



REPRIEVE REVIEW

KENNY RICHEY'S APPEAL SUCCESS

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Update on Ryan Matthews

All things considered, Ryan Matthews is doing remarkably well since his exoneration and release from Louisiana's death row in August 2004. For any former prisoner, finding work is difficult as employers are sceptical of a person recently released from prison even if he claims he was innocent. But Ryan was lucky, as on his release has had the help of Reprieve Fellow and exoneree advocate, Barry Gerharz and now has his driving license and a full time job.

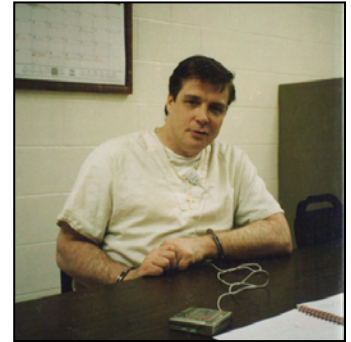
Reprieve welcomed the news on 25 January, that Kenny Richey, a Scot who has spent 18 years on Ohio's death row, must either be re-tried or released within 90 days, according to the appeal court hearing his case. This is a giant step towards securing his release, although the Ohio state prosecutors are attempting to appeal the decision, with the goal of still obtaining Kenny Richey's execution. This means that it could be months before his case advances any further.

In 1987 Kenny Richey was convicted of the murder of a child, the result of a fire in an apartment building. The prosecution portrayed him as a calculating murderer, who had set fire to the building in order to kill his ex-girlfriend. The jury was told that he first scaled a wall to steal petrol, and then climbed into a second floor apartment above his girlfriend's—the prosecution apparently unaware of the fact that a fire should be

lit below its object. Furthermore, the claim was that he did this in spite of the fact that he was both drunk and his hand was in plaster, making it all but impossible for him to clamber around the complex to get the job done.

The appeals court found that Kenny Richey's lawyer had been so incompetent that it his conviction was unsound. The most glaring example was the fact that the arson expert hired by his lawyer had such limited experience in the field that he asked the state's expert to explain the evidence to him – and then testified for the state!

Reprieve has been involved with this case for several years, and has worked hard to secure support for Kenny from the UK government. Although he grew up in Scotland and had a Scottish mother, Kenny was not entitled to British citizenship because his father was American, and he was born



Kenny Richey, who could remain in jail for months, despite his recent victory

in the Netherlands. In 2002 an amendment to the Asylum and Nationality Act was introduced allowing him to become British.

As a result, it was possible for the UK Government to make representations on his behalf. The Government then submitted an amicus brief in support of Kenny's appeal, which no doubt contributed to his recent court victory.

Lorilei – A Meditation on Loss

First staged at *La Mama Theatre* in Melbourne, Australia, in October 2003, Reprieve has brought this latest Theatre Tarquin production to the Old Red Lion Theatre in Islington. The play, *Lorilei – A Meditation on Loss*, recreates the experiences of a mother whose 6 year old son, Jeremy Guillory was murdered in 1992 by Ricky Langley, who was sentenced to death for the crime. Nine years later, the courts ordered a new trial. By this time, the prosecutor's promise that a death sentence would give Lorilei Guillory her "closure" had proven hollow, so she did an extraordinary thing: she asked to meet Ricky Langley. They spent three hours alone in a cell. By the end, she was convinced that

Ricky Langley was insane when he murdered her son.

In 2003 Ricky Langley was granted a retrial at which Lorilei Guillory testified. She was asked: "Do you have an opinion as to whether Ricky Langley was mentally ill at the time he killed your child Jeremy?" She answered: "*I feel like Ricky Langley has cried out for help...and the system has failed him. I feel like he is sick... And even though I*

can hear my child's death cry, I too, can hear Ricky Langley cry for help."

