

URGENT ACTION

TEXAS COURT ISSUES STAY OF EXECUTION

On 5 June, the Texas Court of Criminal Appeals issued a stay of execution for Clifton Williams, who was due to be executed in Texas on 21 June. The stay is so that there can be a hearing into the claim that Clifton Williams has intellectual disability.

Clifton Williams was convicted and sentenced to death for the murder of Cecilia Schneider during a burglary of her home in July 2005. At trial and on appeal, his lawyers claimed that he has intellectual disability, and that his execution would violate *Atkins v. Virginia*, the 2002 US Supreme Court ruling banning the death penalty on individuals with such disabilities. The *Atkins* ruling left it to states to determine how to meet the constitutional ban. In the absence of a law passed by the legislature, in 2004 the Texas Court of Criminal Appeals (CCA) created a framework for the assessment of claims of intellectual disability in capital cases (known as the 'Briseño factors'). From the outset there was concern that this framework was non-scientific and that it under-protected individuals *Atkins* intended to exempt from execution. It was not until *Moore v. Texas* in 2017 that the US Supreme Court found the Briseño factors to be "an invention of the CCA untied to any acknowledged source" and contravened its rule, articulated in *Hall v. Florida* in 2014, that adjudications of intellectual disability must be "informed by the views of medical experts".

By then, Texas courts had already determined that Clifton Williams did not have intellectual disability and the federal courts had affirmed that under the deferential standards for federal review of state court decisions. With an execution date of 21 June 2018 set, Clifton Williams's lawyers sought to bring a new challenge in the courts in light of the *Moore v. Texas* decision in order to reopen their claim that he has intellectual disability. On 5 June, the Texas Court of Criminal Appeals issued a stay: "In light of the *Moore* decision and the facts presented in applicant's application, we find that applicant has satisfied the requirements of [Texas law]. We remand his application to the convicting court for a live hearing to further develop evidence and make a new recommendation to this Court on the issue of intellectual disability."

Amnesty International opposes the death penalty unconditionally. Today there are 142 countries that are abolitionist in law or practice. There have been 1,476 executions in the USA since 1976 when the US Supreme Court approved new capital statutes. Texas accounts for 551 of these executions, or 37 per cent of the national total. There have been 11 executions in the USA this year, six of them in Texas.

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

This is the first update of UA: 100/18. Further Information <https://www.amnesty.org/en/documents/AMR51/8429/2018/en/>

Name: Clifton Williams

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