

EXTRA 78/01

Dea

**USA (North Carolina) Charlie Mason Alston, black, aged 42**

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Charlie Alston is scheduled to be executed on 11 January 2002. He was sentenced to death in 1992 for the murder of Pamela Renee Perry.

Pamela Perry's mother discovered her daughter's body in her bedroom on the morning of 1 December 1990. The 25-year-old woman had been beaten about the head, apparently with a hammer. The medical examiner concluded that she had not died from these injuries, but had been suffocated with a pillow.

There was no direct evidence linking Charlie Alston to the murder - no fingerprints, no physical evidence, no confession, and no eyewitness testimony. He was convicted on the basis of circumstantial evidence, including the fact that two days before the murder he had been convicted of assaulting Pamela Perry on 20 October 1990, and placed on probation. He had also allegedly made telephone calls threatening her with serious physical harm. In addition, witnesses alleged that around the time of the murder, Alston had been in possession of an unusually large number of coins. About \$100 of change - earned from tips during Pamela Perry's work as a waitress - had been stolen from a jar in her bedroom.

Charlie Alston maintains his innocence of the murder, and his current lawyers have raised doubts about the reliability of the conviction. Among other things they assert that:

- unidentified fingerprints found on the coin jar do not match Alston or any member of the Perry household.
- despite the bloodiness of the crime scene, no blood was found on Alston's clothing, even under highly sensitive chemical testing.
- a drug dealer who testified that Alston had bought \$40-45 of crack cocaine using coins had drug charges against her reduced after she agreed to testify against Alston. The jury was left unaware of this.
- fingernail scrapings were taken from Pamela Perry by the medical examiner on the assumption that these might contain blood, hair or skin cells that could identify the perpetrator. However, the state never tested this evidence, and now claims to have lost it.
- Charlie Alston was represented at trial by lawyers inexperienced in the complexities of capital cases. They presented no evidence during the guilt phase of the trial and did not prepare for the sentencing phase until after their client was convicted.

The appeal courts have upheld Charlie Alston's conviction and sentence. However, the federal US Court of Appeals for the Fourth Circuit dismissed Alston's appeal without reviewing it because it was filed too late. His lawyer at that time had had a mental breakdown and was abusing drugs, including crack cocaine. He was later disbarred.

Charlie Alston's current lawyers are seeking a stay of execution in the courts so that further investigation into the lost fingernail evidence can be conducted, with a view to DNA testing. In July, North Carolina passed a law requiring law enforcement officials to preserve DNA evidence from crimes, and allowing convicted inmates to seek DNA testing if it could help to exonerate them. Alston's appeal argues that he should benefit from this law, but the prosecution maintains that it should not apply retroactively.

**BACKGROUND INFORMATION**

Amnesty International opposes the death penalty in all cases, regardless of the guilt or innocence of those condemned. This is a punishment that can never be anything but cruel, inhuman and degrading, and it will always carry the risk of irrevocable error, regardless of technological advances in investigative techniques. While DNA testing is undoubtedly an important forensic tool and the re-examination of any potentially exonerating evidence is to be supported, only a relatively small number of murders produce any DNA evidence. Furthermore, as with all forensic evidence, it is vulnerable to human fallibility or misconduct.

Since the USA resumed judicial killing in 1977, more than 90 people have been released from death rows after evidence of their innocence emerged (11 were freed by DNA evidence). Several inmates have gone to their deaths despite serious concerns about their guilt. Such executions violate the UN Safeguards Guaranteeing the Protection of the Rights of Those Facing the Death Penalty, which state: "Capital punishment may be imposed only when the guilt of the person charged is based upon clear and convincing evidence leaving no room for an alternative explanation of the facts".

Since the USA resumed executions in 1977, 749 men and women have been put to death, 21 in North Carolina. There have been 66 executions in 2001.

**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 Pamela Renee Perry;
- noting that the case against Charlie Mason Alston was circumstantial, that he has always maintained his innocence, and that doubts have been raised about the reliability of the state's case against him;
- expressing concern that the state has lost physical evidence from the crime which had the potential to identify the perpetrator;
- noting the existence of unidentified fingerprints at the crime scene;
- expressing concern that the trial lawyers were inexperienced in the complexities of capital cases, and that the case has not had full federal review because his appeal was filed too late;
- noting the large number of errors discovered in capital cases;
- pointing to international safeguards that require that the death penalty not be carried out where there is any doubt about a prisoner's guilt;
- calling on the Governor to commute this death sentence and to support a moratorium 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): <http://www.governor.state.nc.us/email.asp?to=1>**

**Salutation: Dear Governor**

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

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

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

**PLEASE SEND APPEALS IMMEDIATELY.**