

EXTRA 15/01

Death pen**USA (Texas) Dennis Thurl Dowthitt, white, aged 55**

Dennis Dowthitt is scheduled to be executed in Texas on 7 March 2001. He was sentenced to death in 1992 for the murder of Gracie Purnhagen.

The bodies of 16-year-old Gracie Purnhagen and her nine-year-old sister Tiffany Purnhagen were found on 16 June 1990 near a pipeline in Montgomery County. The younger girl had been strangled. Her older sister had been sexually assaulted, and her throat had been cut. Dennis Dowthitt's 16-year-old son, Delton Dowthitt, who was dating Gracie Purnhagen at the time, confessed to police that he had killed both girls. He subsequently entered into a plea bargain, pleading guilty to the murder of Tiffany Purnhagen in exchange for a 45-year prison sentence and testimony against his father for the sexual assault and killing of Gracie Purnhagen.

Although Dennis Dowthitt admits giving his son a lift to the place where the girls were murdered, he has steadfastly maintained that he was not present at the actual crime, and that it was his son who killed both girls. Amnesty International is not in a position to assess his guilt or innocence, and opposes his execution in any event. However, the organization is concerned by evidence that would either appear to support Dennis Dowthitt's version of events, or call into question his son's trial testimony. For example, Delton Dowthitt has apparently told others, both before and after his father's trial, that he, Delton, killed both girls. A police report, which the jury did not see, reportedly indicates that Delton Dowthitt had previously raped a girl in the same place where the murders occurred. In addition, Dennis Dowthitt's current lawyers have raised serious questions about the reliability of the forensic test results used by the state to implicate him in the murder.

Dennis Dowthitt, who is now deaf, has suffered from mental illness since he was a teenager. His original trial lawyers did not investigate this issue, or the abuse he suffered as a child, to present in mitigation. One of several mental health experts, who have assessed Dowthitt since his conviction, concluded that his profile was "consistent with paranoid and schizophrenic features". A second expert has stated that the tapes of Dennis Dowthitt's interrogation showed his "severe mental problems". She also said that he "functions quite peacefully and successfully within the prison environment", undermining the jury's finding of his likely future dangerousness, a prerequisite for the death sentence in Texas. Dennis Dowthitt is reported to have been a model prisoner for the nine years he has been on death row. His only disciplinary write-up was for having hung a sheet in front of the toilet in his cell on 11 November 1997.

Dennis Dowthitt's current appeal lawyers continue to investigate aspects of this case, including questions surrounding the physical evidence relied upon by the state at the trial. In the event that the Board of Pardons and Paroles does not recommend clemency, they will ask the Governor of Texas to issue a 60-day reprieve to allow them to continue their investigations.

BACKGROUND INFORMATION

Since the USA resumed judicial killing in 1977, 697 prisoners have been put to death. Texas accounts for 243 (35%) of these executions, and has regularly breached international standards, including by using the death penalty against

children, the mentally impaired, foreign nationals denied their consular rights, defendants whose representation was inadequate, and those whose guilt remained in doubt right up to their execution. There have been four executions in Texas since Lieutenant Governor Rick Perry was sworn in as governor on 21 December 2000 after George W Bush, the former Texas Governor, won the US Presidency. There were 152 executions in Texas during Governor Bush's five-year term in office.

The widely held belief that the execution of the mentally impaired flouts basic standards of justice and decency is reflected in a resolution adopted in April 2000 by the UN Commission on Human Rights, urging all retentionist countries "not to impose the death penalty on a person suffering from any form of mental disorder or to execute any such person". The UN Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty states that: "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." International standards also require that a person facing the death penalty be provided with "adequate assistance of counsel at every stage of the proceedings, above and beyond the protection afforded in non-capital cases" (UN Economic and Social Council, Resolution 1989/64, 24 May 1989).

Amnesty International opposes the death penalty in all cases. Every death sentence is an affront to human dignity; every execution is a symptom of a culture of violence, not a solution to it.

RECOMMENDED ACTION: Please send faxes/express/airmail letters in English or your own language, in your own words, using the following guidelines:

- expressing sympathy for the family of Gracie and Tiffany Purnhagen, explaining that you are not seeking to condone the manner of their deaths;
- opposing the execution of Dennis Dowthitt;
- expressing concern that the jury who sentenced him to die never heard evidence of his mental illness or his childhood abuse;
- noting that Dennis Dowthitt's son initially confessed to both murders to police, a confession which he has reportedly repeated to others since, and expressing concern at the doubts that still surround the conviction of Dennis Dowthitt;
- **to the Board:** urging that the Board recommend clemency;
- **to the Governor:** urging him to accept a recommendation of clemency, if the Board so votes, or to grant a 60-day reprieve, if they do not, in order that Dennis Dowthitt's lawyers can continue their investigations;
- urging the governor to support a moratorium on executions in Texas.

APPEALS TO:

Texas Board of Pardons and Paroles
P.O. Box 13401, Austin, Texas 78711-3401, USA

Fax: + 1 512 463 8120

Salutation: Dear Board members

The Honourable Rick Perry
Governor of Texas
Office of the Governor
P.O. Box 12428
Austin, Texas 78711-2428, USA
Fax: + 1 512 463 1849

Salutation: Dear Governor

COPIES TO: diplomatic representatives of USA accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.