

USA (Louisiana)	Gary Tyler (m), black, aged 49
-----------------	--------------------------------

Gary Tyler, a 49-year-old African American has spent more than 33 years in prison in Louisiana after being convicted of murder in the shooting of a white schoolboy during a racially charged incident in 1974. Aged 16 at the time, Gary Tyler has consistently maintained his innocence of the murder and federal reviewing courts have declared his trial fundamentally unfair.

Earlier this year, a petition was filed with the Louisiana Pardon Board requesting that Gary Tyler's life sentence be commuted to a defined number of years so that the outgoing state governor can authorize his release before she leaves office in January 2008. This may be Gary Tyler's last chance for justice through executive clemency.

Gary Tyler was convicted in 1975 of the murder of Timothy Weber, a white 13-year-old schoolboy who was shot outside Destrehan High School, St Charles Parish, Louisiana, in October 1974. The shot had allegedly come from a bus carrying black students which was under attack by white people throwing stones and bottles. The attack on the bus took place during a period of intense opposition by the white community to racial integration and the bussing of black students to the formerly all-white high school, situated in a predominantly white neighbourhood. Gary Tyler was charged with the shooting based primarily on the testimony of one student and the alleged murder weapon which police found in the seat where he had been sitting; having failed to find the weapon during an earlier search.

Although he was only 16 at the time, Gary Tyler was tried as an adult in a trial which was seriously flawed. Despite heightened racial tension in the area, there was no change of trial venue and he was tried by an all-white jury from which members of the black community had been excluded. His defence attorney, who specialised in civil, rather than criminal, cases failed to prepare for trial and did not interview witnesses or conduct tests on the physical evidence offered by the state. He spent a total of about one hour with Gary Tyler in the whole year prior to the trial. The judge instructed the jury wrongly that Tyler had to prove himself innocent of an essential element of the case. Gary Tyler was convicted of first-degree murder and was originally sentenced to death; his sentence was later commuted to life imprisonment when the state's death penalty statute was ruled unconstitutional.

Since his trial, further investigation has cast doubt on the reliability of the physical evidence in the case and the key prosecution witnesses have recanted their testimony. In two decisions, federal review courts have ruled that Gary Tyler's trial was fundamentally unfair and that he was denied the presumption of innocence, but refused to give him a new trial because his trial lawyer had not objected to this error at the time. Three previous pardon boards have recognized the unfairness of Gary Tyler's conviction and recommended a commutation of sentence, but no governor has yet taken action.

Gary Tyler served the first nine years of his sentence in 23-hour a day lock-down in solitary confinement. However, since being transferred to the prison's general population, he has been able to turn his life around. He obtained his general educational certificate (GED) and trained in construction. He has been active for more than 20 years in the Angola prison drama club where he has written and performed in plays for children. He also works as a volunteer in the Angola prison hospice. He worked for over a year as part of a small team of volunteer prisoners assisting in the clean-up of New Orleans following Hurricane Katrina in 2005.

Despite his youth at the time of trial, and his exemplary record in prison, Gary Tyler has served more than three times as much as the national US average for a person convicted of murder or non-negligent manslaughter. As a life sentenced prisoner Gary Tyler cannot be granted release on parole unless his sentence is first commuted to a term of years by the Pardon Board and the Board's recommendation is accepted by the Governor. High ranking staff at Angola have reportedly endorsed his latest application for a pardon on the ground that he has matured into a responsible citizen deserving of release. However, to date his name has not yet appeared on the parole board's docket for a hearing, and it is feared that, without further pressure, he may miss the chance to be heard before the governor leaves office.

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

- expressing concern about the case of Gary Tyler, who is serving a life sentence in Angola prison, Louisiana;
- expressing deep regret for the murder of Timothy Weber and sympathy for his family, while noting the very serious concerns that have been raised about the fairness of Gary Tyler's trial and the evidence on which he was convicted;
- urging the Governor of Louisiana to ensure that Gary Tyler is granted a hearing before the Pardon Board in December; and that she grant him a pardon authorising his release;
- pointing out that, even without concerns about the fairness of his trial, there are strong grounds for executive clemency based on Gary Tyler's efforts to improve himself in prison and the supportive work he has done both in the community and in prison;
- note that on at least three separate occasions the Louisiana pardons board has recommended to two state governors that Gary Tyler's sentence should be reduced;
- stating that he has served longer than many prisoners sentenced to similar terms, despite his young age at the time of his conviction; and that his age and length of time served should be taken into account as further grounds for clemency in this case;
- stating that you believe there are compelling grounds for the Governor to take this step in the interests of justice.

APPEALS TO:

Governor Kathleen Babineaux Blanco
Office of the Governor
PO Box 94004
Baton Rouge
LA 70804-9004, USA

Fax: +1 225 342 7099

Email: <http://www.gov.state.la.us>

Salutation: Dear Governor

COPIES TO:

Pardon Board
504 Mayflower Street
Building 6
Baton Rouge, LA 70902, USA
Fax: + 1 225 342 2289

and diplomatic representatives of USA accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 28 December 2007.