

USA (Oklahoma)Cornel Cooks, aged 43

Cornel Cooks, black, is scheduled to be executed in Oklahoma on 2 December 1999. He was sentenced to death in 1983 for the rape and murder of 87-year-old Jennie Ridling, white, at her home in Lawton in October 1982. His clemency hearing before the state Pardon and Parole Board will be held at 8.30am on 16 November at the Oklahoma State Penitentiary in McAlester.

The court-appointed lawyer who represented Cornel Cooks at his trial had not handled a capital case before, having finished law school only two years earlier. In 1998 the federal 10th Circuit Court of Appeals found that the trial lawyer's defence of Cooks had been "ineffective" at the second - sentencing - phase of the trial where the jury had to decide between life and death. The Circuit Court was "troubled" that he had "called no witnesses, and presented no evidence on Mr Cooks' behalf..." The court added, "Indeed, we are unable to glean from the record any second stage strategy developed to defend Mr Cooks against the death penalty. What is more, by all accounts, [the lawyer's] investigative efforts were minimal." However, the Circuit Court decided that the jury would likely have sentenced Cornel Cooks to death even if the lawyer had met his professional duties. It denied the appeal.

At the sentencing phase of a US capital trial, the defence is supposed to investigate and present any evidence and testimony that might persuade the jury to pass a life sentence rather than death. If just one of the 12 jurors had been so persuaded, Cornel Cooks would have received a life sentence. However, because of his lawyer's failure to investigate and present relevant information, the jurors never heard evidence of Cornel Cooks' abusive and deprived childhood, his mental impairment, his alcohol and substance abuse from a young age, his normally gentle nature and lack of a history of violence, and his remorse. The Circuit Court noted with particular concern that the trial lawyer knew Cornel Cooks was remorseful, but made no effort to present that to the jury.

Cornel Cooks grew up in abject poverty. A psychologist has described his family life as "chaotic", stating that the boy was a "throw-away child" and "a street child most of the time." His stepfather (he never knew his biological father) physically abused the children and their mother. Cornel Cooks has a history of childhood head injuries, and began drinking alcohol, encouraged by his stepfather, from the age of five. He sniffed glue and acrylic substances, which can cause irreversible brain damage, between the ages of 13 and 24, and has said that he used "every drug imaginable, except heroin". As a teenager at school, he was in a special education program for children whose IQ scores fell between 55 and 75. His IQ had been measured at 75 (borderline mental retardation), but his performance in the program was average or below-average. After dropping out of school, he joined the navy, but was discharged because he failed the aptitude tests.

The psychologist who examined Cornel Cooks in 1991 found that he had marked impairment in memory, concentration, verbal comprehension, word recognition, and speech perception. She found he had an inability to perform abstract thinking, such as drawing conclusions and using judgement. She also testified that Cornel Cooks had repeatedly expressed remorse for what happened to Jennie Ridling, as well as confusion about the crime. This confusion echoes his first meeting with his trial lawyer. According to the record, when the latter told

his client that the state was seeking the death penalty, Cornell Cooks did not understand what that meant. His lawyer said, "that's what they do to niggers who rape white women."

BACKGROUND INFORMATION

The UN Economic and Social Council's (ECOSOC) Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty, adopted by consensus by the UN General Assembly in 1984, includes "the right of anyone suspected of or charged with a crime for which capital punishment may be imposed to adequate legal assistance at all stages of proceedings". Yet many on death row in the USA, too poor to afford a competent capital lawyer, received appallingly inadequate representation at their trials.

RECOMMENDED ACTION: Please send faxes/express/airmail letters in English or your own language, in your own words, not mentioning Amnesty International:

- stating that you are writing in support of clemency for death row prisoner Cornel Cooks, #97874, who is scheduled to appear before the Pardon and Parole Board on 16 November 1999;
- explaining that you do not condone the killing of Jennie Ridling and expressing sympathy for her surviving relatives and friends;
- expressing concern, however, that Cornel Cooks was sentenced to death by a jury who never knew anything of his deprived and abusive childhood, his alcohol and drug problems as a child, his serious mental impairment, his lack of a history of violent behaviour, and his long-held remorse;
- noting that the 10th Circuit Court was "troubled" that Cornel Cook's trial lawyer was ineffective by not raising these issues, and urging that the Board seriously consider the strength of these mitigating factors;
- urging the Board to recommend to Governor Keating that he grant clemency.

APPEALS TO:

1. If you can write a letter to the individual members of the Oklahoma Pardon and Parole Board (they have no faxes) that will arrive by 15 November, please do so (it is considered more effective for them to receive appeals for clemency individually than as a group (option 2): (Salutation for all, Dear (name), eg Dear Mr Ballard):

Mr Currie Ballard, PO Box 171, Coyle, OK 73027-0171, USA
 Mr Flint Breckenridge, 2010 Utica Square, Suite 403, Tulsa, OK 74114-1635
 Ms Susan Bussey, PO Box 636, Norman, OK 73070, USA
 Ms Stephanie Chappelle, PO Box 1945, Tulsa, OK 74101-1945, USA
 Mr Ronald Worthen, PO Box 1902, Ardmore, OK 73402-1902, USA

2. If your letter would not reach the Board members by 15 November, please fax your appeal to:

Oklahoma Pardon and Parole Board, 4040 N. Lincoln Street, Suite 219, Oklahoma City, OK 73105-5221, USA. **Fax: +1 405 427 6648; Salutation: Dear Board Members**

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

PLEASE SEND APPEALS IMMEDIATELY. Please send appeals to arrive by 15 November.

When we hear the result of the clemency hearing, we will update this UA to ask for further action targeting Governor Keating of Oklahoma.