The production is receiving great reviews and must not be missed: "Incredible...that most unusual of things, a space for reflection in the midst of impassioned debate." (*Evening Standard*); "This is an extraordinary evening the story of an American woman who fought to save her son's murderer from execution." (*Guardian*) "Anna Galvin, as Lorilei, is a tour de force of restraint." (*The Times*) "Tom Wright's version of these actual events presents humanity at its most degraded and most merciful." (*Time Out*)

The production runs until 5 March. Box Office: 020 7837 7815



ADVOCACY

www.reprive.org.uk

REPRIEVE INTERNSHIP IN TEXAS

by Hayley Ichilcik

As a Reprive intern in Texas, I witnessed exonerations, executions, crime lab scandals, sentences, re-sentences and had a taste of what it means to defend those sentenced to death. I don't expect that I will be able to fully portray the impact that these experiences had on me, except to say that whilst I started my internship full of fear and plagued by the occasional thought that what I was about to do was crazy; by the end I was full of inspiration and I am confident that it was the most sane and important thing I have done to date.

I spent five months at the Gulf Region Advocacy Centre (GRACE) in 2004. GRACE was founded by Danalynn Recer in an attic above her house in Houston, Harris County, which has the reputation for executing the highest number of people in any US county per year but has few, if any, effective defence attorneys to challenge the District Attorney (DA). As such, there are many in Harris County on death row that shouldn't be.

Once on death row it is a long and arduous process to get off. Appeals are met with great opposition from the State and courts are reluctant to grant relief, so the idea behind GRACE is to stop people getting to death row in the first place, by

intervening earlier in the process.

Danalynn and her team are fighting hard to get on to the list of attorneys appointed by the court to represent defendants at trial. A zealous trial attorney who is willing to file endless motions, litigate every move made by the State and do a thorough investigation, which often uncovers law enforcement misconduct, can often cause a DA to back away from seeking the death penalty, or a jury to back away from imposing it. A good attorney at trial can mean that those who are innocent don't get convicted, those who are less culpable don't get the death sentence and those who are juveniles, mentally retarded or insane never get put on death row. A great trial attorney may even be able to keep those for who the death penalty is supposedly tailor-made far away from the execution chamber.

During an internship, there are many moments of triumph and inspiration but there are also moments of tragedy and despair. Texas is a different landscape. There is no guarantee that the work you do for the client will lead to their release. You are fighting a very big machine that is moving at a very fast pace. There were times when I was acutely aware that I was essentially functioning like an inexperienced twelve year old, carrying out

tasks that could have enormous consequences for many people. I often doubted myself but as Danalynn will constantly remind you, you have to have a go because if you don't, the client doesn't have anyone else to do it for them.

In the eyes of the society around you, the clients are the scum of the earth, sub-human monsters that don't deserve to live. There is a large wall of hatred that surrounds those on death row and shuts them off from the rest of the world forcing them into an isolated, inhumane existence. From my experience it means a lot to the clients to know that there are some people out there who don't think of them as monsters but are willing to look at them as people and are willing to understand how they ended up on death row.

For the clients to see that there are people from the other side of the world who think that what's happening to them is wrong and who care enough to come and help, gives them enormous amounts of hope and strength. It is this hope that helps many of them keep fighting and resisting the system that is trying so fiercely to destroy them.

To find out more about GRACE, visit www.gracelaw.org

For the first time, Reprive is offering summer internships in our London office. This is full time for a minimum of 2 months and gives an opportunity to discover how you can help those facing execution from here in the UK.

To apply send a CV and covering letter to marc@reprive.org.uk

Becoming an Intern

The Reprive Internship Programme places enthusiastic volunteers in capital defence offices in the USA, where they work either assisting with the representation of impoverished defendants facing execution, or on research and litigation directed towards systemic reform. The programme places

Reprive interns for between 3 and 6 months at law offices dedicated to capital defence work in the USA, predominantly in the Deep South. The internships are completely self-funded, that is, the intern must pay for all costs of travel, accommodation and living expenses. The voluntary work performed by Reprive interns has proved vital to the legal offices to which they are attached.

The work of interns can be extremely varied depending upon the needs of the office. Tasks range from spending days at a time at a photocopier, to ferrying family members to death row to visit their loved one, to providing courtroom assistance in a capital trial. An intern once even had the job of being covered in plaster-of-paris so that a full body cast could be made for use as an exhibit at trial!

