

PUBLIC

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Death penalty / Legal concern

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USA (Florida)

Amos Lee King, black, aged 48

Amos King is scheduled to be executed in Florida on 26 February 2003 for the murder of a 68-year-old white woman, Natalie Brady, in March 1977. He has been on death row for most of the past quarter of a century. He has consistently maintained his innocence.

Fire and police personnel found the body of 68-year-old Natalie Brady at her house, which had been set on fire. She had been raped and stabbed. A short while earlier, Amos King, a 22-year-old inmate on a work release program at a minimum security prison near the house, had got into an altercation with a staff member during which the latter was stabbed (King admits to this altercation). Amos King had fled the facility, but turned himself in later that day. He was charged with the assault on the staff member (who survived) and the murder of Natalie Brady. He was convicted of by an all-white jury.

In 1984, the 11th Circuit Court of Appeals upheld the conviction despite admitting that Amos King's lawyer had made "a number of failures" at the guilt stage of the 1977 trial which "raise some question as to ineffectiveness". The Court also found that the circumstantial nature of the evidence might have allowed a "skilled attorney" to convince a jury that "the ultimate penalty should not be exacted, lest a mistake may have been made". The 11th Circuit did overturn the death sentence, however, on the grounds that King's lawyer had been ineffective at the sentencing phase. Amos King received a new sentencing hearing, and was re-sentenced to death by a jury of 11 whites and one black. The prosecutor dismissed at least two prospective African American jurors during jury selection. One, a police clerk, was reportedly rejected because "she is a young black female [and] the defendant is a young black male", an apparent admission that she was struck on the basis of race.

The evidence against Amos King was not overwhelming. His blood type - a blood type shared by 22 per cent of the population - was consistent with the blood type of semen found in Natalie Brady's body. The assaulted prison staff member testified that he had seen blood on Amos King's clothes prior to the altercation with him. However, forensic testing only revealed the blood type of the staff member on the clothing. In addition, the competence of the medical examiner who provided key evidence at the trial has since been called into question. She was forced to retire in 2000 after her work on several cases had been discredited. In 2002, the Florida newspaper, the *St Petersburg Times*, wrote that it was unknown if her conduct in one such case had been simply "inept or disturbingly conspiratorial in [her] zeal" to facilitate a conviction, and asked "how many other autopsies did [she] botch?".

About an hour before he was due to be executed on 2 December 2002, Amos King was granted a reprieve by Governor Jeb Bush, to allow for further DNA testing on evidence from the crime. The Innocence Project, a non-profit legal project handling cases where post-conviction DNA testing can yield proof of innocence, had informed the Governor's office of: "the existence of previously untested evidence and further DNA testing that could possibly exonerate Amos King". On 5 February 2003, the Governor lifted the stay, saying that the DNA testing had failed to provide any new evidence. However, the DNA testing was reportedly inconclusive, neither incriminating nor exonerating Amos King. The Innocence Project stated that the semen evidence that could have produced definitive results "was apparently destroyed by the State years ago", and that the remaining evidence "was too degraded to yield results". The Project concluded that Amos King's case "remains an extremely troubling one" and that he "may well be an innocent man".

BACKGROUND INFORMATION

Amnesty International opposes the death penalty in all cases, regardless of issues of guilt or innocence. Since the USA resumed executions in 1977, 830 people have been put to death, 54 in Florida. National disquiet about the fairness and reliability of the US capital justice system has grown as the number of innocent people found on the country's death rows has risen. In 2000, Illinois Governor George Ryan halted executions in his state because of its record of wrongful capital convictions. The 14-member Commission on Capital Punishment he appointed to study the state's death penalty said it was "unanimous in the belief that no system, given human nature and frailties, could ever be devised or constructed that would work perfectly and guarantee absolutely that no innocent person is ever again sentenced to death". In January 2003, Governor Ryan commuted the death sentences of all the prisoners on death row in Illinois, stating that the capital justice system was "haunted by the demon of error, error in determining guilt, and error in determining who among the guilty deserves to die".

No such leadership has been offered in Florida, despite the fact that it accounts for almost a quarter of the prisoners released from US death rows since 1973 after evidence of their innocence emerged - 23 out of 103 according to the Death Penalty Information Center in Washington, DC. Most recently, Rudolph Holton (2003) and Juan Roberto Melendez (2002) were released from prison after 16 and 17 years on Florida's death row respectively. On 10 February 2003, the *St Petersburg Times* asked: "Just how many men and women on death row have to be shown to be innocent before our governor admits that there is something wrong with the system that puts them there?" The United Nations Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty state: "Capital Punishment may be imposed only when the guilt of the person charged is based upon clear and convincing evidence leaving no room for an alternative explanation of the facts".

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language, in your own words:

- expressing sympathy for the family of Natalie Brady, and explaining that you are not seeking to excuse the manner of her death nor the suffering it has caused;
- noting that Amos King, who has been on death row for most of the last quarter of a century, has consistently maintained his innocence of the murder;
- expressing concern about the quality of his trial representation, the competence of the medical examiner who provided key testimony, and the fact that the 1977 trial was before an all-white jury;
- noting reports that the recent DNA testing on the case was inconclusive, and asking how this can have dispelled the doubts that presumably lay behind the Governor's 2002 reprieve decision;
- noting the large numbers of wrongful capital convictions in Florida, almost twice as many as had been revealed in Illinois when the Governor there responded with a moratorium;
- calling on the Governor to grant clemency to Amos King.

APPEALS TO:

Governor Jeb Bush
Executive Office of the Governor
Tallahassee
FL 32399, USA
Fax: +1 850 487 0801
Email: fl_governor@myflorida.com
Salutation: Dear Governor

You may also write brief letters (not more than 250 words) to:
Letters to the Editor,
St Petersburg Times,
PO Box 1121, St Petersburg,
FL 33731-1121, USA
Fax: +1 727 893 8675
Email: local@SPTimes.com

Copies of appeals to diplomatic representatives of the USA accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.