



## **United States Mission to the OSCE**

### **Statement in Response to the EU on the Death Penalty Case**

As delivered by Chargé d' Affaires Kyle Scott  
to the Permanent Council, Vienna  
November 30, 2006

Mr. Chairman,

In the United States some states impose the death penalty, and other states do not. Those states that do allow it allow it to be imposed only for murder with aggravated circumstances and subject to a special set of due process safeguards. The issue is a very controversial one even in the United States, but the U.S. electorate in many states recently had the opportunity to voice their views on this issue through the ballot box. While capital punishment is not endorsed uniformly throughout the United States, it is clearly a reflection of a widely held view in many quarters that the death penalty is an appropriate sanction. Its use is neither prohibited by the United States Constitution nor by any international obligation which my country has entered into, nor any commitment or obligation to this organization.

With regard to this specific case raised by the EU, to help others to understand the circumstances of this case:

We are talking about Percy LeVar Walton, who was convicted after confessing to the brutal murders in 1996 of Elizabeth and Jessie Kendrick. Both these people were over 80 years old. After taunting them and attempting to slit Mr. Kendrick's throat, Walton shot the defenseless octogenarians in the head as they begged for mercy.

A few days later, Mr. Walton proceeded to talk his way into the house of 33-year-old neighbor Archie Moore; he then proceeded to shoot his neighbor in the head and hide his body in a closet.

Mr. Walton, as the EU has noted, claimed in his defense trial mental incapacity and that he was not competent to stand trial or to face the death penalty. His case was reviewed by the state of Virginia on several different occasions. His writ of habeas corpus was reviewed in 2000, in 2003 and again in 2006. In the course of this process several psychiatric experts were brought in from both sides, from the defense and from the prosecution. The court also named an expert of its own who was considered to be on neither one side nor the other. As a result of all those reviews, the court issued an opinion which stated that Mr. Walton understands the crime for which he was being executed and that he is competent to face punishment which the courts had invoked.

They cited significant expert testimony on both sides. It is important to keep in mind that the death penalty in the United States is only invoked after a special set of due process with all due regard for the rights of the accused.

Thank you very much, Mr. Chairman.