

PUBLIC

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**Further information on EXTRA 100/98 (AMR 51/109/98, 15 December 1998) and follow-ups (AMR 51/09/99, 18 January 1999 and AMR 51/177/99, 29 October) - Death penalty / Legal concern**

**USA (North Carolina)      David Junior Brown (also known as Dawud Abdullah Mohammed), aged 51**

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David Junior Brown was executed by lethal injection shortly after 2am local time on 19 November 1999, in Central Prison, Raleigh, North Carolina. He had been sentenced to death in 1980 for the murder of Diane Chalfinch and her nine-year-old daughter.

The US Supreme Court rejected David Brown's final appeal on the afternoon of 18 November. Governor Hunt denied clemency at about 10.30pm. His office reportedly received around 600 telephone calls during the day, split fairly evenly for and against the execution. Governor Hunt has never granted clemency to a condemned prisoner.

In a recent interview, David Junior Brown said: "It is my belief, a very grounded belief, that whatever takes place Friday is what is meant to be. My soul was prepared a long time ago. I have put this in God's hands and Governor Hunt's hands. That is all I can do. All I can say to the family is that I am sorry for your loss. But I did not do this... I did not kill Diane or her daughter... I don't think the people of North Carolina would want that on their consciences, to kill an innocent man...."

As he was wheeled into the execution chamber, he is reported to have again professed his innocence, and to have condemned the injustice being carried out against him.

Several relatives of Diane Chalfinch, who were vocal in their support of the execution, are believed to have witnessed it.

David Junior Brown, an African American, was convicted by an all-white jury of the killing of two white people. Successive appeal courts refused his appeals, while consistently acknowledging the faults in his trial. For example, a judge for the District Court concluded that the conduct of the prosecutor, in obstructing the defence, was "inexcusable", "based on personal animosity" (towards the defence attorney) and that the prosecutor's gamesmanship was "especially abhorrent when a person's life is at stake". Despite this, the courts all ruled that the prosecutorial misconduct had not prejudiced the outcome of the trial.

The local press reported "the widespread calls for clemency from former prosecutors, law professors, the NAACP (National Association for the Advancement of Coloured People), and Amnesty International because of the way Muhammad's trial was conducted."

David Junior Brown becomes the 89<sup>th</sup> person put to death in the USA this year (the highest total in any year since 1951), and the 589<sup>th</sup> since the country resumed executions in 1977.

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