

# URGENT ACTION

## JOHN MUHAMMAD EXECUTED IN VIRGINIA

**John Allen Muhammad was executed in Virginia on the evening of 10 November. He had been convicted in 2003 of capital murder in relation to a series of shootings that occurred across a number of jurisdictions in 2002. He made no final statement before being put to death.**

There were a series of 16 shootings between 5 September and 22 October 2002 in Maryland, Alabama, Louisiana, Washington, DC and Virginia, leaving 10 people dead and another six seriously wounded. **John Allen Muhammad** and Lee Boyd Malvo were arrested by federal agents in Maryland on 24 October 2002. Among the items found in the car was a Bushmaster rifle which was linked to many of the shootings through ballistics testimony.

After the arrests, which jurisdiction would be best placed to obtain and carry out the death penalty rapidly became a disturbing part of the authorities' discussions about the case. Then US Attorney General John Ashcroft, an ardent advocate of capital punishment, announced on 7 November 2002 that Virginia should conduct the initial prosecutions. He emphasised at a press conference that it was "imperative that the ultimate sanction be available for those who have committed these crimes". Virginia was and remains one of the most 'efficient' executing jurisdictions, with a reputation for moving cases swiftly through the appeals system. John Muhammad was tried in Virginia in 2003 for the murder of Dean Meyers, who had been shot while fuelling his car at a petrol station in Manassas, Virginia, on 9 October 2002. He was sentenced to death.

On 9 November, the US Supreme Court refused to stay the execution of John Muhammad. However, three of the Court's judges argued that the case "highlights once again the perversity of executing inmates before their appeals process has been fully concluded". They wrote that because Virginia had scheduled the execution to be carried out two weeks before the case would otherwise be reviewed by the Court, "we must resolve the petition on an expedited basis unless we grant a temporary stay". By denying this stay, the three continued, "we have allowed Virginia to truncate our deliberative process on a matter – involving a death row inmate – that demands the most careful attention". They did not mention that pursuit of the speediest possible retributive killing was the reason Virginia had been handed the case in the first place.

On 10 November, Virginia's Governor, Tim Kaine, denied clemency. In a statement, he said: "Muhammad's trial, verdict, and sentence have been reviewed by state and federal courts, including the Supreme Court of Virginia, United States District Court for the Eastern District of Virginia, the United States Court of Appeals for the Fourth Circuit, and the United States Supreme Court. Having carefully reviewed the petition for clemency and judicial opinions regarding this case, I find no compelling reason to set aside the sentence that was recommended by the jury and then imposed and affirmed by the courts. Accordingly, I decline to intervene."

John Muhammad's lawyers had appealed for clemency on the grounds that he had serious mental impairments, a claim based on expert evidence never heard by the jurors who sentenced him to death. Governor Kaine's statement denying clemency did not specifically refer to this claim.

There have been 45 executions in the USA this year, bringing to 1,181 the number of people put to death there since judicial killing resumed in 1977. Virginia accounts for 104 of these executions, second only to Texas which also carried out another execution last night.

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

This is the first update of UA 291/09 (AMR 51/112/2009). Further information: [www.amnesty.org/en/library/info/AMR51/112/2009/en](http://www.amnesty.org/en/library/info/AMR51/112/2009/en)

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