-mail:** [letterstoeditor@dallasnews.com](mailto:letterstoeditor@dallasnews.com)

**PLEASE SEND APPEALS IMMEDIATELY.**