

18 January 2002

Further information on EXTRA 16/01 (AMR 51/032/2001, 1 March 2001) and follow-up (AMR 51/039/2001, 7 March 2001) - Death penalty

USA (Georgia) Ronald Keith Spivey, aged 62, white

Ronald Spivey, a 62-year-old grandfather, is scheduled to be executed in Georgia at 7pm on 24 January 2002. Sentenced to death in 1977 for the murder of Billy Watson, he has been on death row for almost a quarter of a century.

Billy Watson, an off-duty police officer, was shot during a robbery at a bar in Columbus, Muscogee County, in 1976. Ronald Spivey was also convicted in separate proceedings of killing another man in a bar in Macon, Bibb County, a few hours earlier. The Bibb County conviction was later overturned by a federal court because it relied on evidence acquired in violation of Ronald Spivey's constitutional rights.

In 1982, a federal court granted Spivey a retrial for the Watson murder, at which he was again sentenced to death. At the 1983 retrial, the Muscogee County prosecutor urged the jury to vote for a death sentence. Referring to the Bibb County conviction, the prosecutor argued that a "verdict of life imprisonment will not add one day of punishment to this man. Bear that in mind. Bear that in mind. And if that is not a slap on the wrist... then what is it? What is it? It is literally two lives, two human lives for the price of one because a person only has one life. If he is sentenced to life imprisonment on the first murder and you give him life on the second, is that appropriate punishment?... Why do we even go through the effort of trying this case...?"

When the federal US Court of Appeals for the 11th Circuit upheld Ronald Spivey's death sentence in 2000, one of the three judges dissented, saying that he should receive a new sentencing: "Spivey was prejudiced here because the prosecutor presented the jury with a false choice between imposing death and imposing no punishment. Not only did the jury consider a conviction that has since been vacated, but the prosecutor presented the vacated life sentence not simply as a factor to consider, but as *the* decisive factor in urging the jury to recommend a death sentence."

Ronald Spivey suffered a childhood of emotional and physical abuse and has a history of psychiatric problems. As a child, he was allegedly abused by his father, who would beat him, lock him in cupboards, and threaten to kill him. The boy fled home on numerous occasions, only to be returned by the authorities. At school, it was recognized that he had severe emotional problems, and he began receiving mental health treatment at the age of 12. However, his father frequently prevented him from receiving the psychiatric care he needed, apparently believing that beating him was more appropriate.

Ronald Spivey is reported to be very remorseful for the shooting of Billy Watson.

Ronald Spivey, who is said to have possibly the highest IQ of any death row prisoner in the USA (around 170) has written: "America is killing the economically deprived, those of the lower socioeconomic strata, killing the insane, killing the retarded, killing illiterates, killing the emotionally crippled, killing the socially disenfranchised and the politically powerless of our society, killing those so criminally abused as children that they never had a chance to develop normally to a well-balanced human being."

Ronald Spivey was granted a stay of execution in March 2001, four hours before he was due to be executed in the electric chair. Officials were reportedly about to begin shaving his head and leg to attach the electrodes when the stay was granted. The stay was a result of the Georgia Supreme Court's ongoing consideration of the constitutionality of the electric chair. In October, it ruled against the use of the chair as a method of execution, opening the way for executions by lethal injection in Georgia. In the last few weeks of 2001, four prisoners were executed in the state by that method. Ronald Spivey is scheduled to become the fifth.

The USA has executed 752 men and women since resuming judicial killing in 1977, a period which has seen more than 60 countries legislate against the death penalty (see *USA: Arbitrary, discriminatory and cruel: an aide-mémoire to 25 years of judicial killing*, AMR 51/003/2002, 17 January 2002).

FURTHER RECOMMENDED ACTION: Please send faxes/express/airmail letters in English or your own language, in your own words, using any of the information from above or general arguments against the death penalty:

- expressing sympathy for the relatives and friends of Billy Watson;
- opposing the execution of Ronald Spivey, who has been on death row for almost a quarter of a century;
- noting his remorse for the crime;
- calling for clemency for Ronald Spivey.

APPEALS TO:

The State Board of Pardons and Paroles
 Floyd Veterans Memorial Building
 Balcony Level, East Tower
 2 Martin Luther King, Jr. Drive, S.E.
 Atlanta, Georgia 30334, USA
Fax: + 1 404 651 8502
Salutation: Dear Board Members

COPIES TO:

The Honourable Roy E. Barnes
 Governor of Georgia
 203 State Capitol
 Atlanta, GA 30334
Fax: +1 404 657 7332

and to diplomatic representatives of the USA accredited to your country.

You may also send brief letters of concern [not more than 250 words] to:

Letters to the Editor, *The Atlanta Journal-Constitution*, PO Box 4689, Atlanta, GA 30302, USA.
Fax: + 1 404 526 5611
E-mail: via website: www.accessatlanta.com/partners/ajc/letters/

PLEASE SEND APPEALS IMMEDIATELY.