

URGENT ACTION

MAN WHO DID NOT KILL SET FOR TEXAS EXECUTION

Jeffery Wood is scheduled to be executed in Texas on 24 August. He was sentenced to death in 1998 for a murder committed during a robbery of a convenience store in 1996. He was sitting in a truck outside the store when the murder took place.

Kriss Keeran was shot dead in a Texaco store in Kerrville on 2 January 1996. Daniel Reneau, aged 20, and 21-year-old **Jeffery Wood**, who lived in a trailer nearby, were arrested. It is undisputed that Daniel Reneau committed the murder while Jeffery Wood waited outside the store. Daniel Reneau was tried in 1997 and executed in 2002.

Jeffery Wood has a history of emotional and intellectual impairments, and an IQ consistently assessed at about 80. At age 12, a psychological assessment described him as “hyperactive”, “highly impulsive”, and a “very troubled youngster”. He met disability requirements and was placed in special education. After the Keeran murder a decade later, Jeffery Wood was initially found incompetent to stand trial based on evidence that he was suffering delusional thought processes and an inability to grasp the reality of his situation. He was committed to a state mental facility. After just two weeks of observation, the hospital deemed him competent based on his factual understanding of proceedings but without regarding his ability to rationally assist his legal counsel in his defence.

At the 1998 trial, Jeffery Wood asked to fire his lawyers after the jury found him guilty. He told the judge that he would not cross-examine any witnesses. The judge denied his request, on the grounds that he did not have the mental competence to represent himself, but failed to conduct any broader inquiry into his competence to stand trial at that point. In 2005, a federal judge concluded that despite being aware that he was “expressing suicidal ideation”, the defence lawyers had made “no request for a competency determination” and followed his “suicidal directives” during the sentencing. What followed, said the judge, “was a punishment phase that lacked even the most rudimentary aspects of a truly adversarial proceeding”.

A prerequisite for a death sentence in Texas is a jury finding of the defendant’s “future dangerousness”. At Jeffery Wood’s sentencing, the prosecution called Dr James Grigson, a discredited psychiatrist dubbed “Dr Death” who regularly testified at Texas capital sentencings as to his certainty that the defendant would commit future acts of violence, a form of testimony for which by 1998 he had already been expelled from the American Psychiatric Association. The prosecution nevertheless presented such testimony at Jeffery Wood’s trial, without informing the jury of his expulsion. Meanwhile, the defence lawyers made no arguments, put on no witnesses, and presented no mitigation evidence. They “sat mute” throughout, noted the federal judge in 2005.

Please write immediately in English or your own language, including Inmate No. #999256 in your appeals:

- Opposing the execution of Jeffery Wood, and calling for his death sentence to be commuted;
- Noting that Jeffery Wood did not himself kill anyone and was not in the store when the murder occurred;
- Noting that he has a history of intellectual and emotional impairments;
- Expressing concern that at sentencing the jury heard no mitigating evidence, no cross examination and no argument from the defence, and furthermore heard false or misleading testimony from Dr James Grigson.

PLEASE SEND APPEALS BEFORE 24 AUGUST 2016 TO:

Clemency Section, Board of Pardons and Paroles
8610 Shoal Creek Blvd., Austin, Texas 78757-6814, USA
Fax: +1 512 467 0945
Email: bpp-pio@tdcj.state.tx.us
Salutation: **Dear Board members**

Governor Greg Abbott
Office of the Governor, P.O. Box 12428
Austin, Texas 78711-2428, USA
Fax: +1 512 463 1849
Salutation: **Dear Governor**

Also send copies to diplomatic representatives accredited to your country. Please check if sending appeals after the above date.

HIS EXCELLENCY THE HONOURABLE MATTHEW BARZUN American Embassy, 24 Grosvenor Square, London W1A 6AE
Tel: 020 7499 9000. Salutation: Your Excellency.

**AMNESTY
INTERNATIONAL**



URGENT ACTION

MAN WHO DID NOT KILL SET FOR TEXAS EXECUTION

ADDITIONAL INFORMATION

Some four dozen religious leaders from Texas and other states have appealed for clemency for Jeffery Wood, asserting that “our faith compels us to speak out in this case, where a looming execution date threatens the life of an individual with significant mental impairments who never should have been sentenced to death.... It deeply troubles us when the criminal justice system concludes that some of the most vulnerable in society can be executed and disposed of.”

According to the clemency petition before the Texas Board of Pardons and Paroles, three jurors from Jeffery Wood's trial have expressed disquiet about how they arrived at a death sentence. In a 2000 affidavit, one stated that “no one on the jury wanted to convict Wood and sentence him to die”, but that “the questions posed to the jury by the State in the punishment phase gave us no alternative but to ask for the death penalty”. In declarations signed in 2009, a second juror said that “the three questions asked of the jury in the sentencing phase allowed little wiggle room” and that “punishment was out of the jury's hands”, while a third said that “during the deliberations, the law was presented to the jury in a way which did not allow us to vote for a life sentence”. Three former jurors have asserted their support for clemency. One states that “with the knowledge of Dr Grigson's testimony, I believe Jeffery Lee Wood should be granted clemency by the State of Texas, and given life in prison. I no longer agree Jeffery Lee Wood deserves the death penalty”. Another says that she does “not believe that Jeffery Lee Wood deserves the death penalty”, but instead believes that “the State of Texas should commute his sentence to that of life”. A third “would have no problem if the State found it appropriate to commute [Wood's] sentence to life”.

The death penalty in the USA is marked by arbitrariness, discrimination and error. Supposedly reserved under constitutional law for the worst crimes and the most culpable offenders, in reality it is often those who lack the resources to mount an effective defence who end up on death row, or those whose crimes were committed in a jurisdiction whose prosecutorial authorities are more willing or better resourced than others to pursue the death penalty.

In a letter two months before he was executed in June 2002, Daniel Reneau wrote: “many inmates and guards have asked me why I'm here and I've always thought that to be a good question. I in no way attempt to make light of what I've done or get out from under any responsibility of it. I'm here for robbing a gas station and shooting once, the clerk that was working there. I'm not saying that I shouldn't be serving a sentence somewhere.... I'm not close to being perfect but when you compare my case and background to other people who are inmates in general population, it doesn't make a lot of sense. There's many inmates in general population in Texas alone that have committed murder, multiple murder....”

The Texas Board of Pardons and Paroles has previously recommended commutations in the cases of two death row prisoners who had not themselves committed the murder in question – Kenneth Foster (2007) and Robert Thompson (2009). Jeffery Wood's clemency petition to the Board asserts that his culpability “is no greater than either Foster's or Thompson's. Wood had no criminal record and no history of violence. No evidence was presented at Wood's trial that Wood ever armed himself, not just during the underlying capital offense, but at any time in his life.”

Texas accounts for 537 of the 1,437 executions carried out in the USA since judicial killing resumed there in 1977 under revised capital laws. There have been 15 executions in the USA so far in 2015, carried out in five states – Georgia (six), Texas (six), Alabama (one), Florida (one), and Missouri (one). Amnesty International opposes the death penalty in all cases, unconditionally.