

URGENT ACTION

MISSOURI CARRIES OUT NINTH EXECUTION THIS YEAR

Leon Taylor was executed in the first few minutes of 19 November in Missouri for a murder committed during a robbery in 1994. This was the ninth execution in Missouri in 2014, the most carried out in this state in any year since 1999.

Leon Vincent Taylor was convicted of the April 1994 murder of Robert Newton. 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. 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 was African American. Robert Newton was white. The 1999 re-sentencing took place in front of an all-white jury 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 other 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 a final appeal to the US Supreme Court, Leon Taylor's lawyers argued that the only difference between Leon Taylor's case and "those of the ten persons who received life sentences following the imposition of a death sentence by a judge after jury deadlock is one that is not relevant to the legal principle at issue in *Ring v. Arizona*." Leon Taylor had been granted a re-sentencing because of prosecutorial misconduct; in the absence of that misconduct, his original death sentence would have stood and presumably been commuted to life imprisonment after *Ring*. The lawyers argued that while the Missouri Supreme Court had not been required under the US Constitution to apply *Ring* retroactively, once it had decided to under state law, the state "was not free arbitrarily to pick and choose the identically situated persons to whom its rules apply."

The US Supreme Court declined to intervene, either on this petition or on another concerning Missouri's lethal injection protocol. Governor Jay Nixon denied executive clemency. In a statement, he said: "There is no question of guilt in this murder, and my denial of clemency upholds the court's decision to impose a sentence of death. I ask that the people of Missouri remember Robert Newton, and keep his family in their thoughts and prayers."

There have been 1,392 executions in the USA since the US Supreme Court approved new capital statutes in 1976, 79 of them in Missouri. There have been 33 executions in the USA this year, nine of them in Missouri.

No further action is requested from the UA network. Many thanks to all who sent appeals.

This is the first update of UA 278/14. Further information: www.amnesty.org/en/library/info/AMR51/052/2014/en

Name: Leon Vincent Taylor
Gender m/f: m

Further information on UA: 278/14 Index: AMR 51/054/2014 Issue Date: 19 November 2014

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