

EXTRA 83/02

Death penalty/legal concern

5 November 2002

USA (North Carolina)

Desmond Keith Carter, (m) black, aged 35

Desmond Carter is scheduled to be executed in North Carolina on 10 December - International Human Rights Day. He was sentenced to death in July 1993 for the murder of Helen Purdy in March 1992.

Helen Purdy, a 71-year-old woman, was Desmond Carter's next-door neighbour in Eden, Rockingham County, northern North Carolina. She was found stabbed to death in her house by family members. At the time of the crime, Desmond Carter was reportedly intoxicated on alcohol, cocaine, and tranquilizers. He had taken \$15 from Helen Purdy, which he used to buy cocaine.

Desmond Carter was born to a 17-year-old mother in 1967. When he was three, his mother moved away, leaving him with his grandmother and alcoholic grandfather. The grandmother eventually left the grandfather and she and the child moved to North Carolina. During this time, Desmond Carter's father was imprisoned for murder. According to his current lawyers, Desmond Carter began using drugs when he was a teenager, and his substance abuse deteriorated over time. Not long before the murder of Helen Purdy, his grandmother tried to obtain substance abuse and mental health treatment for her grandson, however the hospital refused him treatment due to his lack of medical insurance cover.

In common with most capital defendants in the USA, Carter was too poor to hire his own lawyer to represent him at the murder trial. A study by the Common Sense Foundation, a research organization based in Raleigh, North Carolina, has concluded that more than one in six of the state's current death row inmates were represented at trial by lawyers who have been disciplined by the State Bar. One of Desmond Carter's court-appointed trial lawyers was recently reprimanded by the State Bar for making demeaning statements about a client in the media and for charging excessive fees.

Desmond Carter is black and Helen Purdy was white. A preliminary study issued in 2001 by researchers at the University of North Carolina indicates that people in the state who kill white people are 3.5 times more likely to receive a death sentence than for murders involving victims who are not white. This likelihood increases if the defendant is not white. About 40 per cent of murder victims in North Carolina are white, yet 86 per cent of the 21 people executed there since resumption of executions were put to death for crimes involving white victims. This pattern is reflected in Rockingham County. More than half of murder victims there are African American; in cases which have resulted in death sentences, seven of the eight murder victims were white (87.5 per cent).

BACKGROUND INFORMATION

Research into the US death penalty has consistently shown a pattern of sentencing anomalies which cannot be explained without reference to racial factors, particularly in relation to the race of the murder victim. Eighty per cent of the executions in the USA, since judicial killing resumed there in 1977, were of people convicted of crimes involving white victims. Yet blacks and whites are the victims of murder in approximately equal numbers in the USA. In 1990, the General Accounting Office (an independent agency of the US government) issued a report on death penalty sentencing patterns. After reviewing and evaluating

28 major studies, the report concluded that 82 per cent of the surveys found a correlation between the race of the victim and the likelihood of a death sentence. The finding was "remarkably consistent across data sets, states, data collection methods and analytic techniques...[T]he race of victim effect was found at all stages of the criminal justice system process...".

A legal appeal filed in the case of Ronald Watkins, who was executed in Virginia in 1998, showed that since 1970, prosecutors in Danville, Virginia, had charged 126 people with murder: 93 blacks and 33 whites. Eighteen were charged with capital murder (murder with aggravating circumstances that permits use of the death penalty): 16 blacks and two whites. The death penalty was eventually sought in half the cases involving black defendants; but not for either of the white defendants. Danville is on Virginia's border with North Carolina, and is only about 35 kilometres from Eden in Rockingham County.

In his 1998 report on the death penalty in the USA, the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions noted that: "Race, ethnic origin and economic status appear to be key determinants of who will, and who will not, receive a sentence of death." In 2000, the UN Special Rapporteur on Contemporary Forms of Racism wrote of his concern about "the discriminatory manner in which the death penalty is applied in the United States of America and hopes that the advent of a new millennium will also offer an opportunity for that great country to envisage penal sanctions more in line with international human rights standards and with the prevailing tendency, which is towards the abolition of capital punishment."

In May 2002 Maryland's governor, Parris Glendening, imposed a moratorium on executions in his state pending the results of a study into the role of race in capital sentencing.

Amnesty International opposes the death penalty unconditionally. While 111 countries are abolitionist in law or practice, the USA has put 805 prisoners to death since resuming executions in 1977.

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

- expressing sympathy for the family and friends of Helen Purdy, and explaining that you are not seeking to condone the manner of her death or to minimize the suffering caused;
- noting that studies have consistently pointed to race as a factor in the US death penalty, and expressing concern that this appears to be reflected in North Carolina's capital sentencing, including in Rockingham County;
- noting that Maryland's governor recently imposed a moratorium on executions in his state because of concern about the possible role of race in death penalty cases;
- noting the role that poverty also appears to have played in this case;
- urging clemency for Desmond Carter in the interest of fairness, compassion, and the reputation of North Carolina;
- calling on the governor to impose a moratorium on executions in North Carolina.

APPEALS TO:

Governor Michael F. Easley
Office of the Governor
20301 Mail Service Center Raleigh, NC 27699-0301, USA
Fax: +1 919 715-3175 or + 1 919 733-2120
Email, via website: www.governor.state.nc.us (Click on Acontact us@).
Salutation: Dear Governor

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

You may also copy your appeals or write a brief letter (not more than 250 words) to:

Letters to the Editor, *The News-Observer*, PO Box 191, Raleigh, NC 27602, USA.
Fax: + 1 919-829-4872. **E-mail:** forum@newsobserver.com

Please send appeals immediately.