To become an intern please
download an application
form from our website
www.reprive.org.uk

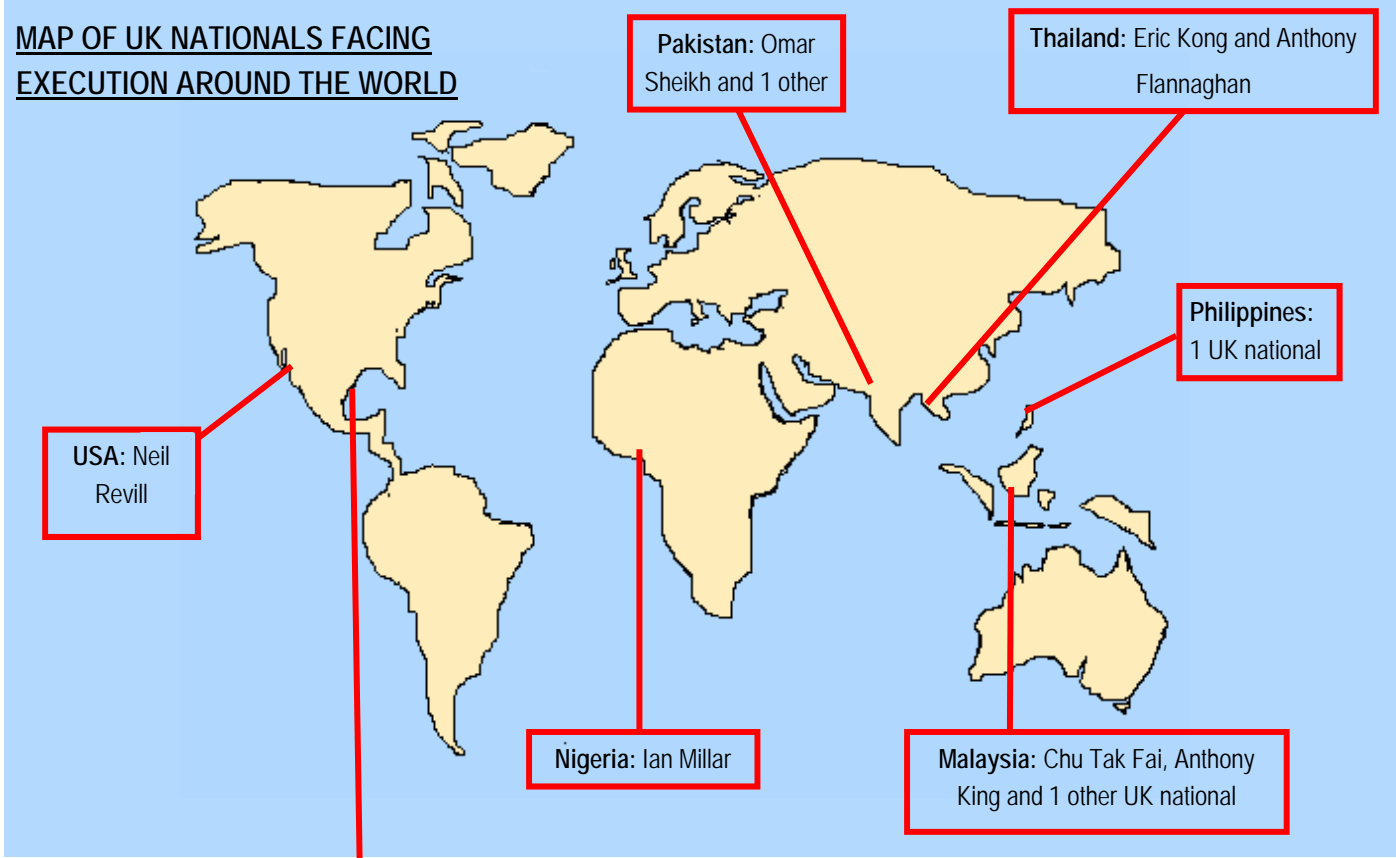
Train to be an Intern

Amicus and Reprive have joined together to present a training programme (running each year in the Spring and Autumn) that provides participants with practical as well as theoretical skills with which to assist defence lawyers with the representation of those facing execution in the USA. The training presented by investigators from *A Fighting Chance* in Louisiana, along with leading practitioners and academics from the UK. The programme is invaluable for those considering U.S. internships and interested in assisting with the work in the UK. It will help participants develop the specific skills required for this kind of work, as well as introducing them to the various issues they will be confronting.

Further information and booking forms are on the Reprive website.

