



Published: 01.14.2006

High court asked to halt execution of sickly inmate, 75

By David Kravets

THE ASSOCIATED PRESS

SAN FRANCISCO — California's oldest death row inmate — a 75-year-old who is legally blind and nearly deaf — is asking the U.S. Supreme Court to do something it has never done before: block an execution because of the condemned man's advanced age and infirmity.

Clarence Ray Allen's attorneys contend that executing a feeble old man amounts to cruel and unusual punishment banned by the Constitution.

Gov. Arnold Schwarzenegger on Friday denied Allen clemency, saying his age and illness were baseless grounds for being spared. Barring a last-minute reprieve by the courts, the governor's decision means Allen will become the second-oldest person put to death since the U.S. Supreme Court allowed capital punishment to resume in 1976.

He is set to die by injection Tuesday for ordering three slayings while behind bars for another murder.

Allen, who turns 76 on the eve of his execution, has been on death row for more than 23 years. He often uses a wheelchair and had to be resuscitated after a heart attack last year.

"The spectacle of Mr. Allen being wheeled into the death chamber, unable to walk and unable to see those who have come to witness his execution, violates all standards of decency and would amount to ... needless imposition of pain and suffering prohibited by the Eighth Amendment," said Annette Carnegie, one of Allen's attorneys.

Schwarzenegger said Allen's age and health did not matter and noted that he committed his crimes at the age of 50. "His conduct did not result from youth or inexperience, but instead resulted from the hardened and calculating decisions of a mature man."

The brother of one of Allen's victims said the arguments in favor of sparing the killer's life are nonsensical. Robert Rocha — whose sister, Josephine, was murdered at a Fresno market in 1980 by a hit man Allen hired — said Allen's repeated appeals are the only reason he is old and frail.

All content copyright © 1999-2006 AzStarNet, Arizona Daily Star and its wire services and suppliers and may not be republished without permission. All rights reserved. Any copying, redistribution, or retransmission of any of the contents of this service without the expressed written consent of Arizona Daily Star or AzStarNet is prohibited.