

PUBLIC

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Death penalty

USA (Washington State)

Darold J. Stenson (m), white, aged 55

Darold Stenson is scheduled to be executed in Washington State on 3 December. He has spent 14 years on death row for two murders committed in 1993.

In the early hours of 25 March 1993, Darold Stenson telephoned the police from his home at Dakota Farms in Clallam County in the west of Washington State, where he ran a business raising and selling exotic birds. He told the operator that "Frank has just shot my wife, and himself, I think". When the police arrived, Darold Stenson took them to a bedroom where his business partner Frank Clement Hoerner was dead on the floor with a bullet wound to the head and a revolver nearby. Stenson then took the police to another bedroom where his wife, Denise Ann Stenson, was on the bed, also with a bullet wound to the head. She was airlifted to hospital, but died the following day.

A subsequent investigation concluded that Hoerner had not killed himself, but had been hit in the head outside and dragged into the bedroom where he had been shot in the head at close range. The investigation also revealed that Darold Stenson owed Hoerner a large amount of money, and also that he had taken out a life insurance policy on Denise Stenson.

Darold Stenson was arrested on 8 April 1993, and brought to trial a few months later. He was convicted on 11 August 1994 of the two murders. After a sentencing hearing on 18 August, he was sentenced to death.

Darold Stenson has not filed a clemency petition. He has, however, maintained his innocence of the crime and has been pursuing a stay of execution in the courts in a bid to obtain modern DNA testing of evidence from the crime.

BACKGROUND INFORMATION

Amnesty International opposes the death penalty in all cases, unconditionally. Today, some 137 countries are abolitionist in law or practice. In 2007, the UN General Assembly voted for a moratorium on executions pending global abolition.

There have been 1,135 executions in the USA since judicial killing resumed there in 1977, four of them in Washington State. There have been 36 executions in the USA this year. The last execution in Washington was carried out in August 2001. Executions in Washington State are carried out by lethal injection unless the condemned prisoner chooses hanging as the preferred execution method. Executions are carried out at the Washington State Penitentiary at Walla Walla.

The death penalty in the USA is marked by arbitrariness, discrimination and error. More than 120 people have been released from death rows in the country since 1976 after evidence of their innocence emerged. DNA testing played a major role in proving the innocence of more than a dozen of these prisoners. Studies have consistently shown that race, particularly race of victim, plays a role in who is sentenced to death. Eighty per cent of those executed in the USA since 1977 were convicted of killing white victims. Geographical disparities are also evident, with a handful of states accounting for a vast majority of the country's executions, and some counties accounting for disproportionate use of the death penalty within states. The quality of legal representation has also repeatedly been shown to be a factor in US capital justice.

The myth that the “worst of the worst” crimes and offenders receive the death penalty in the USA became an issue in Washington State in recent years after Gary Ridgway avoided the death penalty in 2004 despite confessing to having committed 48 murders, mainly of prostitutes and runaways. The prosecution agreed to a plea arrangement whereby Ridgway would provide information about the crimes in return for a life sentence. In March 2006, a divided Washington State Supreme Court considered the issue in the case of a state death row inmate convicted of three murders. The five in the majority wrote that the “moral question” of whether those on death row can be executed while a serial killer is given a life sentence is best left to the legislature. The four dissenting judges argued: “When Gary Ridgway, the worst mass murderer in this state’s history, escapes the death penalty, serious flaws become apparent.” The dissenting opinion pointed out that the problem went beyond the Ridgway case: “If the Ridgway case was the only case at the far end of the spectrum, perhaps his penalty of life in prison rather than death could be explained or dismissed. Ridgway, however, is not the only case in which a mass murderer escaped death.” When the Ridgway and other cases of people convicted of serial killing are considered, the dissenters stated, “the staggering flaw in the system of administration of the death penalty in Washington” is revealed. “These cases exemplify the arbitrariness with which the penalty of death is exacted... The death penalty is like lightning, randomly striking some defendants and not others... No rational explanation exists to explain why some individuals escape the penalty of death and others do not”.

In April 2008, Justice John Paul Stevens, who has served on the US Supreme Court for almost 33 years, and has therefore witnessed the entire “modern” era of the death penalty in the USA from the bench of the country’s highest court, wrote that his experience has led him to the conclusion that “the imposition of the death penalty represents the pointless and needless extinction of life with only marginal contributions to any discernible social or public purposes. A penalty with such negligible returns to the State is patently excessive and cruel and unusual punishment”. Over the past three decades, he continued, the stated purposes of the death penalty – incapacitation, deterrence and retribution – have all been called into question. On the risk of wrongful conviction in capital cases – “the irrevocable nature of the consequences is of decisive importance to me” – Justice Stevens pointed out that the risk of executing the innocent “can be entirely eliminated” by abolishing the death penalty.

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

- explaining that you are not seeking to excuse the crime in this case or to downplay the suffering caused;
- opposing the execution of Darold Stenson and the death penalty in general;
- noting the global abolitionist trend and last year’s vote at the United Nations General Assembly calling for a worldwide moratorium on executions;
- calling on the governor to support a moratorium on executions in Washington State and to work towards abolition of the death penalty in her state.

APPEALS TO:

Governor Chris Gregoire

Office of the Governor

PO Box 40002

Olympia, WA 98504-0002, USA

Fax: +1 360 753 4110

Email: <http://www.governor.wa.gov/contact/default.asp>.

Salutation: Dear Governor

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

PLEASE SEND APPEALS IMMEDIATELY.