CASEWORK:UK NATIONALS

MAP OF UK NATIONALS FACING EXECUTION AROUND THE WORLD



Focus on ... Linda Carty

The case of Linda Carty, who is currently on death row in Texas, is one in which any rational observer would be amazed by the fantastical nature of the prosecution's case and the ineptitude of Linda's defence lawyer.

The State claimed that on 16 May 2001, Linda Carty orchestrated a burglary, where the target was not money or property, but a 3 day old baby. The mother of the child was also kidnapped, tied up and placed in the boot of a car, where she suffocated when one of the gang put a plastic bag over her head. It was never claimed that Linda Carty had anything to do with the actual murder, but she was still sentenced to death. How did the prosecution develop their case that led to her being the only defendant on death row?

The state claimed that Linda Carty believed that her partner had had an affair with the woman who was killed, and believed that because he was the rightful father of the child, she was the rightful mother. As a



result, the state argued that she intended to steal the baby. To back this up, the state presented surgical scissors that it claimed that Linda had been planning to use to cut the baby out of his mother, if he had not already been born. This story was presented by three

co-defendants, all of whom had struck plea bargains for their evidence and were consequently spared the death penalty. Many defence lawyers would have exposed this as pure fantasy—but unfortunately for Linda Carty, she was appointed Gerry Gueriot. Gueriot has seen 21 of his clients receive death sentences – more than any other lawyer in the USA. It is easy to see why he is so unsuccessful. Having been appointed to this most complex capital case 3½ months before trial, he did not hire an investigator until six

weeks before the trial, and no investigation was done until just two weeks before the case was to begin. He has conceded that he did not talk to Linda Carty about the case until a month into jury selection, and even then he only talked to her once.

Linda Carty believes that the murder was drug related and that she was framed by her co-defendants because of past assistance given to the Drug Enforcement Agency. She is now in the second stage of her appeals processes although she is still being represented by a court-appointed lawyer (not Gueriot) Clive Stafford Smith is now acting as consultant counsel. A Houston law-firm, *Baker Botts* also provides pro bono legal services.

However, full investigation of the facts of her case still needs to take place before the court decides on Linda Carty's appeal. This includes investigation into the incompetence of the trial counsel and prosecutorial misconduct. To achieve this, Reprive is currently seeking funds to pay for the costs of further investigation of her case for her appeal.

To donate to Linda's investigation costs, or any other of Reprive's cases, please visit: <http://www.reprive.org.uk/donations.html>

FEATURES

Andie Lambe, Reprieve's founding director says farewell

By Katie Gwynne

Andie Lambe was working as a freelance head hunter when she got an email from her sister Shauneen, a lawyer working in New Orleans. It was a job description for the director of a new charity, Reprieve. Two months later in July 2000, Andie was in New Orleans meeting the US based board members and Reprieve was taking flight.

As founding director, Andie built Reprieve from the ground up, with the invaluable help of returning US interns. "I couldn't have done it without Joe Hingston," Andie recalls. When Joe left to go to the USA it was Reprieve Board member Jo Bragg who stepped in. "We ran Reprieve out of my front room," she laughs. Then in September 2003, Re-



prevue was donated some free office space which meant somewhere to put a flow of volunteers to work, which is "an amazing source of wealth for a charity." The supply of volunteers "was liberating" says Andie, as before that, "when people are being executed, you can't be worrying that the filing hasn't been done."

Being involved in an organisation like Reprieve, it seems rare to have a real positive without any strings attached. "Even with Ryan Matthews' release, you remember what it took to get there" she says, recalling Ryan's mother Pauline Matthews' first visit

to the UK to talk at a conference on juvenile executions. "I remember when she visited saying this time next year, we'll bring Ryan too." And almost to the day, Ryan and his mother returned. At the conference Pauline Matthews had appeared with Rena Beazley, a woman whose son Napoleon, was executed in the USA. Andie says, "I still think of Pauline and Rena at that conference. There were these amazing women talking about their experiences and there was so much pain..."

Andie Lambe has taken up a new job at the Howard League for Penal reform, but will continue to work for Reprieve as a board member. "I hope Reprieve just keeps growing and growing. Reprieve is a great charity because it has real immediacy to it...It stands on the front line. I hope it is able to stay that way."

A personal snapshot of living on Death Row

By Steven Woods,
a prisoner on death row in Texas

In the United States, an often-overlooked factor in the death penalty is what happens to the condemned while they wait for their sentence to be carried out.

