

PUBLIC

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Further information on UA 66/04 (AMR 51/031/2004, 16 February 2004) - Death penalty / Legal concern

USA (North Carolina) George Franklin Page (m), white, aged 63

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George Page has received a stay of execution. He was due to be put to death in the early hours of 27 February for the murder of Police Officer Stephen Amos in 1995.

George Page's lawyers had challenged the state's lethal injection procedure, on the basis that he has severe vein problems which may require the execution team to perform "cut-down" surgery in order to locate a vein in which to insert the needle. The federal judge stayed the execution on 26 February pending a decision by the US Supreme Court in a similar Alabama case. The state decided not to appeal against the stay.

Following separate state-level litigation, a state judge also granted a stay of execution, on 25 February, following revelations that the state psychiatrist who testified at George Page's trial had overlooked evidence that he had brain damage. The psychiatrist stated in an affidavit that at the time of the trial she did not have George Page's brain scans showing abnormal brain atrophy. She claims that the information could have changed her trial testimony. Based on the psychiatrist's affidavit, one of the original trial jurors has indicated that he would not have voted to convict George Page of first-degree murder if the psychiatrist had testified that Page had brain damage. The state court issued a stay to have an evidentiary hearing on the issue. The state has appealed the decision to the North Carolina Supreme Court.

In an editorial, the Charlotte Observer wrote, "North Carolina has earned a bad reputation of late for flawed trials, procedural blunders and prosecutorial wrongdoing that deprived defendants of their rights of access to all the evidence against them. This is further evidence of the need for a moratorium on capital punishment until the state can demonstrate it can fairly and equitably administer the death penalty."

**No further action by the UA Network is requested at this time. George Page's lawyers have asked that their thanks be passed on to all those who sent appeals.**