

USA (Texas) Napoleon Beazley, black, aged 24

Napoleon Beazley is due to be executed in Texas on 15 August 2001, 10 days after his 25th birthday. He was sentenced to death in 1995 for a murder in Tyler, Smith County, committed when he was 17. International law prohibits the execution of those who were under 18 at the time of the crime.

The murder victim was John Luttig, white, the father of a federal appellate judge. One of the trial 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 was all-white despite Smith County's population being 20 per cent African American. Moreover, it has emerged that at least one juror harboured severe racial bias against blacks. In 1997, a defence investigator went to speak to this juror, who told him that "the state said that we don't have to say noth'n to nobody". As he was closing the door, he was heard to say "the nigger got what he deserved". The juror's wife stated in an affidavit: "My husband...is racially prejudiced. I have heard [him] use many derogatory terms, including the use of the word "nigger" on more occasions than not when he is talking about black people... I would find it difficult to believe that [he] could have set his prejudice aside and not let it influence him to some degree [at the trial]".

The jury's finding of Beazley's "future dangerousness" - a requirement for a death sentence in Texas - had little support. He was the runner-up for "most popular" in his secondary school. He had no prior arrest record, and the state produced no evidence of any other assaultive acts by him. It relied upon his two co-defendants' testimony - which they later admitted was given in return for a prosecution promise not to pursue the death penalty against them - to paint a picture of a remorseless individual.

Many witnesses, including the District Attorney in Napoleon Beazley's home town, testified about good aspects of his character and his potential for rehabilitation. He has been a model prisoner. Before death row was recently moved to its new location and all prisoners were confined to their cells for 23 hours a day, Napoleon Beazley was one of a few "trustees" assigned to jobs within the prison. He remains very close to his mother, father, younger brother and other relatives, who visit him regularly.

International law, respected by almost every country in the world, forbids the execution of child offenders - those under 18 at the time of the crime - in recognition of their immaturity, impulsiveness, and capacity for change. In May, Napoleon Beazley's mother said to Amnesty International: "People change. If you do a list today and five years from now you go back and look at that same sheet of your thoughts, your whatever, you will even wonder if that was you that put that on that paper. People change. You know, to take somebody's life at 17 - you can't hold a 17-year-old by the same standards as you do me or you... I've made poor decisions, everybody does. But experience - you know, life - life is a teacher, and I know even today Napoleon is much better now than he was then."

Since Napoleon Beazley's trial, the execution of child offenders has become almost unknown outside the USA. In those six years only the USA (eight, four of them in Texas); Pakistan (one); Democratic Republic of Congo (one); Nigeria (one); and Iran (three), have carried out such executions. A third of the USA's

condemned child offenders are on death row in Texas, and of these 31 Texas inmates, 24 belong to racial or ethnic minorities.

A February 2001 *Houston Chronicle* poll showed only 25 percent in Harris County, Texas, and 34 percent statewide support the death penalty for child offenders. The Texas House of Representatives recently passed a bill that would have raised the death penalty eligibility age to 18, and it might have passed the Senate but for high-level political intervention.

In Texas, the Governor can grant clemency if the Board of Pardons and Paroles recommends it. The Texas Administrative Code says that the Board will consider recommending commutation if a "majority of the trial officials of the court of conviction" request it. Such a request would be likely to carry a lot of weight with the Board, which has never granted commutation of a death sentence purely on the basis of an inmate's clemency petition since the resumption of executions in the USA in 1977. In that time, Texas has executed 247 prisoners out of a national total of 720.

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;
- explaining that you are writing to the addressee as one of the trial officials in the 1995 trial of Napoleon Beazley for the above crime;
- expressing concern that Texas is seeking to execute Napoleon Beazley in the face of a worldwide consensus, and the belief apparently held by a majority of Texas citizens and its House of Representatives, that it is wrong to execute people who were under 18 at the time of the crime;
- expressing concern that no member of Napoleon Beazley's race served on his jury, and that one of the jurors has been shown to harbour serious racial prejudice, despite stating at jury selection that he could be fair;
- expressing concern that 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;
- 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, noting that this capacity for change in a young person lies behind the global consensus against the use of the death penalty against under-18-year-olds;
- urging the addressees to consider the impact that the death penalty has on the family of the prisoner;
- calling on the addressee - in the interest of justice, decency and the reputation of the State of Texas - to ask the Board of Pardons and Paroles to recommend that Napoleon Beazley's death sentence be commuted by the Governor.

APPEALS TO:

Jack Skeen, Jr.
 Smith County District Attorney
 100 N. Broadway
 Tyler, Texas 75702, USA
Fax: + 1 903 535 0410
Salutation: Dear District Attorney

David Dobbs (ex-Assistant Smith County District Attorney)
 112 E. Line, Suite 300

Tyler, Texas 75702, USA
Fax: + 1 903 595 1999
Salutation:Dear Mr Dobbs

Sheriff J. B. Smith
106 E. Elm Street
Tyler, Texas 75702, USA
Fax: + 1 903 535 0724
Salutation:Dear Sheriff

Out of respect for the independence of the judiciary, activists are not being asked to appeal directly to the other official from Napoleon Beazley's trial, namely the judge. In your appeals to the above addressees, please request that they convey your concerns to that official, the Honourable Judge Cynthia S. Kent.

COPIES TO:

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

PLEASE SEND APPEALS IMMEDIATELY.