

**PUBLIC**

**AI Index: AMR 51/112/2006**

**13 July 2006**

**Further information on UA 189/06 (AMR 51/105/2006, 06 July 2006) – Death penalty / Legal concern**

**USA (Mississippi): Bobby Glen Wilcher (m), white, aged 44**

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On the evening of 11 July, the US Supreme Court stopped Bobby Wilcher's execution half an hour after it had been scheduled to be carried out. Bobby Wilcher, who suffers from bipolar disorder and has been on death row in a prison with notoriously bad conditions for more than two decades, had previously given up his appeals.

On 7 July 2006, Bobby Wilcher's lawyer filed a motion in the US Court of Appeals for the Fifth Circuit to reinstate Wilcher's appeals, accompanied by an affidavit signed by the condemned man. The affidavit read: "I previously submitted a motion to this Court asking that I be permitted to abandon all appeals in my case. After a hearing on June 8, 2006, the Court granted my request. Upon further reflection, I now wish to withdraw that motion and proceed with all appeals and other remedies available to me under the law. I do not want to be executed, and I have instructed my attorneys to do everything in their power to help me avoid execution."

On 9 July, Bobby Wilcher was moved to his pre-execution cell. On 10 July, a three-judge panel of the Fifth Circuit court dismissed Wilcher's request to reinstate his appeals and refused to stay the execution. In a shocking opinion, the court stated that "this sudden about-face strikes us as nothing more than an eleventh-hour death row plea for mercy finally elicited from Wilcher by Counsel; the accompanying affidavit states only a conclusional flip-flop by Wilcher..."

Bobby Wilcher's lawyer appealed to the US Supreme Court, presenting the Justices with the question of whether the Fifth Circuit had been right to refuse to reinstate Wilcher's appeals due to the "eleventh hour" nature of the filing.

On 11 July, as the execution approached, Bobby Wilcher had his final meal with four prison officers and a chaplain. News of the decision from the Supreme Court was finally received half an hour after the execution had been due to begin.

The Supreme Court has only issued a stay of execution. It has not yet decided whether to take the case and consider the question raised by Bobby Wilcher's lawyer. A decision on whether the Supreme Court will take the case will be released in October, but for the time being the stay of execution will remain in force.

The Governor of Mississippi, Haley Barbour, released a statement in which he said: "The only injustice here is that 24 years have already passed since this murderer earned the death penalty. It is hard for me to believe that a majority of the United States Supreme Court has granted this stay. Nevertheless, that is within the court's power, and I am required to abide by their decision, as bad as I think it is."

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