

EXTERNAL

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Death Penalty

19 December 1997

USA (TEXAS) Karla Fay TUCKER (f), white, aged 38

Karla Fay Tucker is scheduled to be executed by the state of Texas on 3 February 1998. She was sentenced to death in April 1984 for her role in the murders of Jerry Lynn Dean and Deborah Thornton in June 1983.

According to information received by Amnesty International, Karla Tucker grew up in a deprived environment and began taking drugs when aged eight. By the age of 10 she was addicted to heroin, and at 11 became a prostitute to pay for her drug habit. By 1983, her prolonged use of drugs had seriously affected her mental state and, on the night of the murders, she was heavily under the influence of drugs.

At trial, Karla Tucker was represented by a court-appointed lawyer who failed to tell the jury about her intoxicated condition at the time of her crime - this possibly mitigating evidence might have persuaded the jury to sentence her to life imprisonment rather than death. Tucker's boyfriend and co-defendant, Daniel Garrett, was also sentenced to death in November 1984. He was granted a re-trial but died of natural causes in June 1992 before it could take place.

Those who know Karla Tucker speak of her remarkable transformation on death row. She has educated herself and has become deeply religious. She has never denied her involvement with the murders. Among those who have previously appealed for clemency for her are two relatives of the murder victims and two prosecutors responsible for the state's prosecution of Tucker and Garrett in 1984. The sister of one of the victims, Peggy Kurtz, was recently quoted in a newspaper article as stating: "*I believe that Karla's life should be allowed to be continued [to allow her] to minister to other prisoners for good.*" Other supporters have included police and prison officers. However, one of the victim's brothers, Richard Thornton, has called for Tucker's execution: "*...I hope she's found peace. But she was found guilty, she was sentenced to death, she needs to die.*"

In a highly unusual move, unprecedented as far as Amnesty International is aware, the chair of the Texas Board of Pardons and Paroles interviewed Karla Tucker in early December 1997. After the interview he told the press: "*After my visit with her, I remain convinced that gender should not be given any weight in considering clemency. After it was all said and done, we still have a horrendous crime that was committed.*"

BACKGROUND INFORMATION

If the execution is carried out, Karla Tucker would become the first woman to be executed in Texas under its present death penalty law, and only the second woman to be executed in the USA under current death penalty laws. The first was Velma Barfield, executed in North Carolina in November 1984. The last woman to be executed in Texas was Chipita Rodríguez, hanged in 1863 for the murder of a horse trader. Karla Tucker was the subject of a previous Urgent Action (EXTRA 56/92, AMR 51/75/92, 11 June 1992). On that occasion, the execution was stayed by the Texas Court of Criminal Appeals.

There are currently 438 prisoners under sentence of death in Texas, including seven women. Nationwide, approximately 48 women are under sentence of death

in 15 states. Many of the cases involved the murder of the offender's husband or lover or child.

Texas continues to lead the USA in imposing death sentences and carrying out executions. Thirty-six of the 74 executions carried out in the USA this year 37 have taken place in Texas. The state of Texas has executed 144 prisoners since 1982, over one-third of the national total of 432. The most recent person executed in Texas was Michael Lockhart on 9 December 1997. The method of execution is lethal injection.

Clemency has not been granted to any prisoner under sentence of death in Texas since the death penalty was reintroduced there in the mid-1970s. Under the Texas clemency rules, the governor may commute a death sentence only if he receives a favourable clemency recommendation from the 18-member Board of Pardons and Paroles. The Board has convened only very rarely to consider petitions for clemency. Their reluctance to hold full clemency hearings is a matter of great concern to Amnesty International.

RECOMMENDED ACTION: Please send telegrams/faxes/express/airmail letters, in English or your own language:

- urging the Board of Pardons and Paroles to convene a full clemency hearing to consider the case of Karla Tucker, and urging that it recommend to Governor Bush that he grant her clemency;
- urging that the severity of Karla Tucker's drug addiction at the time of the crime, and the efforts she has made while on death row to rehabilitate herself, be taken into consideration;
- expressing concern that the jury at Karla Tucker's trial was not made aware of the extent of her drug addiction and consequent impairment at the time of the murder - while this does not excuse the crime, it is a strong extenuating circumstance that should be considered.

APPEALS TO:

Texas Board of Pardons and Paroles
Executive Clemency Unit
Texas Department of Criminal Justice
Pardons and Paroles Division
PO Box 13401, Austin, TX 78711-3401, USA

Telegrams: Texas Board Pardons Paroles, Austin, TX 78711, USA

Faxes: + 1 512 467 0945

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Salutation: Dear Board Members

COPIES TO:

The Honorable George W. Bush
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and to diplomatic representatives of the USA in your country.

PLEASE SEND APPEALS IMMEDIATELY.