

**USA (North Carolina) Michael Earl Sexton, black, aged 34**

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Michael Sexton is scheduled to be executed in North Carolina on 9 November 2000. He was convicted in 1991 of the rape and murder of Kimberly Crews, committed in Raleigh in August 1990.

Kimberly Crews was white. Michael Sexton is black and was condemned to death by a jury of 11 whites and one black. At jury selection, the prosecution removed the only other four African Americans in the jury pool by using peremptory strikes, the right to exclude individuals deemed to be unsuitable without giving a reason. Asked to explain such use of peremptory strikes, the prosecutor said that one of the blacks had not maintained eye contact and "was not forthcoming"; another was "not mature" because of "the way he was dressed", including an earring; and another was rejected as "litigious", having witnessed an accident that resulted in a lawsuit.

Under US constitutional law jurors can only be removed for "race neutral" reasons (*Batson v Kentucky*, 1986). To win an appeal on this issue, the defendant must show that "purposeful discrimination" took place. Amnesty International believes that the *Batson* decision has failed to prevent racial bias in jury selection. Proving "purposeful discrimination" is nearly impossible, since prosecutors need only fabricate a vaguely plausible non-racial reason for dismissing potential jurors.

A North Carolina newspaper, *The Charlotte Observer*, recently investigated the death penalty in North and South Carolina. In a series of articles in September 2000, it concluded that the capital justice system was "tainted with mistakes, inequities and incompetence". It found that "minority defendants start out with an intolerable and indefensible disadvantage compared to white defendants... black citizens are under-represented on juries. Prosecutors often excuse potential black jurors because they are less likely to vote for a death penalty conviction." The paper also found that "blacks who kill whites are the most likely to get death sentences, while blacks who kill blacks are the least likely". It pointed out that about 40 per cent of murder victims in the Carolinas are white, but 70 per cent of the state's death row inmates were convicted of killing whites.

A state legislative committee is reviewing the impact of race in North Carolina's capital sentencing. The committee is due to report back and make recommendations to the state's General Assembly next year.

Michael Sexton's background is typical of many on death row in the USA. He had a childhood of deprivation, abandonment and abuse. His father died when he was five. He and his two younger siblings were raised by an alcoholic mother, whose boyfriends abused the children. When Michael was 13, his nine-year-old sister was diagnosed with syphilis contracted from one of the men. Around this time Michael began to display aggressive behaviour at school. When he was about 14, he and his siblings were made wards of court on the grounds of parental neglect. Michael's brother and sister were placed in foster homes, but he was sent to a juvenile institution, and a year later placed in an orphanage. Social workers recommended that he be put in a program for emotionally disturbed children, but he was rejected because he was found not to be violent enough. His brother was accepted.

Amnesty International has the utmost sympathy for the victims of violent crime and their loved ones, but opposes the death penalty in all cases. Judicial killing is a symptom of, not a solution to, a culture of violence, and creates more victims.

#### **BACKGROUND INFORMATION**

Since the USA resumed executions in 1977, 668 prisoners have been put to death, including 70 this year. More than 80 per cent of those executed were convicted of crimes involving white victims. Studies have consistently shown a link between the race of the victim and the likelihood of a death sentence. In 1990, the General Accounting Office (an independent agency of the US government) issued a report on death penalty sentencing patterns. After reviewing and evaluating 28 major studies, the report concluded that 82 per cent of the surveys found a correlation between the race of the victim and the likelihood of a death sentence. The finding was "remarkably consistent across data sets, states, data collection methods and analytic techniques... [T]he race of victim effect was found at all stages of the criminal justice system process". No remedial action was taken.

Between 1910 and 1961, North Carolina executed 282 blacks and 75 whites. Although 13 of the 15 people it has executed since 1977 have been white, 14 of the 15 were convicted of killing white people. Over 55 per cent of the state's 232 death row prisoners are black. The population of North Carolina is 75 per cent white, and 22 per cent black.

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

- acknowledging the seriousness of the crime, and expressing sympathy for the family and friends of Kimberly Crews;
- expressing concern that Michael Sexton was convicted by a jury from which all but one African American had been removed by the prosecution;
- expressing concern that this case fits a pattern of racial bias in the use of the death penalty in the USA;
- noting that there is a legislative committee currently investigating the impact of race in North Carolina's use of the death penalty;
- stating that it would be unconscionable for this execution to proceed when the condemned man could yet benefit from the committee's findings;
- urging the Governor to commute Michael Sexton's death sentence and to support a moratorium on executions in North Carolina.

#### **APPEALS TO:**

Governor James B. Hunt Jr.  
Office of the Governor  
State Capitol, 116 West Jones St.  
Raleigh, NC 27603, USA  
**Fax: + 1 919 715 3175/+1 919 733 2120**  
**Salutation: Dear Governor**

**COPIES TO:** diplomatic representatives of the USA accredited to your country.

You may also write brief letters of concern (not more than 250 words) to:

The People's Forum, *Raleigh News and Observer*, PO Box 191, Raleigh, NC 27602, USA

**Fax: + 1 919-829-4872**  
**E-mail: forum@nando.com**

Letters to the Editor, *Charlotte Observer*, PO Box 20848, Charlotte, NC 28230,  
USA

**Fax: + 1 704 377 6214**  
**E-mail: opinion@charlotteobserver.com**

**PLEASE SEND APPEALS IMMEDIATELY.**