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Further information on UA 300/06 (AMR 51/169/2006, 9 November 2006) – Death penalty / Legal concern

USA (North Carolina)

Guy Tobias LeGrande (m), aged 47, black

A North Carolina judge has issued a 60-day stay of execution for Guy LeGrande in order that efforts can be made to further assess his mental competency for execution – whether he can understand the reason for and reality of his punishment. Guy LeGrande had been scheduled to be put to death on 1 December. He was sentenced to death in April 1996 for the murder of Ellen Munford on 27 July 1993.

In 1998, the prosecution had Guy LeGrande evaluated by Dr Nicole Wolfe, a psychiatrist at a state mental health hospital. LeGrande would not assist with the evaluation, however, leaving Dr Wolfe unable to conclude whether he was competent or incompetent to represent himself on appeal. Nevertheless, she had concerns about his competency, recommending that he be evaluated as an inpatient in the prison's mental health unit. This was never done.

In 2006, with Guy LeGrande's execution looming, the state chose not to ask Dr Wolfe for her assessment, but turned instead to a private psychiatrist who had never been involved with the case. Guy LeGrande's lawyers sought a court order to have the prisoner evaluated by Dr Wolfe, and this request was granted. On 17 November, she sought to evaluate LeGrande at the prison, but he refused to meet with her. She then reviewed information provided by the state and the defence and concluded that Guy LeGrande's recent letters and observations of his behaviour "suggest severe mood swings and paranoia as well as grandiose delusional beliefs that he will be pardoned and given a large financial settlement. His writings are indicative of significant paranoia and grandiosity consistent with a severe mental illness such as Schizophrenia or a delusional disorder. His writing that he plans to disperse the money that he receives after the governor pardons him is consistent with a delusional order. This strongly suggests the presence of a severe mental illness such as Schizophrenia. Mr LeGrande has several first degree relatives who have had severe mental illness. This raises the likelihood that Mr LeGrande is also severely mentally ill." Dr Wolfe concluded that there is a "strong possibility" that he is not competent for execution. However, because of his refusal to cooperate with her, Dr Wolfe again stated that she could not "firmly establish the presence or absence of a severe mental illness".

There are three psychiatrists currently involved in the case. Dr George Corvin (chosen by the defence) has concluded that Guy LeGrande is clearly not competent (see original UA); Dr Jonathan Weiner (chosen by the state) has acknowledged that LeGrande suffers from a serious mental illness (bipolar disorder), but has concluded that he is competent for execution; and Dr. Wolfe.

Faced with the problem that Guy LeGrande refuses to be examined, his lawyers filed a motion in the trial-level court to require an observation period even without his cooperation. The judge granted the motion, under which Guy LeGrande will be sent to a hospital facility for evaluation. The three psychiatrists must prepare a report within 45 days for the court. The judge will then hold a competency hearing.

At the same time, Guy LeGrande's lawyers are continuing to pursue challenges to his conviction and death sentence. Citing, among other things, Amnesty International's January 2006 report on the subject ([http://web.amnesty.org/library/pdf/AMR510032006ENGLISH/\\$File/AMR5100306.pdf](http://web.amnesty.org/library/pdf/AMR510032006ENGLISH/$File/AMR5100306.pdf)), they are challenging the constitutionality of executing prisoners suffering from mental illness. In addition, they are challenging the fairness of his trial, including raising questions about whether the prosecution withheld information about payments given to witnesses out of reward money offered by the state when looking to solve the case. The

lawyers are seeking to clarify whether a key witness for the state (who testified that Guy LeGrande had confessed to her about the murder) received a payment of \$3,500 in return for her testimony rather than just the \$100 disclosed by the prosecution at the time of the trial. The lawyers' task is made more difficult by the fact that they have only in the past month obtained more than 6,000 pages of records and documents in the case. When acting as his own appeal lawyer (he also represented himself at trial, see original UA), Guy LeGrande had not requested the records.

The clemency petition is still pending with the Governor. However, he has never previously ruled on clemency when there are legal issues still before the courts.

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