

EXTRA 38/02

Death pen**USA (Texas) Henry Earl Dunn, black, aged 27**

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Henry Dunn is scheduled to be executed in Texas on the evening of 14 May 2002. He was sentenced to death in 1995 for the murder of Nicolas West in 1993.

According to the record, Henry Dunn, Donald Aldrich and David McMillan targeted Nicolas West in the belief that he was homosexual. The 23-year-old Hispanic man was lured from a park in Tyler, Smith County, on 30 November 1993, abducted at gunpoint, driven to an area a few miles outside Tyler and shot several times. His body was found two days later. Nineteen-year-old Henry Dunn was arrested in possession of the victim's car.

Henry Dunn and Donald Aldrich were sentenced to death and remain on death row. David McMillan was sentenced to life imprisonment.

After his trial, Henry Dunn was appointed a lawyer who had never handled an appeal in a death penalty or any other case. The lawyer even filed a motion with the Texas Court of Criminal Appeals asking for more time so that he could attend a seminar to find out how to write such an appeal brief. The motion was denied. The appeal the lawyer filed for Henry Dunn was rejected with several of the issues he raised dismissed on the grounds that they were inadequately written up in the appeal brief.

Henry Dunn was appointed two lawyers for his further (*habeas corpus*) appeals. They were also inexperienced, apparently did little investigation of their client's case, and the appeal they filed was rejected in federal district court. Because the lawyers then missed the deadline for filing the notice of intent to appeal, Henry Dunn's appeal to the US Court of Appeals for the Fifth Circuit was dismissed.

**BACKGROUND INFORMATION**

A study by the Texas Defender Service, a non-profit organization that provides representation for indigent death row inmates as well as advice and training on capital issues, found that of the 103 applications for state *habeas corpus* appeals filed between 1995 and 2000 on behalf of Texas death row inmates, 18 were 15 pages long or less and 36 applications were 30 pages or less. Eight applications were under 10 pages. The study pointed out that *habeas corpus* applications filed by adequately funded, experienced lawyers routinely run to more than 150 pages because of the number of issues raised and the complexity of the law in this area.

In 2000, a former judge on the Court of Criminal Appeals said of the court's appointment of appeal lawyers for Texas death row inmates: "We've appointed some absolutely terrible lawyers. I mean lawyers that nobody should have, much less somebody on death row on his last appeal."

International standards require that capital defendants be provided with adequate legal assistance "at all stages of proceedings".

Amnesty International opposes the death penalty in all cases. Every death sentence is an affront to human dignity; every execution is a symptom of, rather than a solution to, a culture of violence.

Today, 111 countries have abolished the death penalty in law or practice. Since the USA resumed executions in 1977, 775 prisoners have been put to death in 32 states. Texas accounts for 267 of these executions. There have been 26 executions in the USA this year, 11 of them in Texas. There are currently 13 men scheduled to be executed before the end of August in Texas, including, in violation of international law, three people convicted of crimes committed when they were 17 years old.

**RECOMMENDED ACTION: Please send faxes, in English or your own language, in your own words:**

- expressing sympathy for the family and friends of Nicolas West, and explaining that you are not seeking to excuse the manner of his death;
- opposing the execution of Henry Dunn;
- expressing deep concern at the poor quality of his appointed appellate counsel, noting that international standards demand adequate legal representation at all stages of proceedings;
- calling for clemency for Henry Dunn.

**APPEALS TO:**

Texas Board of Pardons and Paroles  
Executive Clemency Section  
PO Box 13401, Capitol Station  
Austin, Texas 78711, USA  
**Fax: + 1 512 467 0945**  
**Salutation: Dear Board Members**

**COPIES TO:**

Governor Rick Perry  
Office of the Governor  
PO Box 12428  
Austin, Texas 78711-2428, USA  
**Fax: + 1 512-463-1849**

and to diplomatic representatives of the USA accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.**