

URGENT ACTION

ARKANSAS GOVERNOR TO COMMUTE DEATH SENTENCE

On 25 August, the Governor of Arkansas announced his intent to commute the death sentence of Jason McGehee, who had been scheduled for execution on 27 April, when he received a stay from a federal judge, and the parole board recommended clemency. The governor has now accepted that recommendation.

In the summer of 1996, John Melbourne, aged 15, was one of a group of friends living in a house in Harrison, Arkansas and using forged or stolen cheques. According to the trial records, on 19 August 1996, believing that John Melbourne had “snitched” to the police, five of the group – including Christopher Epps (19), Ben McFarland (17), and **Jason McGehee** (20) – drove him to Omaha about 30 kilometres from Harrison. There, John Melbourne was subjected to a prolonged beating after which Christopher Epps, Ben McFarland and Jason McGehee took him into a wooded area where the three took turns strangling him. In a statement to the police, Ben McFarland said that it had been he who was strangling John Melbourne when he died.

The prosecutor sought the death penalty against the three, and during their trials called the crime a “group activity”. Christopher Epps and Ben McFarland were sentenced to life in prison without parole. Jason McGehee was tried last, in January 1998, and sentenced to death.

The same judge presided over all three trials. Earlier this year, now retired, he called for commutation of Jason McGehee’s death sentence. Given that in January 2017 Ben McFarland’s sentence was reduced from life without parole to 40 years, making him eligible for parole from 2025, and Jason McGehee’s “extraordinary adjustment to prison”, the judge now considers the death sentence “excessive”. Also supporting commutation was a former head of the Arkansas Department of Correction, who has written of Jason McGehee’s “exemplary” conduct on death row and his “remarkable” disciplinary record. In April 2017, the parole board voted 6-1 to recommend that the governor grant clemency. Jason McGehee also received a stay of execution from the federal district court because the state’s compressed schedule for considering the clemency applications did not allow for the 30-day period required by statute for the recommendation to be transmitted from the parole board to the Governor.

On 25 August, Governor Asa Hutchinson announced that he would grant clemency to Jason McGehee. In his statement, the governor said: “My intent to grant clemency to Mr. McGehee is based partly on the recommendation of the Parole Board to commute his sentence from death to life without parole. In making this decision I considered many factors including the entire trial transcript, meetings with members of the victim’s family and the recommendation of the Parole Board. In addition, the disparity in sentence given to Mr McGehee compared to the sentences of his co-defendants was a factor in my decision, as well.”

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

This is the first update of UA 74/17. Further information: www.amnesty.org/en/documents/amr51/5995/2017/en/

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