

URGENT ACTION

PENNSYLVANIA EXECUTION BLOCKED BY COURTS

On 3 October, the Pennsylvania Supreme Court upheld the stay of execution granted to Terrance Williams by a lower court judge on 28 September. Williams had been scheduled to be executed on 3 October for a murder committed when he was 18.

The body of 56-year-old Amos Norwood was found in a cemetery in Philadelphia on 15 June 1984. He had been beaten to death. **Terrance (Terry) Williams** was brought to trial in early 1986, and convicted of first-degree murder. Arguing for the death penalty, the state presented evidence that he had been convicted of armed robbery committed when he was 16, and the murder of a 51-year-old man, Herbert Hamilton, when he was 17. In mitigation, the defence presented three witnesses – the mother, girlfriend, and a cousin of the defendant – who testified as to his good character. Except for a passing reference by the mother that her second husband was “very abusive” to her son, there was no other evidence presented of any abuse suffered by Terry Williams. The defence lawyer urged the jury to consider his client’s young age – 18 years and three months – at the time of the crime.

According to Terry Williams’ clemency petition, his childhood was marked “by over a decade of sexual abuse” as well as “years of physical and emotional abuse, neglect and abandonment”. This “unrelenting abuse and neglect” rendered him “an easy target for sexual predators”, two of whom had been Amos Norwood and Herbert Hamilton, according to the petition.

On 17 September 2012, the Pennsylvania Board of Pardons voted 3-2 in favour of clemency for Terry Williams. Despite the majority voting for clemency, this was not enough for the state Governor to act, as he could only grant clemency in the event of a unanimous recommendation from the Board in favour of clemency.

A hearing on 20, 24 and 25 September in the Court of Common Pleas in Philadelphia County revealed evidence of Amos Norwood’s sexual “impropriety” towards teenage boys that had been suppressed by the prosecution at the time of the trial in 1986, and for the 26 years following. On 28 September, Judge Teresa Sarmina granted a stay of execution and ruled that the death sentence should be overturned. She found that without such evidence, the defence lawyer was given “a skewed and incomplete picture of the victim, which effectively tied his hands while the prosecution elicited testimony at trial about his kind and caring character”. With such evidence, the lawyer “would have had the information needed to make a compelling argument as to mitigation”. The suppression of this evidence “undermines confidence in the jury’s death sentence”, she ruled. Judge Teresa Sarmina found that the trial prosecutor had “at times, play[ed] games and took unfair measures to win”.

The state appealed to the Pennsylvania Supreme Court, but on 3 October that court upheld the stay of execution and said that it would take further briefing on the case. Terry Williams’ death warrant expired at midnight on 3 October.

No further action is requested at present. Many thanks to all who sent appeals.

This is the first update of UA 261/12. Further information: <http://amnesty.org/en/library/info/AMR51/076/2012/en>

Name: Terrance Williams

Gender m/f: m

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