

PUBLIC

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Further information on EXTRA 78/01 (AMR 51/185/2001, 21 December 2001) - Death penalty

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

Governor Mike Easley of North Carolina commuted the death sentence of Charlie Alston nine hours before he was due to be executed at 2am on 11 January 2002. Alston had been moved to a deathwatch cell and was eating his final meal when the news came that he would not be killed.

Charlie Alston was sentenced to death in 1992 for the murder of Pamela Renee Perry. He has consistently maintained his innocence of the murder and was convicted on the basis of circumstantial evidence. There was no direct evidence linking him to the crime, such as fingerprints, physical evidence or confession.

In the past week, the courts rejected appeals requesting a stay of execution on the grounds that potentially exculpatory DNA evidence had gone missing. Fingernail scrapings 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, were never tested by the state which later said that it had lost the evidence.

The Governor gave no reason for his decision to commute the death sentence. His statement said: "After long and careful consideration of all the facts and circumstances of this case in its entirety, I conclude that the appropriate sentence for the defendant is life in prison without parole."

This is the second commutation granted by Governor Easley since he took office in January 2001. The first was of Robert Bacon in October (see update to EXTRA 59/01 (AMR 51/146/2001, 3 October 2001). Governor Easley has rejected clemency for five prisoners, who were all executed during 2001.

Charlie Alston becomes the 47th condemned prisoner in the USA to have his or her death sentence commuted on humanitarian grounds, by an act of executive clemency since the USA resumed executions in 1977. It is the fifth time that a North Carolina governor has granted clemency in a death penalty case since 1977. In that same period, 21 prisoners have been executed in the state out of a national total of 751. Two prisoners have been executed in the USA this year.

No further action by the UA network is requested. Many thanks to all who sent appeals. Charlie Alston's lawyer has sent the following message: "Thank you all for your prayers, your e-mails, your letters, your phone calls, and your support".