

15 January 2002

Further information on UA 230/99 (AMR 51/144/99, 3 September 1999) and follow-ups (AMR 51/164/99, 12 October 1999; AMR 51/184/99, 15 November 1999; AMR 51/209/00, 14 December 1999; AMR 51/17/00, 27 January 2000; AMR 51/141/00, 8 September 2000; and AMR 51/147/2000, 26 September 2000) - Death penalty / Legal concern

USA (North Carolina) Johnnie Lee McKnight, black, aged 21

A judge has ruled that Johnnie McKnight does not have the mental capacity to proceed to trial. McKnight has been involuntarily committed to a state mental hospital.

Since 1997, the state has wanted to put Johnnie McKnight on trial for his alleged involvement in the murders of Rodney Perry, Renetta Brookes, and Joseph Petty. The three were shot on 25 October 1997 in the mobile home of James Williams, who survived the attack.

Johnnie McKnight, who has an IQ of 51, has serious learning disabilities as well as suffering mental illness. In September 2000 a judge ruled that he could stand trial, despite testimony from four mental health experts that he was incapable of doing so. The judge stated that McKnight "is able to understand the nature and object of the proceedings against him, to comprehend his own situation in reference to the proceedings and to assist in his defense in a rational or reasonable manner". This ruling conflicted with all the expert testimony presented at the competency hearing.

Johnnie McKnight was 17 at the time of the crime, rendering the prosecution's original intention to seek the death penalty against him a violation of international law, which bans the use of the death penalty against defendants accused of crimes committed when they were under 18 years old. Over the prolonged period of this Urgent Action, activists sent appeals to the prosecution pointing out this fundamental principle of international law and urging the prosecutor to drop the death penalty as an option.

Eventually, the trial was scheduled to begin in September 2001. As the trial date approached, the defence were told that the prosecution had changed its mind and decided not to seek the death penalty.

Before the trial began, the defence once again raised the question of Johnnie McKnight's competency. A hearing was held before another judge, who has now ruled that Johnnie McKnight does not have the capacity to proceed because of his mental impairment. The judge had the defendant involuntarily committed to the state mental hospital under state law. Johnnie McKnight has been placed in a "competency restoration program". He may come up for review within a year. Mental health experts for the defence are of the opinion that he cannot be restored to competency to stand trial because of his mental retardation, a lifelong condition.

No further action by the UA Network is requested at present. Many thanks to all who sent appeals. Johnnie McKnight's lawyer has asked for his thanks to be passed on to participants for sending what he considers have been very effective appeals.