While awaiting justice, be it state sponsored execution or mercy, we four-hundred-plus men on death row in the state of Texas are stored in Building Twelve on the Alan B. Polunsky Prison Unit. This is a maximum-security facility where the prison authorities hold absolute control over every facet of the lives placed in their care. The Texas Department of Criminal Justice uses this isolation and other tactics of dehumanization to crush our spirits and destroy our minds

On death row, isolation means twenty-three hour lockdown in a single occupant 8x10ft cell. The Texas Department of Criminal Justice deprives us of so many of the things that make a human being stable and sane. Most officers constantly degrade us, calling us names and trying to provoke a confrontation while taking what little dignity that remains. They often deny us our sleep, food, shower, and recreation. They write us up in disciplinary cases for petty things or even things that they fabricate to remove what limited liberties we receive. There are even some who deny us medical attention and try to strike at us when they think they can get away with it.

We receive one hour a day where we are allowed to leave our cells for recreation. It is either spent in the day room or outside. The day room is a cage roughly 20x40 feet. Most spend this time walking around in circles for exercise, as we are not permitted to bring anything out of our cells. Every time we leave our cells, we are placed in hand restraints and escorted to our destination by two nervous guards. We are not allowed any contact with the other inmates beyond the shouted conversations to those close to our "houses".



Visitation is one of our bigger issues. We get two a week, or special extended visits if our visitor is from out of state or over seas. These visits constitute a most cruel, inhumane punishment. I'm not sure that you've ever thought about it, but could you imagine sitting only two feet away from your loved ones; separated by a glass partition and knowing that most likely you'll never again be able to hold, or even touch them? To talk to them, we have to use telephones. The pain, for family and inmate alike, make the visits almost unbearable.

When it comes to the meals on the row, policy dictates three sanitary meals a day, served in our cells, of the same quality and quantity that the officers receive. In reality, the food is served cold, more often than not, and on broken and dirty food trays. Usually, the food isn't even fully cooked.

There are two penalties for capital murder: death, and life in prison. Those who are sentenced to life are, in most cases, convicted of the same crimes that we were. They live out their lives in general population. They have considerable more freedom than we do. They receive hot meals at a real table, get to attend church and educational programs and are permitted to interact with other prisoners. Most significantly they are also allowed to receive contact visits, can touch and hold their loved ones.

Our sentence is to die by lethal injection. Isn't that enough? All we ask is to be allowed to die with our minds and our humanity intact.

Reprieve needs your donations.

Please visit the [donations page](#) on our website:

www.reprieve.org.uk

USA

On December 17th 2004, the high court of the State of Kansas ruled that the 1994 State law on how jurors are to impose the death penalty was unconstitutional. As a result 6 prisoners will be re-sentenced.

Congressional elections loom in the US again this year and with 100 seats up for grabs, anti-death penalty activists are seeking endorsements to raise the minimum age for seeking the death penalty in capital cases from 16 to 18.

In Connecticut, State Representative Peter Ter-cyak, the Democrat for New Britain, submitted the first bill to the State Legislature to eliminate Connecticut's death penalty. Support for the bill is faltering because the next scheduled execution in the state, is that of serial killer Michael Ross, which has been reset for the 17th May after he was given a stay of execution in the New year. Ross, who has forgone any further appeals, asked that debate for the bill happen after his execution, so that the legislature can address the death penalty and not whether he should live or die. Protestors lobbied the Legislature on the first day of the new session, however, to end the death penalty in Connecticut *before* Ross' Execution and the Catholic Church stepped up its opposition to the death penalty in Ross' case.

In Virginia a prisoner, whose landmark case made law banning the execution of the mentally retarded, could now still face execution. The State's psychologist retested Darryl Atkins, and found his IQ had improved substantially because of Atkins' contact with lawyers and the experience of working on his own case. Atkins' new IQ score means he cannot be classified as retarded in the state of Virginia. Whilst it might seem unfair to judge Atkins by his current mental capacity, and not that recorded at the time of the crime, the state is taking Atkins back to court to let a jury decide. If the court finds Atkins' IQ has indeed increased, he will still face the death penalty.

Illinois still has a moratorium on the Death penalty but the legislature has approved measures to make death penalty legislation fairer including forbidding the use of the death penalty in cases reliant on the testimony of single witnesses.

