

PUBLIC

AI Index: AMR 51/065/2009

13 May 2009

UA 124/09 Death penalty

USA (Missouri) **Dennis James Skillicorn (m), white, aged 49**

Dennis Skillicorn is scheduled to be executed in Missouri on 20 May. He was sentenced to death in 1996 for the murder of Richard Drummond in 1994.

On 23 August 1994, Richard Drummond stopped to help three men whose car had broken down just outside Kingdom City, Missouri. The three men, Allen Nicklasson, Tim DeGraffenreid and Dennis Skillicorn, had earlier burgled a house, and after they got into Richard Drummond's car, Allen Nicklasson pulled a gun on him. At gunpoint, Drummond drove his car to a secluded rural area, at which point Nicklasson led him into a field and shot him twice in the head. The body was found eight days later.

After his arrest in October 2004, Allen Nicklasson told an FBI agent that he had initially intended to tie Richard Drummond up and leave him, but that he had "snapped" as he walked with the victim and that "something inside of him told him to do it", i.e. shoot him. Nicklasson's statement was not allowed into evidence at Dennis Skillicorn's trial – on the grounds that it was hearsay – and the jury convicted Skillicorn of the necessary deliberation to be guilty of first-degree murder (the state was required to prove that Skillicorn had aided or encouraged Allen Nicklasson to carry out the killing, and did so after deliberation). Affirming Skillicorn's death sentence in 1997, the Missouri Supreme Court ruled that the statement had been properly excluded from the trial. According to Dennis Skillicorn's current lawyers, the jury foreman from his trial has since said that he would not have voted for a death sentence if he had known about Nicklasson's statement. The lawyers state that Nicklasson has consistently said that Skillicorn did not know that Drummond would be killed.

Allen Nicklasson was also sentenced to death, and remains on death row without an execution date. Tim DeGraffenreid was sentenced to life imprisonment.

Dennis Skillicorn's lawyers are asking Governor Jay Nixon, a former Missouri Attorney General, to commute his death sentence to life imprisonment without parole. Numerous religious and civic leaders as well as a number of current and former members of staff of the Missouri Department of Corrections are supporting the clemency petition.

In a letter to Governor Nixon, dated 7 May, six Missouri Bishops and a number of other religious leaders call for clemency. The letter points to Dennis Skillicorn's work with young offenders, his involvement in restorative justice efforts, his work with terminally ill prisoners, his active involvement in efforts to "build bridges" between the different religious groups in the prison, and his leadership in other positive prison programs. For example, he was a founding member of a program aimed at helping inmates develop parenting skills and which organizes monthly group visits of children and families to the prison. The letter notes that Dennis Skillicorn's personal development in prison has been in "stark contrast" to his own troubled youth.

The Chaplain at the Potosi Correctional Center (PCC), the prison where Missouri death row inmates are held, has also called for clemency. In a letter to the Governor, he writes that Dennis Skillicorn "has lived his life in a way that has helped make PCC a much safer place to be" and that to execute him would be "counterproductive". A retired PCC Chaplain has also appealed for clemency, saying that from his experience, Dennis Skillicorn was "a very positive influence in dealing with other inmates and staff as well". In another appeal for clemency, a retired prison officer who worked at PCC, said that "Dennis never gives anybody

trouble with anything” and he was “always involved in positive projects”. Although this former officer states he remains a supporter of the death penalty, he considers that “it’s not going to help anyone if Dennis is executed, nobody is going to benefit”. A second former prison officer has said that it would be “a loss for more than Potosi” if Dennis Skillicorn was executed; “I know that his family is going to be much worse off if he was gone and yes the population at Potosi as a whole is going to suffer without Dennis Skillicorn”.

Amnesty International opposes the death penalty in all cases, unconditionally. To end the death penalty is to abandon a destructive, diversionary and divisive public policy that is not consistent with widely held values. It not only runs the risk of irrevocable error, it is also costly, to the public purse as well as in social and psychological terms. It has not been proved to have a special deterrent effect. It tends to be applied in a discriminatory way, on grounds of race and class. It denies the possibility of reconciliation and rehabilitation. It promotes simplistic responses to complex human problems, rather than pursuing explanations that could inform positive strategies. It prolongs the suffering of the murder victim’s family, and extends that suffering to the loved ones of the condemned prisoner. It diverts resources that could be better used to work against violent crime and assist those affected by it.

Today, some 139 countries are abolitionist in law or practice. In 2007, the UN General Assembly called for a moratorium on executions worldwide and for retentionist countries to work towards abolition.

There have been 1,161 executions in the USA since judicial killing resumed there in 1977. Missouri accounts for 66 of these executions. There have been 25 executions in the USA this year, none in Missouri. The last execution in Missouri was in October 2005.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:

- expressing sympathy for the family and friends of Richard Drummond and explaining that you are not seeking to condone the manner of his death or to downplay the suffering caused;
- noting that the jury foreman from Dennis Skillicorn’s trial has said that he would not have voted for a death sentence if the jury had heard Allen Nicklasson’s statement that Skillicorn had not known that Drummond would be shot;
- welcoming the support for clemency from religious and civic leaders and former and current members of staff of the Missouri Department of Corrections;
- noting Dennis Skillicorn’s positive contribution to a wide range of programs at the Potosi Correctional Center;
- calling on Governor Nixon to grant clemency and to commute Dennis Skillicorn’s death sentence.

APPEALS TO:

Governor Jay Nixon
Office of the Governor
PO Box 720
Jefferson City
MO 65102, USA

Fax: +1 573 751 1495

Email: <http://governor.mo.gov/contact/>

Salutation: Dear Governor

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

PLEASE SEND APPEALS IMMEDIATELY