

19 April 2000

Further information on EXTRA 139/99 (AMR 51/149/99, 6 October 1999) and follow-ups (AMR 51/165/99, 13 October 1999, AMR 51/41/00, 9 March 2000, AMR 51/49/00, 23 March, AMR 51/50/00, 31 March, AMR 51/52/00, 5 April, and AMR 51/57/00, 13 April) - Death penalty / Legal concern

USA (Tennessee) Robert Glen Coe, aged 44, white

Robert Coe was executed by lethal injection in the early hours of 19 April 2000, at Riverbend Prison near Nashville, becoming the first prisoner to be put to death in Tennessee since November 1960.

Robert Coe was sentenced to death for the abduction, rape and murder of eight-year-old Cary Ann Medlin in 1979. He had a long history of mental illness, and his childhood had been marked by his father's physical and sexual violence against him and his siblings.

Coe had twice come within 24 hours of execution in the past month, before courts granted temporary stays to assess whether the state had given him an adequate hearing into his mental competency - whether he understood the reason for, and reality of, his punishment. Shortly before the execution, the US Supreme Court rejected Robert Coe's final appeal on this issue.

About 200 demonstrators reportedly protested outside the prison against the execution. A smaller group of death penalty supporters also gathered nearby. Earlier in the day, 18 anti-death penalty protestors had been arrested outside the Governor's mansion.

Relatives of Cary Medlin, including her mother, who has long campaigned for Robert Coe's execution, witnessed the lethal injection, as did members of Coe's family. According to reports, in his final statement before being executed, Robert Coe looked towards his brother and two sisters: "I love you with all my heart and soul. I forgive the state of Tennessee for murdering me for something I didn't do. I'm not guilty of this crime, and that's the God's truth. Forgive everybody. You all hear me? God loves you. I'm gone. I'll see you in heaven. Bye bye." He was pronounced dead by a doctor at 1.37am, local time, five minutes after the execution began.

Cary Medlin's mother said that she had hoped that Robert Coe would apologize for the crime and show remorse. Earlier her husband, Cary Medlin's stepfather, had expressed his hope that the execution would bring the family "closure".

A last-minute restraining order by a Nashville Circuit Court judge, after Coe's lawyers had appealed on grounds including that it was illegal and unethical for a medical professional to participate in an execution, was set aside by the Tennessee Supreme Court. The latter said that the lower court had not had the power to intervene, and wrote: "It is reasonable to assume that by authorizing execution by lethal injection the General Assembly [of Tennessee] contemplated physician involvement in the process. In addition, no public policy is violated by allowing physicians or anyone else to participate in carrying out a lawful sentence." For the state, the Warden of Riverbend Prison had testified that the only role for a doctor in the execution process was to pronounce the prisoner dead, unless paramedics were unable to find a suitable vein in which to insert the lethal injection needle, in which case the doctor

would perform a "cut-down" procedure, to make an opening in the neck for the needle to be inserted.

In a news release on 18 April, Amnesty International made a final appeal for the execution not to go ahead (*Tennessee set to take step backwards with first execution in 40 years*, AMR 51/51/00) The organization wrote: "The crime for which Robert Coe was convicted undoubtedly shocks the human conscience. However, increasing numbers of people, both inside and outside the United States, are coming to the conclusion that the death penalty is also unconscionable, and should have no place in modern day society. When Tennessee executed William Tines on 7 November 1960, only a handful of countries had abolished the death penalty. On the eve of Robert Coe's execution four decades later, 108 countries are abolitionist in law or practice. There is little doubt of how history will judge Tennessee's resumption of state killing."

The news release noted that the killing of Cary Ann Medlin had galvanized the "victims' rights" movement in Tennessee and fueled support for the death penalty. But it pointed out that two decades after this appalling murder, a growing number of murder victims' relatives around the USA are speaking out against executions. Marietta Jaeger is one of them. She lost her seven-year-old daughter to a brutal abduction and murder in Montana in 1973, and now campaigns tirelessly against the death penalty. She says: "Loved ones, wrenched from our lives by violent crime, deserve more beautiful, noble and honorable memorials than pre-meditated, state-sanctioned killings. The death penalty only creates more victims and more grieving families. By becoming that which we deplore -- people who kill people -- we insult the sacred memory of all our precious victims."

Amnesty International wrote: "Robert Coe is facing execution despite doubts about his sanity, as well as lingering concerns about the circumstances of his conviction. The confession, later retracted, given to police by this mentally disordered individual, together with questions surrounding the reliability of witness testimony and the existence of another suspect, should ring alarm bells in a country where the use of the death penalty has repeatedly been shown to be arbitrary and prone to error. No capital justice system can ever guarantee freedom from fatal error. But that is only one reason to abolish this outdated punishment. Its cruelty is inescapable. And time and time again we see it disproportionately targeted at the poor, the abused, the mentally impaired and emotionally disturbed, and members of minority groups."

Robert Coe was the 29th prisoner executed in the USA this year, and the 627th executed since the USA resumed executions in 1977. Tennessee was the 31st of the 38 US states which allow for the death penalty to carry out an execution since resumption of judicial killing.

No further action by the UA Network is requested. Many thanks to all who sent appeals.