Former FBI director, William S Sessions and Texas Criminal Court Justice Charles F Baird have called for a halt to all executions in Texas because of the ongoing scandal at the Houston Crime Laboratory. Recently 280 boxes of unprocessed DNA evidence were discovered, affecting up to 8000 cases. Sessions and Baird, both native Texans, have stated that they do not believe that the situation would be as serious if Texan law allowed DNA evidence to be tested at *any* time in any case.

Meanwhile, public defenders could be forced to investigate certain documents before trial as the Supreme Court is set to rule on whether to impose guidelines on lawyers preparing for trial in capital

cases. At the appeal for Ronald Rompilla his lawyer asked the Supreme Court to set a constitutional rule that lawyers in capital murder cases must do reasonable and thorough investigations into their clients' histories.

James Porter was executed in Texas on the 4th January 2005

Donald Beardslee was executed in California on the 19th January 2005

Troy Kunkle was executed in Texas on the 25th January 2005

Timothy Don Carr was executed in Georgia on the 25th January 2005

John David Duty was executed in Texas on the 17th February 2005

Stays of execution have been granted for George Jones of Texas, John David Duty of Oklahoma and the state of Pennsylvania has granted stays of execution for the following; Roy L. Williams, Robert Freeman, Steven McCrae, Ronald Hanible and Russell Cox. For information on these and other scheduled executions, please check www.deathpenaltyinfo.org.

EUROPE

December saw the Prince of Wales meet with Christian and Muslim leaders to discuss the Islamic law that allows for the death penalty to be imposed on those who have converted away from the Islamic religion.

In Austria, politicians are calling for the Austrian citizenship of Arnold Schwarzenegger to be revoked after the California Governor approved the execution of Donald Beardslee, the first execution in California for nearly three years.

REST OF THE WORLD

On 11th February 2005, Tajikistan became the 2nd country in Central Asia to abolish the death penalty for all crimes.

Kyrgyzstan has extended its moratorium on the execution of death sentences until December 31, 2005.

In Uganda, 14 lawyers have challenged the use of the death penalty in court for 417 inmates facing execution.

Meanwhile in Sierra Leone, a former official of the Truth and Reconciliation Committee set up to investigate human rights abuses and atrocities committed during the war, has recommended that the death penalty be abolished. Howard Varney argues that "[t]he conflict period resulted in the demeaning of human life and dignity. The state must now set the example by demonstrating that it places the

highest value on all human life. The abolition of the death penalty will mark an important and symbolic departure from the past to the future."

The United Nations has urged Iran to halt the execution of young offenders after an Iranian man, Iman Farrakhi, was executed in Evin Prison on January 20th for a crime he committed when he was 17.

Iran has denied that it still carries out executions of juveniles or executions by stoning, amid rumours circulating that a woman, Hajieh Esmailrand was to be stoned to death for adultery. Judicial spokesman Jamal Karimirad said that these allegations were unfounded and designed only as propaganda.

In Moscow, the Duma (parliament) has put forward a plan to introduce the death penalty for crimes of terrorism and hostage taking. However the plans have met with resistance from Russia's human rights groups.

In Rwanda, calls to abolish the death penalty have been renewed by human rights groups and NGOs operating in the area. It is argued that abolishing the death penalty will end the continued violence and promote peace and reconciliation. The government disagrees.

In Beijing fifteen legal scholars have petitioned a Chinese court to overturn a death sentence given to a man who threatened to shoot a policeman but never pulled the trigger. The petition illustrates a growing movement in China calling for restrictions on the use of the death penalty.

A court in India has sentenced five people to death in connection with the murders of seven members of one family. However two of the accused have already died.

Indonesia became the focus of controversy after it executed three men for the possession of illegal drugs. Speaking during a meeting on the death penalty in Jakarta, a representative for the Indonesian Government defended the use of the death penalty claiming that it "still has a deterrent effect."

On 13th January in Saudi Arabia, two Thai nationals were executed for drug smuggling.

Whilst in Thailand, plans by the justice department to set up web cams in prisons which would scrutinize convicts right up to the final minutes before execution have been scrapped.

For further information on any of the stories above, please feel free to contact Reprive at info@reprive.org.uk