

URGENT ACTION

GEORGIA CARRIES OUT ITS FIRST EXECUTION SINCE 2020

Willie Pye, a 58-year-old Black man, was executed in Georgia on 20 March 2024. He had been on death row for more than a quarter of a century. His appeal lawyers said he had intellectual disability, which would render his execution unconstitutional. Three of the surviving trial jurors appealed for clemency. The Board of Pardons and Paroles denied clemency on 19 March, and final appeals to the courts were dismissed.

NO FURTHER ACTION IS REQUESTED. MANY THANKS TO ALL WHO SENT APPEALS.

Willie Pye was arrested in 1993 and charged with the 1992 murder of his former girlfriend. At the 1996 trial, after the jury found him guilty, the trial moved into its sentencing phase. This lasted one morning and ended in a death sentence. His trial lawyer failed to investigate and present compelling mitigation evidence that was available, including about Willie Pye's childhood of abuse, deprivation and neglect, and also of his possible intellectual disability.

In 2021, a three-judge panel of the US Court of Appeals for the 11th Circuit unanimously found that this was one of the rare cases under the Antiterrorism and Effective Death Penalty Act (AEDPA) of 1996, a federal law aimed in part at facilitating executions, in which a claim of ineffective assistance of counsel denied on the merits in state court is found to warrant relief on federal review. The judges concluded that it was quite evident that the trial lawyer had not provided constitutionally adequate representation, having conducted only the "most cursory" of investigations into mitigation evidence, including failing to obtain a mental health evaluation. As a result of his "paltry" investigation, the jury heard "virtually none of the "powerful mitigating evidence" presented on appeal, including evidence of Willie Pye's sub-average intellectual functioning, frontal lobe brain damage and severe depression, or of his traumatic childhood. Willie Pye was entitled to a new sentencing. However, the state appealed for a rehearing before the full 11th Circuit, which in 2022, over a strongly worded dissent, reversed the panel's decision. It did not dispute the panel's finding that the lawyer had failed to prepare for trial but ruled that, Willie Pye had not shown that his case was one of the rare cases permitting federal relief under the high level of deference to state court decisions required under the AEDPA.

On 19 March 2024, the Georgia Board of Pardons and Paroles considered Willie Pye's request for executive clemency. The clemency petition presented a range of information, including expert evidence that Willie Pye met the diagnostic criteria for intellectual disability; the appalling conditions of his childhood and their impact on his development, with expert evidence of the "crushing number of childhood risk factors" he endured; the fact that the jury never learned of such mitigating evidence because of the failures of his trial lawyer and the public defender system more broadly at the time; evidence of the trial lawyer's racist views towards his Black clients; the AEDPA's obstacles to remedy; and Willie Pye's non-violent record in prison and constructive role there, contrary to what the prosecutor had argued at trial. The petition presented letters from three of the surviving trial jurors who supported clemency. One wrote that "I want the board to know I do not want Mr Pye to be executed.;" another that "I don't want Willie Pye to die;" and a third that "I would like Mr Pye to live out the rest of his life in prison." One of them recalled that at the time, "many of the jurors" had felt the defence lawyer "did an inadequate job of defending him" and "could not have cared less". One of them said that "During the sentencing phase, we didn't learn anything about Mr Pye's mental health and impairments" and wished that "everyone had heard that Mr Pye didn't get any of this before we decided his sentence." Another wrote: "Now learning about Mr Pye's intellectual disability, and that people with this disability are ineligible for the death penalty, him growing up in extreme poverty and [the trial lawyer's] racism, I am not comfortable with my decision to sentence Mr Pye to death."

After the hearing, the Board issued a statement announcing that it had denied clemency. Final appeals to the courts were unsuccessful, with the US Supreme Court declining to intervene in the evening of 20 March. The execution – by a lethal dose of the sedative pentobarbital – went ahead. Willie Pye was pronounced dead at 11.03pm. According to the Department of Corrections, "Pye did accept a final prayer and did not record a final statement.

There have been three executions in the USA this year, bringing to 1,585 the total number of there since 1976. Georgia accounts for 77 of these. Amnesty International opposes the death penalty in all cases and under any circumstances.

NAME: Willie Pye

THIS IS THE FIRST AND FINAL OUTPUT FOR UA 22/24

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/amr51/7800/2024/en/>

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