

URGENT ACTION

MISSOURI EXECUTES 74-YEAR-OLD MAN

Cecil Clayton, a 74-year-old man diagnosed with dementia and a psychotic disorder stemming from a serious brain injury, was executed in Missouri on 17 March. Efforts to stop the execution narrowly lost in the courts and the state governor denied clemency.

Cecil Clayton was sentenced to death for the murder of a police officer, Deputy Sheriff Christopher Castetter, who was shot in his patrol car on 26 November 1996. Cecil Clayton had suffered a serious head injury in 1972 at the sawmill where he worked, when a piece of wood penetrated his skull and entered the right frontal lobe of his brain. The accident and subsequent surgery resulted in the loss of 20 per cent of his frontal lobe, and led to changed behaviour and psychiatric problems. Cecil Clayton was diagnosed with organic brain syndrome, dementia and a psychotic disorder, with his impairments having profound effects on his intellect, his judgment, and competency.

On 15 March, the Missouri Supreme Court, by a four to three vote, refused to stop Cecil Clayton's execution. The three dissenting judges argued that Cecil Clayton's lawyers had presented "reasonable grounds to believe his overall mental condition has deteriorated and he is intellectually disabled", which would render his execution unconstitutional. They also argued that there were reasonable grounds to believe that he was incompetent to be executed, that is, that he did not have a rational understanding of the reason for and reality of his punishment which, again, would render his execution unconstitutional. The dissenters argued that on this basis he was entitled to a hearing to determine his competence. The three judges accused the majority of "rush[ing] to reject his request for a hearing", and "the denial of such a hearing deprives Mr Clayton of a fair opportunity to show that the Constitution prohibits his execution".

Governor Jay Nixon denied clemency. In a statement on 17 March he said, "In addition to considering the nature of the crime, I have given extensive consideration to Clayton's competency. Clayton was found competent to stand trial in 1997 for the murder of Deputy Castetter and again in 2006 to bring his federal habeas action. In 2014, at the request of the Director of the Department of Corrections, Clayton was comprehensively examined by a certified forensic examiner with the Department of Mental Health and determined to be competent to be executed. I accept that finding. This crime was brutal and there exists no question of Clayton's guilt. My denial of clemency upholds the court's decision to impose a sentence of death. I ask that the people of Missouri remember Deputy Sheriff Christopher Castetter and keep his family in their thoughts and prayers".

The execution, originally due for 6pm, was delayed while the US Supreme Court considered the case. The Court eventually refused to issue a stay, either on the mental competence issue or on a challenge to Missouri's lethal injection protocol. On the latter issue, the vote was five to four.

The Court issued its final denial at about 8.30pm. The execution was carried out less than an hour later. Cecil Clayton was pronounced dead at 9.21pm, eight minutes after the lethal injection began.

There have been 10 executions in the USA this year, two of them in Missouri. There have been 1,404 executions nationwide since 1976 when the US Supreme Court approved new capital statutes. Missouri accounts for 82 of these executions.

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

This is the first update of UA 55/15. Further information: <https://www.amnesty.org/en/documents/AMR51/1170/2015/en/>

Name: Cecil Clayton

Gender m/f: m

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