

URGENT ACTION

TEXAS COURT BLOCKS EXECUTION

On 2 December, the Texas Court of Criminal Appeals issued a stay of execution to John Battaglia, a 61-year-old man who was scheduled to be executed in Texas on 7 December. The stay is for the Court to be able to review the question of his mental competence.

In April 2002, a Dallas County jury convicted **John Battaglia** of killing his six- and nine-year-old daughters on 2 May 2001. After the execution was set, his lawyer lodged a claim under the 1986 US Supreme Court decision, *Ford v. Wainwright*, banning the execution of those who are mentally incompetent – those who cannot understand the reason for or reality of their punishment. In 2007, in *Panetti v. Quarterman*, a Texas case, the Supreme Court elaborated that under *Ford*, “A prisoner’s awareness of the State’s rationale for an execution is not the same as a rational understanding of it”.

Three psychologists concluded that John Battaglia was incompetent for execution as a result of a delusional disorder. A fourth psychologist testified that he believed John Battaglia was competent for execution. On 18 November 2016, the judge issued an order ruling John Battaglia competent. This decision was taken to the Texas Court of Criminal Appeals for review.

On 2 December the Texas Court of Criminal Appeals announced that “after reviewing the record, this Court has determined that full briefing on the appeal is warranted in this case.” The Court ordered the defence and the state to file briefs within 60 days. The Court stayed the execution.

No further action by the UA Network is requested at this stage. Many thanks to all who sent appeals.

This is the first update of UA 246/16. Further information: www.amnesty.org/en/documents/amr51/5188/2016/en/

Name: John Battaglia
Gender m/f: m

This is the first update on UA: 264/16 Index: AMR 51/5276/2016 Issue Date: 5 December 2016

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