

PUBLIC

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EXTRA 03/01

Death penalty / Legal concern

12 January 2001

USA (Federal)

David Ronald Chandler, white

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Ronald Chandler, the first person to be sentenced to death after the federal death penalty was reintroduced in the USA in 1988, has petitioned President Clinton to commute his death sentence before he leaves office on 20 January 2001. There are serious doubts about Chandler's guilt, and about the adequacy of his legal representation at his 1991 trial.

Ronald Chandler was convicted of causing the murder of Marlin Shuler, an alleged police informant, in the course of a marijuana growing and distribution enterprise in Alabama. His conviction was based on the testimony of the actual killer of Shuler, Charles Ray Jarrell, who avoided the death penalty in exchange for testifying that Chandler had offered him \$500 to kill Shuler. The trial judge held that Jarrell's testimony was "the centerpiece of the government's evidence" which "the jury necessarily had to believe to convict Chandler".

Jarrell has since recanted. He has sworn under oath, and maintains, that he lied at the trial, even though this could void his plea bargain and expose him to capital prosecution. Jarrell says that, in fact, he shot Shuler in a drunken and impulsive act because Shuler had severely abused his ex-wife, who was Jarrell's sister. Jarrell had once before tried to kill Shuler for the same reasons. Jarrell maintains that Chandler had nothing to do with the murder. The foreman of the jury has said that based upon what Jarrell now says, he would not have voted for conviction or execution.

In addition, Chandler's lawyer failed to conduct any investigation for the sentencing phase of the trial. As a consequence he did not call any of the numerous witnesses who could have testified to Chandler's positive character traits and non-violent nature. In 1999, a three-judge panel of the 11<sup>th</sup> Circuit Court of Appeals overturned the death sentence on the grounds of inadequate representation. The prosecution appealed, and in July 2000, the full 11<sup>th</sup> Circuit Court voted 6-5 to uphold the death sentence. One of the five dissenting judges accused the majority of placing "the acceptable level of attorney assistance so low as to risk undermining the public's confidence in the criminal justice system... Before we, as a civilized society, condemn a man to death, we should expect and require more of an advocate."

Ronald Chandler has appealed the 11<sup>th</sup> Circuit's decision to the US Supreme Court. If the Court decides not to consider the appeal, a date will be set for his execution.

In June 2000, President Clinton said: "Those of us who support the death penalty have an extra heavy responsibility to assure both that the result is accurate and that the process was fair." Also in June, US Attorney General Janet Reno said that "people should not be prosecuted for a capital crime until they have a lawyer who can properly represent them... there are too many people in this country who do not have competent counsel to represent them in capital cases."

**BACKGROUND INFORMATION**

George W. Bush Jr. will be inaugurated to the US presidency on 20 January 2001. As Governor of Texas, he oversaw 152 executions during his five years in office. During this time, Texas consistently violated international standards in its pursuit of judicial killing. Violations included the low quality of legal representation afforded to poor capital defendants.

President-elect Bush has nominated John Ashcroft, a former Missouri Senator, to the post of Attorney General. Amnesty International is concerned by John Ashcroft's attitude towards the death penalty. For example, in a reply to an AI member in 1999, John Ashcroft wrote: "...I have supported legislation to streamline the [capital] appeals process and bring an end to the endless second-guessing of State court convictions by federal judges far removed in time and place from the initial conviction... I will continue to fight to reduce the process." He also led a Republican campaign in the Senate in 1999 against President Clinton's nomination to the federal judiciary of Ronnie White, a black Missouri Supreme Court judge. Mr Ashcroft depicted Judge White as "pro-criminal", apparently because he had dissented in a limited number of death penalty cases.

In November, Amnesty International sent President Clinton a 43-page memorandum on the federal death penalty (*An appeal for human rights leadership as the first federal execution looms*, AMR 51/158/00). Ronald Chandler's clemency petition provides President Clinton with an opportunity to send a strong message to the country on this fundamental human rights issue before he leaves office.

**RECOMMENDED ACTION: Please send telegrams/faxes/express/airmail letters in English or your own language, in your own words, using the following guide:**  
**To President Clinton:**

- expressing deep concern that David Ronald Chandler was sentenced to death on the basis of the testimony of the actual murderer, who has since recanted and now says that Chandler had nothing to do with the killing;
- noting that the jury foreman has stated that, with this information, he would not have voted for conviction or execution;
- expressing concern about the inadequacy of Chandler's legal representation at the 1991 trial, as five federal judges have found;
- urging President Clinton not to pass this decision on to his successor;
- urging President Clinton to grant David Ronald Chandler's petition for clemency and commute his death sentence.

**To Attorney General Reno:**

- reminding the Attorney General of her recent statement about the need to ensure adequate legal representation of capital defendants;
- urging her to announce that her office will not oppose David Ronald Chandler's appeal to the US Supreme Court.

**APPEALS TO:**

President Bill Clinton, The White House, Office of the President, 1600 Pennsylvania Avenue, Washington, DC 20500, USA

**Telegrams: President Clinton, Washington DC, USA**

**Fax: +1 202 456 2461**

**E-mail: president@whitehouse.gov**

**Salutation: Dear Mr President**

The Honourable Janet Reno, Attorney General, Department of Justice, 950 Pennsylvania Avenue, Washington, DC 20530, USA.

**Telegrams:** Attorney General Reno, Washington DC, USA

**Fax:** +1 202 514 4371

**Salutation:** Dear Attorney General

**COPIES TO:** diplomatic representatives of the USA accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY TO ARRIVE ON OR BEFORE 19 JANUARY 2001.**