

USA (North Carolina) Ronald Wayne Frye, white, aged 42

Ronnie Frye is due to be executed in North Carolina on 31 August 2001. He was sentenced to death in November 1993 for the murder of his landlord, 70-year-old Ralph Childress, who was stabbed to death in January that year.

At the sentencing phase of the trial, the defence only presented two witnesses. The chief officer at the local jail testified that Frye had caused no problems in custody awaiting trial, and a psychologist gave a brief account of how Frye had been abused as a child, had lived in foster care, had dropped out of school and begun abusing drugs and alcohol as a teenager. The prosecution attacked the credibility of the expert testimony, saying that the information had come from the defendant himself and was therefore likely to be self-serving. The jury sentenced Frye to death.

The lawyer responsible for preparing the sentencing phase defence was an alcoholic who routinely drank instead of working on his client's case. At a hearing in 1997, the lawyer - who went into a rehabilitation program in 1996 after being taken off another capital case because of his drinking - affirmed that during his seven months on Frye's case, he drank 375 millimetres (about 12 shots) of 80 proof rum each day. He only hired the psychologist 11 days before the trial. At the 1997 hearing, the psychologist stated that the defence had given him no school records, no occupational records, no prior medical records, and no witness statements, interviews or affidavits relating to the case.

When Ronnie Frye was four years old, he and his brother were given away to strangers. The couple who took custody were filling their car with petrol one day when they heard that a woman was giving her children away. They met the Fryes' mother in a restaurant, and she handed the two boys over. There was no paperwork or official involvement. The new father was an alcoholic who routinely beat the boys over more than five years, sometimes with a bullwhip which left bloody welts. The boys were taken from the couple after the authorities discovered the abuse. The nine-year-old Ronnie's scars and wounds were so striking that the photographic evidence was used at training sessions for police learning about child abuse.

Social services put the boys in the care of their biological father and his new wife. The father, who was often drunk, routinely beat his wife in front of the boys. Three years later, after a particularly violent beating, she left. At this point the children were, in effect, left to fend for themselves. They lived in squalour and were forced to beg for food on the streets.

The jury heard only a minimal account of Ronnie Frye's tragic history. One juror recently signed an affidavit that information on a "background of abuse and neglect would have changed my decision and my vote". A second juror's affidavit states that "it would have made a difference in the way that I voted at sentencing if I could have heard from Ronnie or a member of Ronnie's family. It would have made a great difference to know that Ronnie was criminally abused as a child and that his family had multiple problems. This was not presented to the jury. I did not understand that there was more evidence about the defendant's past that was not presented..."

The second defence lawyer, who took the lead on the guilt stage of the 1993 trial, signed a statement on 2 August that the post-conviction revelations "have caused me to know that Ronnie was neither adequately nor properly represented at each phase of his trial. At the time of his trial, I was not aware of critical facts concerning Ronnie's childhood and upbringing, nor was I fully aware of the extent of the subsequently admitted alcoholic condition of my co-counsel... Were these and other later discovered matters known to me at the time, I am satisfied to a moral certainty that Ronnie Frye would have received a sentence of life in prison without the possibility of parole instead of the sentence of death."

BACKGROUND INFORMATION

Since the USA resumed executions in 1977, 725 men and women have been put to death in 31 states. North Carolina accounts for 17 of these executions. Amnesty International opposes the death penalty in all cases. Every death sentence is an affront to human dignity; every execution is a symptom of, not a solution to, a culture of violence. Killing prisoners offers no constructive contribution to society's efforts to combat violent crime.

International standards require that capital defendants be provided with "adequate assistance of counsel at every stage of proceedings, above and beyond the protection afforded in non-capital cases."

On 2 August, the North Carolina Supreme Court rejected the claim brought by various death row inmates that Governor Easley cannot be an impartial arbiter of clemency petitions because of his former role as the state's Attorney General, and, before that, as a local prosecutor. The decision had been expected on 17 August (see EXTRA 46/01, AMR 51/111/2001, 2 August).

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language, in your own words:

- expressing sympathy for the family and friends of Ralph Childress;
- expressing concern that the jury heard only minimal evidence of Ronald Frye's background of abuse and neglect, noting that two jurors have said they would have voted differently if they had been given the full picture;
- expressing concern that Ronald Frye was represented by a lawyer who used to drink instead of preparing mitigating evidence that was readily available, noting his co-counsel's August statement admitting that the defence of Ronald Frye was inadequate;
- arguing that the jury's verdict cannot be relied upon, and pointing out that the power of executive clemency exists to compensate for such cases;
- urging the Governor to grant clemency and to break the cycle of violence.

APPEALS TO:

Governor Michael F. Easley
Office of the Governor
20301 Mails Service Centre
Raleigh, NC 27699-0301, USA

Telegrams: Governor Easley, Raleigh, NC, USA

Faxes: +1 919 715 3175 or +1 919 733 2120

Salutation: Dear Governor

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

You may also write brief letters (not more than 250 words) to:

Letters to the Editor, *Charlotte Observer*, PO Box 20848, NC 28230, USA. **Fax:**
+1 704 377 6214. E-mail: opinion@charlotteobserver.com

Letters to the Editor, *Hickory Daily Record*, PO Box 968, Hickory, NC 28603,
USA. **E-mail (via website): <http://www.hickoryrecord.com/letter.html>**

PLEASE SEND APPEALS IMMEDIATELY.