

# URGENT ACTION

## CALL FOR RACE INQUIRY AS EXECUTION NEARS

**Earl Ringo is due to be executed in Missouri on 10 September. He was sentenced to death in 1999 for two murders committed in 1998. As part of the clemency effort, his lawyers are calling on the governor to initiate an inquiry into the role of race in his case.**

Dennis Poyser, a delivery truck driver, and Joanna Baysinger, a trainee manager, were shot and killed during the course of an after-hours robbery of a restaurant in Columbia, Missouri, in July 1998. **Earl Ringo**, then aged 24, was arrested nine days later and his friend Quentin Jones turned himself in on the same day. Jones pleaded guilty to first degree murder and other charges and, in order to avoid the death penalty, agreed to testify against Ringo.

After the judge granted a defence motion for a change of trial venue, the lawyer agreed to have jurors brought in from the eastern jurisdiction of Cape Girardeau County, a county with an overwhelmingly white population. The original jury pool consisted of 163 people, only four of whom were black. Only one of the four black prospective jurors had been questioned by the time 12 jurors were selected, but she was dismissed at the prosecution's request. The eventual jury consisted of 12 white people; the judge, prosecutor and defence lawyer were also white. Earl Ringo is African American. The two murder victims were white.

In 2012 the American Bar Association issued its findings on Missouri, noting research indicating that racial factors influence prosecutorial and juror decision-making in capital cases in the state. For example, a study published in 1995 – three years before Earl Ringo's trial – concluded that in Missouri "cases involving white victims were treated more severely than cases involving black victims". Another study published in 2009 concluded that "Missouri is no exception to the rule that race matters in the prosecution of murder and the use of the death penalty".

Earl Ringo's lawyers are calling on Governor Nixon to appoint a board of inquiry to review Earl Ringo's clemency petition and whether race was a factor in his case, or at least to issue a stay of execution to allow completion of a study being undertaken at St Louis University into Missouri's death penalty system, including on the issue of race.

At the sentencing phase of the 1999 trial, the defence lawyer presented almost nothing about Earl Ringo's childhood of severe abuse, neglect and deprivation (see below).

### **Please write immediately in English or your own language:**

- Calling on Governor Nixon to commute Earl Ringo's death sentence;
- Supporting the call for a review into the impact of race in this case, and noting already existing evidence of the effect of race in the capital justice system in Missouri and the wider USA;
- Expressing concern that the jury never heard available compelling mitigating evidence about Earl Ringo's childhood of severe abuse, deprivation and neglect or its impact on his development;
- Expressing your understanding of the serious nature of violent crime and its consequences.

### **PLEASE SEND APPEALS BEFORE 10 SEPTEMBER 2014 TO:**

Office of Governor Jay Nixon

P.O. Box 720, Jefferson City, MO 65102, USA

Fax: +1 573 751 1495

Email: via website <http://governor.mo.gov/contact/>

**Salutation: Dear Governor**

**Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:**

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date.

**AMNESTY  
INTERNATIONAL**



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### ADDITIONAL INFORMATION

In 2013 President Barack Obama acknowledged the “history of racial disparities in the application of our criminal laws”, including on the death penalty, and US Attorney General Eric Holder pointed to the need to “confront the reality” that “people of colour often face harsher punishments than their peers.” On 29 August 2014, the UN Committee on the Elimination of Racial Discrimination again called on the US authorities to “take concrete and effective steps to eliminate racial disparities at all stages of the criminal justice system” and called for a moratorium on executions with a view to abolition.

Black and white people are the victims of murder in the USA in almost equal numbers, yet 78 per cent of the nearly 1,400 people executed since judicial killing resumed in 1977 under revised capital statutes were convicted of crimes involving white victims, compared to 15 per cent of cases involving black victims. Most murders in the USA are intra-racial, that is, the alleged perpetrator and the victim were of the same race. Of the prisoners executed in the USA since 1977, 53 per cent were whites convicted of killing whites, and 12 per cent were blacks convicted of killing blacks. One in five of all executions since 1977 has been of a black person sentenced to death for the murder of a white victim. The figure for white on black cases is two per cent. While such statistics on their own do not necessarily prove direct discrimination, numerous studies have shown that race, particularly race of the murder victim, continues to be a factor in the death penalty in the USA.

Dozens of black defendants who have been executed in the USA since 1977 were tried in front of all-white juries. Yet more were tried in front of jurors with only one black juror on it. Many of these defendants were being tried for murders involving white victims.

In addition to the questions about race that have been raised in this case, of concern also is that the jury was presented with little of the available mitigating evidence about Earl Ringo’s background before deciding that he should be executed. When Earl Ringo was 10 years old, his biological father died from the effects of alcoholism. His mother began a relationship with a man who worked as a pimp and who would beat the children if they failed to successfully hustle on the street for enough money to pay for his drug habit. Among other things, Earl Ringo was allegedly beaten with fists and a baseball bat, and whipped with extension cords. As a result of his family life, Earl Ringo missed much of his schooling during these years. According to the record, the family house was filthy and overrun by cockroaches and rats, and the children would witness violence between the adults, including the rape of their mother by her boyfriend. Four members of Earl Ringo’s family were presented by the defence lawyer to testify at the 1999 sentencing, but they gave almost no detail of this chaotic upbringing. The defence presented no expert witness on the possible effects of the defendant’s childhood on his mental health and development. This was despite the fact that the defence lawyer had a report by a specialist in child development detailing the violence, abuse, poverty and neglect of his childhood. She had concluded that Earl Ringo’s emotional development was that of a 12-year-old child.

There have been 1,386 executions in the USA since 1976, 77 of them in Missouri. There have been 27 executions in the USA this year, seven of them in Missouri. Six of the seven Missouri executions were of inmates convicted of killing white victims. Three were black prisoners, two of whom were executed for crimes involving white victims.

Amnesty International opposes the death penalty in all cases, unconditionally, regardless of the crime or the method of execution used.

Name: Earl Ringo  
Gender m/f: m

UA: 220/14 Index: AMR 51/047/2014 Issue Date: 4 September 2014