

EXTERNAL

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EXTRA 154/95

Death Penalty/Legal Concern

5 December 1995

USA (VIRGINIA) Coleman GRAY

Coleman Gray, black, is scheduled to be executed in Virginia on 14 December 1995.

Coleman Gray was convicted in December 1985 of the abduction and murder of Richard McClelland. The prosecutor at the sentencing phase of Gray's trial reportedly presented information to the jury which linked Gray to other murders for which he had never been charged, and in which he reported he was able to prove that he was not involved.

In August 1994 a US District Court judge ruled that the sentencing phase of Gray's trial was flawed, and ordered a new sentencing hearing, reportedly stating that Gray had been "ambushed" by the prosecution. However, this decision was appealed to the US Court of Appeals for the 4th Circuit. In June it ruled that the evidence presented at the sentencing phase was proper because it gave the jury information about Gray's potential for posing a future danger to society.

BACKGROUND INFORMATION

As of 31 August 1995 there were 55 prisoners under sentence of death in Virginia. Twenty-nine prisoners have been executed in the state under its present death penalty laws. The most recent person to be executed in Virginia was Herman Barnes, on 14 November 1995. Executions are carried out by electrocution or lethal injection.

In Virginia, the Governor has sole authority to grant commutations. He can act independently although the recommendation from the Board of Pardons and Paroles is normally needed before the Governor will consider granting clemency.

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 telephone, send telegrams/faxes either in English if possible or in your own language:

- expressing concern that Coleman Gray is scheduled to be executed on December 14 1995;
- urging Governor Allen to commute Coleman Gray's death sentence;
- expressing concern at reports that the prosecutor at Gray's sentencing hearing presented information to the jury linking Gray to other murders for which he was never charged, and that this information may have affected the jury's decision to impose a sentence of death.

APPEALS TO

The Honourable George Allen
Governor of Virginia
State Capital

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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 in your country.

PLEASE SEND APPEALS IMMEDIATELY.