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DEPARTMENT OF JUSTICE RELEASES RULES GOVERNING PETITIONS FOR
EXECUTIVE CLEMENCY IN CAPITAL CASES

WASHINGTON, D.C. - The Justice Department today released new regulations outlining the process by which individuals sentenced to death by a U.S. District Court can seek clemency from the President.

The regulations, which were signed by Attorney General Janet Reno and approved by President Clinton, will become effective on the date they are published in the Federal Register and will apply to all cases in which an execution date has been set on or after August 1, 2000. The new rules supplement the clemency regulations that already exist for non-death penalty cases.

In addition, President Clinton today granted Juan Raul Garza a temporary reprieve from execution, which the court previously had set for August 5, 2000. The grant of reprieve sets a new execution date of December 12, 2000, thereby providing an opportunity for Mr. Garza to petition under the new regulations.

In August 1993, a federal court imposed the death sentence on Mr. Garza for murdering three individuals in connection with operating a drug-trafficking organization. Mr. Garza had been convicted on 10 counts, including three counts of killing in furtherance of a continuing criminal enterprise. Those three counts carried the death penalty. The appeal of Mr. Garza's conviction was concluded in 1996, and the Supreme Court denied review of the appeal in his habeas corpus case in November 1999. The reprieve leaves unaffected the prison sentences imposed for the other 7 counts.

The clemency regulations announced today are applicable to Mr. Garza's case.

Today's regulations, as well as the existing regulations, are advisory and do not limit the President's exercise of his constitutional authority.

As stated in the public notice accompanying the regulations, the Bureau of Prisons will normally provide a capital defendant at least 120 days notice of the date of the execution. Once the capital defendant receives such notice of the scheduled execution date, the new regulations provide that the capital defendant has 30 days in which to file a petition for commutation of the sentence. They further provide that all papers in support of a petition for commutation of a sentence should be filed no later than 15 days after the filing of the commutation petition. According to the regulations, a capital defendant should file a clemency petition only after exhausting his or her remedies on direct appeal and his first petition for habeas corpus. The new regulations provide an opportunity for a defendant's counsel to make an oral presentation to the Pardon Attorney.

Finally, the new regulations also provide an opportunity for the families of victims, with the assistance of the prosecutors in the case, to make their own oral presentation to the Pardon Attorney.

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