

URGENT ACTION

TEXAS COURT ISSUES STAY OF EXECUTION

The Texas Court of Criminal Appeals has granted a stay of execution to Clinton Young, who was due to be put to death on 26 October. The case is remanded to the trial court for resolution of the claim that false or misleading testimony was introduced at his trial.

Clinton Young was convicted in 2003 of the fatal shootings of Doyle Douglas and Samuel Petrey committed over the course of two days in November 2001. The jury's finding that Clinton Young killed the second victim was a prerequisite for his capital conviction and death sentence. The only evidence that identified him as the person who shot Samuel Petrey was the testimony of David Page, the other person present at that shooting. He testified that Clinton Young shot Samuel Petrey from six to 10 feet (two to three and a half metres) away, but the victim had marks on his wounds showing he was shot at close range, from a distance of no more than two feet (60 cms). Since the trial, four people have provided sworn statements supporting Clinton Young's claim that he did not shoot Samuel Petrey. According to Clinton Young's lawyers, gunshot residue testing of a pair of gloves found at the Samuel Petrey murder scene also supports his claim of innocence.

On 2 October 2017, the lawyers filed a petition raising a number of claims, including that false or misleading testimony was introduced against him at trial. In an order issued on 18 October, the Texas Court of Criminal Appeals (TCCA) noted that in a separate case in December 2009, it had ruled that the "knowing or unknowing use of false or perjured testimony violates due process". Because this decision had been issued after Clinton Young's previous habeas corpus application (in March 2009), and so this legal basis was not available at that time, he had met the requirements under Texas law for filing a subsequent petition. The TCCA issued a stay of execution and remanded the claim to the trial court for resolution.

There have been 1,461 executions in the USA since 1976. Texas accounts for 544 of these executions and six of the 20 carried out so far this year.

No further action by the UA Network is requested at this stage. Many thanks to all who sent appeals.

This is the first update of UA: 230/17. Further information: <https://www.amnesty.org/en/documents/amr51/7213/2017/en/>

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