

23 August 2000

Further information on EXTRA 65/00 (AMR 51/119/00, 4 August 2000) and correction (AMR 51/119/00c, 7 August) - Death penalty / Legal concern

USA (Texas) Richard Wayne Jones, white, aged 40

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Richard Wayne Jones was executed in Texas on 22 August 2000. He was sentenced to death in July 1987 for the murder of Tammy Livingston.

Richard Jones maintained his innocence to the end. In his final statement, he said: "I want the victim's family to know I didn't commit this crime. I didn't kill your loved one."

Richard Jones's lawyers had sought to have the execution stayed so that modern DNA tests could be carried out on crime-scene evidence in a bid to bolster Jones's claim of innocence. On 21 August, two of the jurors who sentenced Richard Jones to death voiced their support for such DNA tests to be carried out. Governor Bush, who was out of Texas campaigning for the US presidency and had technically left the decision to his Lieutenant Governor, declined to intervene after the state Board of Pardons and Paroles had voted 17-0 to reject clemency for Jones.

As Governor Bush showed in an earlier case, he can intervene even when he has passed the reprieve decision on to a deputy. On 1 June, Governor Bush was also campaigning out of state when he recommended to his deputy that the execution of Ricky McGinn be stopped so that evidence in that case could be DNA-tested. The execution was stopped minutes before it was due to be carried out. It was the first time that Governor Bush had used his power to grant a 30-day reprieve since taking office. In a statement issued on 1 June, Governor Bush said: "Any time DNA evidence, in the context of all the evidence, is deemed to be relevant in the guilt or innocence of a person on death row, we need to use it." Ricky McGinn has since been rescheduled for execution after the DNA tests failed to exonerate him.

Richard Jones's lawyer is reported to be exploring ways to protect the evidence in his client's case so that it could be DNA tested in the future. He reportedly said that the prosecutor's office had agreed to preserve the evidence, but had also said that they would oppose any attempt to test it.

In July 2000 a judge in Georgia authorized the testing of evidence in the case of Ellis Wayne Felker, executed in Georgia in 1996 despite doubts over his guilt. It is believed to be the first time that a US judge has authorized DNA testing of evidence in the case of an executed prisoner. The results of the testing in the Felker case are still pending.

Richard Jones becomes the 61<sup>st</sup> prisoner executed in the USA this year and the 30<sup>th</sup> to be put to death in Texas. The USA has executed 659 prisoners since it resumed judicial killing in 1977; 229 of these executions have been carried out in Texas. Since Governor Bush took office in January 1995, 142 prisoners have been put to death in Texas. Governor Bush, while ignoring the repeated violations of international standards in the use of the death penalty in his state, has consistently said that all those executed in Texas during his term in office were guilty as charged. In a recent interview, Richard Jones reportedly said: "If he executes me on the 22<sup>nd</sup>, he won't be able to say that".

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No further action by the UA Network is requested. Many thanks to all who sent appeals.