

URGENT ACTION

TEXAS CONDUCTS ITS EIGHTH EXECUTION OF 2018

Christopher Young was executed in Texas on the evening of 17 July, after the Board of Pardons and Paroles voted against clemency, and the Governor declined to intervene.

Christopher Young was sentenced to death in 2006 for the murder in November 2004 of Hasmukh Patel. Earlier this month, Christopher Young's lawyers sought clemency from the Board of Pardons and Paroles (BPP), asserting that he "is no longer the young man he was" (he was 21 at the time of the shooting) and that his conduct in recent years – supporting other prisoners and seeking to teach young people about the pitfalls of violence – belied the jury's decision that he should be put to death. Among those seeking clemency was Mitesh Patel, the son of the victim. He recognized that the execution would do nothing to help him or his family and would only have negative consequences for Christopher Young's loved ones. He also recognized that Christopher Young had lost his own father to murder when he was eight years old and the trauma that caused.

On 13 July, the BPP voted unanimously against clemency. Christopher Young's lawyers challenged the decision in a federal District Court, claiming there was prima facie evidence that the vote was tainted by racial discrimination. They pointed out that earlier this year, the BPP unanimously recommended clemency for Thomas Whitaker, and the governor commuted his death sentence, after the prisoner's own father appealed for clemency as both a victim of the crime and someone who would be victimized by the execution. Thomas Whitaker is white; Christopher Young was black. Arguing for a stay of execution, Christopher Young's lawyer told the federal judge that he was aware of six Texas cases in which relatives of the murder victim had appealed for clemency, and that in five cases, all involving African American prisoners, clemency was denied. The sixth was the Whitaker case.

In his ruling on 17 July, the District Court judge said that "this history of clemency granted and denied is, if true, deeply troubling." However, he noted, while "in a rational world", he would be able to order presentation of evidence and go through it, "unfortunately, that option is not contemplated by the standards for staying an execution". Here, "the Court is asked to make a determination on the critical issue of possible racial bias on the first business day after the Board has acted, and within 24 hours of the scheduled execution". The standard for a stay, he said, was whether the prisoner could make a "strong showing" that he would succeed on the merits if allowed to proceed. At the same time, the prisoner was "being asked to do what was "well-nigh impossible" – to prove racial discrimination when "those engaging in race discrimination seldom announce their motivations" and when "circumstantial evidence is hard to come by". In his ruling, the District Court judge noted that the BPP members had "not offered any explanation for their decision", or "any reason to believe" that Christopher Young's clemency request "received any meaningful consideration, much less the painstaking consideration that should be an irreducible minimum when a life is in the balance". "Ideally", he said, the state would be determined to show that racial discrimination had not "infected" the clemency process, and that the process was "not only fair, but could be seen to be fair". The District Court judge denied the motion, and the US Court of Appeals upheld this later on 17 July.

Before being executed, Christopher Young said that "I want to make sure the Patel family knows I love them like they love me. Make sure the kids in the world know I'm being executed and those kids I've been mentoring keep this fight going."

Texas accounts for 553 of the 1,479 executions in the USA since the US Supreme Court upheld new capital statutes in 1976, Texas accounts for eight of the USA's 14 executions this year.

Many thanks to all who sent appeals. No further action is requested.

This is the first update to UA 130/18. Further information <https://www.amnesty.org/en/documents/amr51/8758/2018/en>

Name: Christopher Young
Gender m/f: m

Further information on UA: 130/18 Index: AMR 51/8810/2018 Issue Date: 19 July 2018

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