

USA (Texas) James Blake Colburn, (m), white, aged 42

James Colburn is scheduled to be executed in Texas on 6 November 2002. He was sentenced to death in October 1995 for the murder of 55-year-old Peggy Murphy in June 1994. James Colburn has an extensive history of paranoid schizophrenia, a serious mental illness whose symptoms include delusions and hallucinations. His mental condition may have been exacerbated by childhood sexual abuse at the hands of relatives as well as a homosexual rape he was subjected to by a stranger when he was 17, the age at which he was first diagnosed with schizophrenia.

James Colburn was arrested on the day of Peggy Murphy's murder after he told a neighbour to call the police because he had killed a woman. James Colburn waited until the police came, and at the police station gave a videotaped confession. He told police that he suffered from schizophrenia, and during his statement there were indications that he was struggling with his illness; he paced back and forth when standing, rocked to and fro when sitting, lost control of his bladder and had to be given dry clothes, and the interrogating officer noticed that he was shaking uncontrollably. Referring to the murder of Peggy Murphy, James Colburn told police that he had experienced "this flash that I was going to hurt her" and said that "this one impulse come over me said to kill her... I couldn't stop myself".

At the time of the murder, James Colburn was being treated on an outpatient basis, although his care was irregular. For periods in pre-trial detention, the Montgomery County Jail withheld his medication when Colburn refused to pay for it. Consequently, in October 1994, he was suicidal, and urinating and defecating on himself. Two weeks later, he was "very agitated and contemplating suicide" and was placed in restraints. In May 1995, for example, he was again put in restraints as he reported having auditory hallucinations telling him to kill himself.

During his trial in October 1995, James Colburn received injections of Haldol, an anti-psychotic drug which can have a powerful sedative effect. A lay observer, a nurse with experience of mentally ill patients, has stated in an affidavit that Colburn appeared to fall asleep on frequent occasions during the proceedings. In her opinion, his "lethargic state prevented him from participating in his defence or even paying attention to his own murder trial". The defence lawyers have stated that they believe that Colburn was competent to stand trial, that is that he had a rational understanding of the proceedings and could assist in his defence. However, at one stage of the trial one of the lawyers had to ask for (and was granted) a recess in order that he could "walk my client around the room a little bit. He's snoring kind of loud". In an affidavit, the lawyer acknowledged that "Mr Colburn dozed occasionally during the trial".

The appeal courts have upheld the conviction and death sentence, rejecting evidence that James Colburn was not competent to stand trial due to his mental illness and the sedative effect of the Haldol injections. In May 2002, the US Court of Appeals for the Fifth Circuit wrote: "We need not determine the number of times Colburn fell asleep during trial because whether Colburn fell asleep once or slept through most of his trial is not dispositive of Colburn's competence".

Before the trial, a psychologist was appointed by the court to evaluate whether James Colburn was sane at the time of the murder, and whether he was competent to stand trial. The psychologist concluded that he was both sane and competent. However, his examination of Colburn was conducted 10 months before the trial. In a post-conviction affidavit, the psychologist said that having learned of the Haldol injections and the apparent sedative effect they had on James Colburn, "it is my opinion that during the trial itself, as opposed to the date on which I examined him...it is not reasonably probable that... Mr Colburn was legally competent to stand trial". He further suggested that proceedings should have been suspended to "adjust Mr Colburn's medication so that he was oriented and aware".

A psychiatrist who conducted an assessment of James Colburn in 1997, and reviewed the records in the case, concluded that there were "serious questions and concerns regarding [Colburn's] competency to stand trial at that time", and that Colburn had been "seriously sedated during the time of his trial".

BACKGROUND INFORMATION

Repeated resolutions in recent years at the United Nations Commission on Human Rights have called on retentionist countries "not to impose the death penalty on a person suffering from any form of mental disorder or to execute any such person". The National Alliance for the Mentally Ill, a nonprofit support and advocacy organization in the USA, opposes the death penalty against people with schizophrenia and other mental illnesses.

Since the USA resumed judicial killing in 1977, 804 men and women have been put to death nationwide. Texas accounts for 285 of these executions. Texas has carried out 29 of the 55 executions this year.

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

- expressing sympathy for the friends and family of Peggy Murphy;
- noting that James Colburn suffers from paranoid schizophrenia, and has done since he was a teenager;
- noting that the appeal courts have upheld the death sentence despite evidence that James Colburn may have been incompetent to stand trial including as a result of injections of the anti-psychotic sedative, Haldol;
- noting that the power of executive clemency exists precisely to compensate for the rigidity of the judiciary;
- noting the repeated resolutions at the United Nations calling for the death penalty not to be used against the mentally ill, and noting the position of the National Alliance for the Mentally Ill;
- calling for clemency for James Colburn in the interest of decency and the reputation of Texas and the USA.

In your appeals, please quote James Colburn's death row number: 999169

APPEALS TO:

Gerald Garrett, Chairperson, Texas Board of Pardons and Paroles
P.O. Box 13401, Austin, Texas 78711-3401, USA

Fax: + 1 512 463 8120

Salutation: Dear Mr Chairperson

COPIES TO:

The Honorable Rick Perry, Governor of Texas
State Capitol, PO Box 12428, Austin, TX 78711, USA
Fax: +1 512 463 1849 / 0039 / 1932

and to diplomatic representatives of the USA accredited to your country.

You may copy appeals to the following newspaper, and/or send brief letters to its editor (not more than 250 words):

Viewpoints, c/o *Houston Chronicle*, PO Box 4260, Houston, Texas 77210, USA
Fax: + 1 713 220 3575. E-mail: viewpoints@chron.com

PLEASE SEND APPEALS IMMEDIATELY.