

**USA (Texas) Napoleon Beazley, black, aged 25**

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Napoleon Beazley is scheduled to be executed in Texas on 28 May 2002 for a crime committed when he was 17 years old. International law prohibits the execution of those who were under 18 at the time of the crime.

Napoleon Beazley, who is black, was convicted in 1995 of the carjacking murder of a white man, John Luttig, in Tyler, Smith County, in April 1994. Citing "substantial contact with the family of the victim", the prosecution refused to consider a pre-trial plea arrangement whereby Beazley would plead guilty in return for a life sentence of 40 years without parole. The same prosecutors accepted such a plea bargain in the case of a white racist who was sentenced to 45 years in prison, with parole eligibility after half that time, for killing a homeless Tyler man in 1996 because he was black.

Napoleon Beazley's jury was all-white despite Smith County's population being 20 per cent African American, and it later emerged that at least one juror harboured severe racial prejudice against blacks. In addition, one of the jurors appears to have been a long-time employee of one of John Luttig's business partners, which was not revealed during jury selection.

The jury's finding of Napoleon Beazley's "future dangerousness" - a requirement for a death sentence in Texas - had little support. A stream of mitigation witnesses, including teachers, fellow school pupils, and other members of the community, described a respectful, decent, helpful teenager, whose involvement in the Luttig murder appeared to be completely out of character. He had no prior arrest record, and the prosecution produced no evidence of any other assaultive acts by him. It therefore relied upon his two co-defendants' testimony - a notoriously unreliable form of evidence - to assert that Beazley had planned the killing and had no remorse for it afterwards. In later affidavits, the two co-defendants stated that their testimony was given in return for a prosecution promise not to pursue the death penalty against them, that they had been told to "make Napoleon look as bad" as possible to the jury, and that he had not planned the murder and had been very remorseful after the crime.

Recognizing young people's immaturity and potential for rehabilitation, international law prohibits the execution of child offenders - those under 18 at the time of the crime. This principle is respected by almost every country in the world. Since 1995 the only known such executions occurred in the USA (nine, five of them in Texas); Pakistan (two); Democratic Republic of Congo (DRC - one); Nigeria (one); and Iran (three). In 2001, the President of Pakistan announced that he would commute the death sentences of all child offenders on death row in his country. Amnesty International knows of no executions since December 2000 in the DRC, where there is currently a moratorium on judicial killing.

Napoleon Beazley came hours from execution in August 2001. Appeals for clemency had come from many quarters. The District Attorney of Houston County, whose jurisdiction includes the Beazley family's home town of Grapeland and who is a "strong advocate" of the death penalty, called for commutation. A former warden of death row in Texas, who oversaw 22 executions, also opposes the execution.

In a remarkable development, Judge Cynthia Kent, who oversaw Napoleon Beazley's 1995 trial and who set his execution dates, wrote to Governor Perry in August 2001 urging clemency, citing the prisoner's age at the time of the crime as reason for commutation. Eighteen members of the Texas legislature then wrote to the governor: "We join Judge Kent in her request for commutation of Napoleon Beazley's death sentence because we are greatly disturbed by the fact that Texas is now almost the sole executioner of child offenders in the world. We desire Texas to be in the lead among states and nations in affording her citizens the protection they deserve to be given under universally-recognized, fundamental, human rights norms."

At the recent hearing at which his execution date was set, Napoleon Beazley spoke of his remorse. In chains, weeping, he apologized to all who had been affected by the crime, "first and foremost, to Mrs Luttig and her family."

In Texas, the Governor can grant clemency if the Board of Pardons and Paroles recommends it. In August 2001, it rejected clemency by a vote of 10-6, an unusually high number of votes for commutation. At the time the Board was unaware of Judge Kent's appeal. For more information, see *Too young to vote, old enough to be executed*, AMR 51/105/2001, July 2001, and *Death in black and white*, AMR 51/117/2001, 9 August 2001.

**RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, IN YOUR OWN WORDS in English or your own language:**

- expressing sympathy for the family and friends of John Luttig, and explaining that you are not seeking to excuse the manner of his death;
- expressing deep concern that Texas plans to execute Napoleon Beazley in violation of international law, which is respected around the world;
- noting the widespread support for commutation, even from the trial judge, the Houston County District Attorney, and at least 18 Texas legislators;
- noting the serious questions that have been raised about the fairness of proceedings, including possible juror bias and the use of unreliable co-defendant testimony;
- noting that despite the jury's finding of future dangerousness, Napoleon Beazley has been a model prisoner and has justified the confidence that mitigation witnesses had in his capacity for rehabilitation;
- calling on the Board of Pardons and Paroles - in the interest of justice, decency and the reputation of the State of Texas - to recommend that Napoleon Beazley's death sentence be commuted by the Governor.

**APPEALS TO:** If possible, please send appeals in equal numbers to all seven regional offices of the Board. Please organize appeals from teachers and others who work with children, as well as from students and children.

Salutation for all: Dear Board Members.

Address for all: Texas Board of Pardons and Paroles, followed by:

1. Abilene Board Office, 100 Chestnut, Suite 105, Abilene, Texas 79602, USA. **Fax: +1 915-676-4921**
2. Amarillo Board Office, 5809 S. Western, Suite 140, Amarillo, Texas 79110, USA. **Fax: +1 806-358-6455**
3. Angleton Board Office, 1212 N. Velasco, Suite 201, Angleton, Texas 77515, USA. **Fax: +1 979-849-8741**
4. Gatesville Board Office, 3408 S. State Hwy. 36, Gatesville, Texas 76528, USA. **Fax: +1 254-865-2629**

5. Huntsville Board Office, 1300 11th Street, Suite 505, P.O. Box 599, Huntsville, Texas 77342-0599, USA. **Fax: +1 936-291-8367**

6. Palestine Board Office, 1111 West Lacy St., Palestine, Texas 75801, USA. **Fax: +1 903-723-1441**

7. San Antonio Board Office, 420 S. Main, San Antonio, Texas 78204, USA. **Fax: +1 210-226-1114**

**COPIES TO:**

Governor Rick Perry

c/o Bill Jones, General Counsel

PO Box 12428, Austin, Texas 78711

**Fax +1 512-463-1932 (General Counsel's Fax), or 463 1849** (Governor's fax)

Please also sent a copy of your appeals to the Board to:

*Houston Chronicle*, 1005 Congress Avenue, Suite 1060, Austin, TX 78701, USA  
(mark "for the attention of Janet Elliott"). Email: [janet.elliott@chron.com](mailto:janet.elliott@chron.com)

**PLEASE SEND APPEALS IMMEDIATELY.**