

# URGENT ACTION

## RACE CONCERNS AS MISSOURI EXECUTION NEARS

**Leon Taylor, a 56-year-old man, is scheduled to be executed in Missouri on 19 November. He was convicted in 1995 of a murder committed in 1994. There are serious questions about the role of race in his case.**

**Leon Vincent Taylor** was convicted of the first-degree murder of Robert Newton, who was shot dead on 14 April 1994 during a robbery of the petrol station he ran in Independence, Missouri. After the jury was unable to agree on what punishment he should receive, the judge sentenced him to death finding that the aggravating circumstances warranted it. However, in 1997, the Missouri Supreme Court ruled that there should be a new sentencing due to improper final arguments by the prosecutor. At the new sentencing in 1999, the jury unanimously voted for death.

Leon Taylor is African American. Robert Newton was white. The 1999 re-sentencing took place in Jackson County where the population was about 20 per cent African American and where there was prior evidence of discriminatory prosecutorial jury selection tactics as well as evidence that race influenced prosecutorial decisions about which defendants would face the death penalty. The jury at this re-sentencing was all-white after the prosecutor summarily dismissed six would-be African American jurors. At the original trial, it had been a mixed jury (with four African American jurors on it) that had been unable to agree on the sentence.

In 2002, the US Supreme Court ruled in *Ring v. Arizona* that the constitutional right to a jury trial required that any finding necessary to enhance punishment be made by a jury. In 2003, the Missouri Supreme Court ruled that *Ring* should be applied retroactively, and subsequently commuted to life imprisonment the death sentences of all Missouri inmates sent to death row before *Ring* as the result of a sentence imposed by a judge after the jury was unable to agree on punishment. In other words, if the prosecutor had not committed misconduct at the 1995 sentencing, Leon Taylor's original death sentence would have been commuted to life. Instead, due to the prosecutor's misconduct, he was resentenced by an all-white jury and this death sentence has stood.

Leon Taylor's childhood was marked by parental alcoholism, violence, and abuse. According to his lawyers, he has undergone positive personal development in prison and has become a force for constructive relations among inmates and others. In 2001, Leon Taylor contacted Robert Newton's wife and daughter and expressed his remorse and condolences for their loss. Robert Newton's widow has since made statements indicating that she has forgiven him.

### **Please write immediately in English or your own language:**

- Opposing the execution of Leon Taylor and calling for his death sentence to be commuted;
- Expressing concern that he was tried before an all-white jury following the prosecutor's peremptory dismissal of six African Americans from the jury pool;
- Noting that he would not now be facing execution but for prosecutorial misconduct at the first sentencing;
- Acknowledging the seriousness of the crime and the suffering caused.

### **PLEASE SEND APPEALS BEFORE 19 NOVEMBER 2014 TO:**

Office of Governor Jay Nixon

P.O. Box 720, Jefferson City, MO 65102, USA

Fax: +1 573 751 1495

Email: via website <http://governor.mo.gov/contact/>

**Salutation: Dear Governor**

### **Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:**

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date.

**AMNESTY  
INTERNATIONAL**



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### ADDITIONAL INFORMATION

Black people and white people are the victims of murder in the USA in similar numbers, yet 78 per cent of the nearly 1,400 prisoners executed since judicial killing resumed in 1977 under revised capital statutes were convicted of crimes involving white victims, compared to 15 per cent of cases involving black victims. Most murders in the USA are intra-racial, that is, the alleged perpetrator and the victim were of the same race. Of the prisoners executed in the USA since 1977, 53 per cent were white people convicted of killing white people, and 12 per cent were black people convicted of killing black people. One in five of all executions since 1977 has been of a black person sentenced to death for the murder of a white victim. The figure for white on black cases is two per cent. While such statistics on their own do not necessarily prove direct discrimination, numerous studies have shown that race, particularly race of the murder victim, continues to be a factor in the death penalty in the USA. On 29 August 2014, the UN Committee on the Elimination of Racial Discrimination again called on the US authorities to “take concrete and effective steps to eliminate racial disparities at all stages of the criminal justice system” and called for a moratorium on executions.

In 1986, the US Supreme Court recognized that: “Because of the range of discretion entrusted to a jury in a capital sentencing hearing, there is a unique opportunity for racial prejudice to operate but remain undetected... [A] juror who believes that blacks are violence prone or morally inferior might well be influenced by that belief in deciding whether petitioner’s crime involved the aggravating factors... Such a juror might also be less favorably inclined toward petitioner’s evidence of mental disturbance as a mitigating circumstance. More subtle, less consciously held racial attitudes could also influence a juror’s decision in this case. Fear of blacks... might incline a juror to favor the death penalty.” That stereotypes about race and crime, conscious or unconscious, can infect a capital sentencing has been given weight by research on the behaviour of capital jurors in the USA. One study, for example, found that “whites more often than blacks see the [black] defendant as likely to be dangerous to society in the future and as likely to get back on the streets if not sentenced to death”. It also revealed “a lack of receptivity to mitigating evidence among white jurors when the defendant is black. White jurors often appear unable or unwilling to consider the defendant’s background and upbringing in context” (See <http://www.amnesty.org/en/library/info/AMR51/046/2003/en>).

At Leon Taylor’s 1999 sentencing before the all-white jury, the defence presented evidence of the defendant’s abusive childhood. His mother (who died at the age of 38) was alcoholic and gave her children alcohol from an early age. Leon Taylor began drinking alcohol at the age of five. According to the evidence presented by the defence, the children saw their mother stabbing or shooting at least three men, and the 10-year-old Leon was present when she shot and killed her husband. Also according to this evidence, she used to beat the children with objects and fists, particularly focussing this violence on Leon, who was the eldest of the children. An expert witness testified that Leon Taylor suffered from depression from an early age, and became addicted to alcohol and drugs. As part of the post-conviction proceedings, a forensic psychiatrist diagnosed Leon Taylor as suffering from chronic depression, post-traumatic stress disorder and substance abuse problems, as well as possible brain damage as a result of his mother’s drinking while pregnant with him and his own substance abuse from an early age.

There have been 1,390 executions in the USA since 1976, 78 of them in Missouri. There have been 31 executions in the USA this year, eight of them in Missouri. Seven of the eight Missouri executions were of inmates convicted of killing white victims. Four were black prisoners, three of whom were executed for crimes involving white victims. Amnesty International opposes the death penalty in all cases, unconditionally, regardless of the crime or the method of execution used.

Name: Leon Vincent Taylor  
Gender m/f: m

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