

EXTRA 13/00

Death pen**USA (California) Darrell Keith Rich, part Native American, aged 45**

Darrell Keith Rich is scheduled to be executed by lethal injection at San Quentin State Prison, California, in the first few minutes of 15 March 2000.

Darrell Rich was convicted in 1980 of four murders committed in 1978. He was sentenced to death for the first degree murder of Annette Fay Edwards (19), Linda Diane Slovik (26) and Annette Lynn Selix (11), and to life imprisonment without parole for the second-degree murder of Patricia Ann Moore (17). He was also convicted of sexual assaults against five other women.

The trial court rejected a claim that Darrell Rich was legally insane, suffering from a mental disorder that rendered him incapable of understanding the gravity of his actions. Three psychiatrists and psychologists testified in support of this defence.

The trial court did not conduct a hearing into Darrell Rich's competency to stand trial, that is, his ability to follow the proceedings and assist in his defence. The judge had decided that he was competent to stand trial after reviewing the testimony of the mental health experts.

Darrell Rich's appeal lawyers have presented testimony from the experts who testified at trial. They state that they were never asked to evaluate his competency to stand trial, only the question of his legal sanity at the time of the crimes. They state that reviewing the evidence leads them to conclude that Rich's mental impairment, including "evidence of long-standing brain damage", made it unlikely that he understood much of what occurred during the proceedings against him or that he could assist in his defence. The state has produced no expert testimony to refute these claims, only law enforcement witnesses who state that Darrell Rich did not appear to them to be incompetent.

The federal appeal courts have ruled that the trial court did not err in failing to conduct a competency hearing, thereby ruling out this failure as an appeal issue. The appeal courts have also stated that it is now too late to conduct such a hearing to establish what Rich's competency was in 1980.

Darrell Rich's trial jury was at first unable to reach the unanimity required for a death sentence. At this point the judge did not instruct them that failure to reach a unanimous decision would result in an automatic sentence of life imprisonment without parole. Instead he ordered deliberations to resume the next morning, and the jury later reached the required unanimity.

Darrell Rich, who has Cherokee ancestry, was adopted and raised as a Mormon.

His adoption records describe his biological father and mother as each being "Indian and Irish". No Native American has been executed in California since US executions resumed in 1977. Almost three per cent (15) of California's death row population is Native American, in a state where the Native American population is less than one per cent.

BACKGROUND INFORMATION

Regardless of the issues of mental competency raised in this case, the crimes of which Darrell Rich was convicted were brutal. In opposing his execution, Amnesty International does not seek to excuse those crimes or belittle the

suffering that they caused to the victims and their families and friends. It seeks only that the state not add to the death toll with a punishment that a majority of countries have abandoned, and which is itself a symptom of, not a solution to, the culture of violence. An increasing number of relatives of murder victims in the USA are speaking out against the death penalty, rejecting the argument voiced by many politicians that an execution can help family members come to terms with their loss.

There are some 550 inmates under sentence of death in California, the USA's largest death row. Seven condemned prisoners have been put to death in the state since the USA resumed executions in 1977. The most recent execution in California was of Manuel Babbitt on 4 May 1999. Since 1977, the USA has executed 612 prisoners, and there are now over 3,600 prisoners on death row across the country. There are growing calls for a moratorium on executions on the grounds that the death penalty remains prone to error and racial bias. On 31 January 2000 the Governor of Illinois declared a moratorium on executions in his state because of its "shameful" record of wrongful convictions in capital cases. In February, the Philadelphia City Council adopted a resolution calling on the Pennsylvania legislature to impose a moratorium on executions until the state's death penalty could be shown to be applied fairly and reliably.

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

- acknowledging the seriousness of the crimes for which Darrell Keith Rich was convicted, and expressing sympathy for the relatives and friends of Annette Edwards, Linda Slovik, Annette Selix, and Patricia Moore;
- expressing concern at expert testimony that Darrell Rich was incompetent to stand trial due to his mental disorders;
- noting the increasing concern over the fairness and reliability of capital convictions in the USA, noting the moratorium in Illinois and the call for a moratorium in Philadelphia;
- noting that increasing numbers of murder victims' relatives reject the contention that an execution can help them come to terms with their loss;
- noting that Darrell Rich is already serving a sentence of life imprisonment without the possibility of release;
- calling on the Governor to commute this death sentence and to provide the leadership required to lead the State of California away from participating in the culture of violence and into line with the global trend towards abolition of this outdated and dehumanizing punishment.

APPEALS TO:

Governor Gray Davis
 State Capitol Building
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Phone:+1 916 445 2841
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Email: graydavis@governor.ca.gov
Salutation:Dear Governor

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

You may also write letters of concern (not more than 250 words) to:

Letters to the Editor, *Sacramento Bee*, P.O.Box 15779, Sacramento, CA 95852
Fax:+1 916 321 1996

E-mail: opinion@sacbee.com

PLEASE SEND APPEALS IMMEDIATELY.