

Reggie Clemons, USA

For 19 years Reggie Clemons has sat on death row for a murder the Court agreed he did not commit ...



Reggie Clemons was 19 years old when he was arrested in 1991 for his alleged role in the deaths of two young sisters in Missouri who fell from a disused bridge in St Louis and drowned in the Mississippi River.

Initially the girls' cousin, Thomas Cummins, was arrested for their murder, having implicated himself in their deaths. A few days later, however, Cummins was released and four young men, three black and one white, were arrested in his place.

Cummins subsequently formally identified the four men as being involved in the murder of his cousins. All charges against Cummins were dropped. One of the men he identified was Reggie Clemons, a young African American with no police record.

Following his arrest, Reggie was allegedly beaten by the police who questioned him. He confessed to participating in the rape of the sisters, but denied any involvement in their fall from the bridge. Two days later he told the Police Internal Affairs Department that he had been denied access to a lawyer, and that his confession to rape had been beaten out of him. Despite witnesses, including a lawyer and counsellor, testifying to his face being swollen, a federal District Court judge ruled the statement should be allowed to stand as evidence.

Reggie Clemons was tried, found guilty of being an accomplice to murder, and sentenced to death. There were, however, serious flaws in the Court proceedings:

- **There was no physical evidence linking Reggie Clemons to the 'crime'**
- **No notice was taken of Clemons's allegations of police brutality and retrac-**

tion of his confession to rape

- **There were major concerns regarding the credibility of the witnesses – one a former suspect, one his white co-defendant, now released from prison**
- **Clemon's legal representation was inadequate – one of his lawyers was later suspended**
- **The Jury was 'stacked' after the Prosecution dismissed many African Americans**
- **The Prosecution was found to be 'abusive and boorish', closing the trial with a fabricated version of the crime**

Reggie was scheduled to be executed in 2009. His Lawyers succeeded in securing a stay of execution. The Missouri Supreme Court has now appointed a 'Special Master Judge to examine the case. His review began on 17th September.

The finding of the Special Master Judge was that although Clemons has not provide his innocence to the satisfaction of the Judge, it had now been clearly established that Clemon's constitutional rights had been violated. His confession had been coerced out of him by the St Louis Police and evidence of the injuries thus incurred had been withheld from his defence lawyers. Had this evidence been made available to the jury, he might have been found innocent.

The Judge's special report has now been passed to the Missouri Supreme Court which will make the final decision as to whether Clemons face execution, have a retrial or have his sentence commuted, probably to a life sentence with no chance of parole.

The finding that Clemons had his constitutional rights violated cannot be ignored under established legal precedent.



Background



Amnesty International opposes the death penalty in all circumstances, because:

- We believe it is a violation of two fundamental human rights: the right to life and the right not to be tortured or subject to any cruel, inhuman or degrading punishment. If a mistake is made it cannot be corrected. It is often used against certain groups of people more than others, such as people of poor backgrounds or of particular race
- Capital punishment does not deter crime. Studies by the UN and others show the death penalty does not stop crime any better than other punishments.

Over two thirds of the countries in the world — 141 — have now abolished the death penalty in law or practice. In 2010 the overwhelming majority of all known executions took place in five countries: China, Iran; North Korea; Yemen and the United States.

The death penalty is not a deterrent. FBI data in the USA showed that the 14 states *without* capital punishment in 2008 had homicide rates at or below the national rate.

It is arbitrary and unfair. Almost all death inmates in the USA could not afford their own attorney at trial. Local politics; the location of the crime; plea bargaining and pure chance affect the process and make it a lottery who lives and dies.

It claims innocent lives. In the past 30 years, 140 people have been released from death rows throughout the USA due to evidence of their wrongful conviction. In this same time period, 1,200 have been executed.



What can I do?

If you object to the use of the death penalty then there are things you can do.

You can join the local Amnesty group in Salisbury which is free. We have an active group which campaigns against the use of the death penalty around the world. If you join you can take part in other human rights activities which we engage in.

If you do not wish to join you can still take part by going onto our web site at www.amnesty.org.uk/salisbury where we regularly post the latest of what we call 'urgent actions' which will provide details of someone who is at risk of execution. Details of our other activities are also to be found there.

<http://www.amnesty.org.uk/salisbury>