

URGENT ACTION

EXECUTION SET DESPITE MENTAL DISABILITY

Clarence Dixon, a 66-year-old Native American man, is scheduled to be put to death in Arizona on 11 May 2022 for a murder committed in January 1978. He has a long history of serious mental disability, including paranoid schizophrenia, predating the 1978 crime, and impacting his 2007/8 trial. A recent psychiatric evaluation concludes that he does not have a rational understanding of the reason for or reality of his punishment, which would render his execution unconstitutional and in violation of international law. Amnesty International is urging the Governor to stop this execution and to commute Clarence Dixon's death sentence.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Governor Doug Ducey
1700 West Washington Street
Phoenix, AZ, 85007
USA

Email: <https://azgovernor.gov/engage/form/contact-governor-ducey>

Fax: +1 (602) 542-7601

Dear Governor,

The State of Arizona is planning to execute Clarence Dixon on 11 May 2022 for a murder committed in 1978.

Clarence Dixon, a member of the Navajo Nation, has a long history of mental disability, including multiple diagnoses of paranoid schizophrenia. His mental disabilities predate the 1978 crime – indeed, at that time the state was under a court order to commence civil commitment proceedings for his in-patient treatment. Clarence Dixon's 2007 trial and 2008 sentencing were impacted by his mental disability when his delusional belief system – which persists to this day – led him to fire his court-appointed attorneys and represent himself. He presented a single mitigation witness at the sentencing phase of the trial, which meant that the jury never heard any expert or other mitigation evidence about his mental disability before it voted to sentence him to death.

International law, binding on the USA, prohibits the execution of anyone who faces "special barriers in defending themselves on an equal basis with others, such as persons whose serious psychosocial... disabilities impede their effective defence". In a recent evaluation, a psychiatrist again diagnosed Clarence Dixon with paranoid schizophrenia. In his opinion, his mental disability "significantly affects his ability to develop a rational understanding of the State's reasons for his execution", and his disconnection from reality is further aggravated by "visual, auditory, and tactile hallucinations".

US law prohibits the execution of anyone who does not have a rational understanding of their punishment. And, again, international law prohibits the execution of anyone who has "a diminished ability to understand the reasons for their sentence".

I urge you to stop the execution of Clarence Dixon and to commute his death sentence.

Yours sincerely,

ADDITIONAL INFORMATION

On 7 January 1978, the body of a 21-year-old Arizona State University (ASU) student was found in her apartment in Tempe, Arizona. The case remained unsolved until 2001 when a DNA match was made with Clarence Dixon, who was serving seven life sentences for the 1985 rape of a Northern Arizona University (NAU) student. In 2002, he was charged with first-degree murder in the 1978 case. Representing himself (while being made to wear leg restraints and the inherently cruel electro-shock stun belt), he was convicted in late 2007. On the eve of his sentencing phase, Clarence Dixon told the judge that he was “completely unprepared” to present mitigation, but that “rather than – what is it, wallow in spilled milk? I think we just need to get on with it”. At the sentencing the following day, 23 January 2008, he presented only one witness, a prison expert who testified that Clarence Dixon would not pose a future danger in prison. The prosecution presented a psychologist in rebuttal. The prosecutor argued to the jury that because Clarence Dixon was already serving a sentence of 175 years, a life sentence for the 1978 murder would be “nothing”, and the defendant was “asking you for a free pass”. The jury voted for the death penalty.

Clarence Dixon has a long history of severe mental disability, including multiple diagnoses of paranoid schizophrenia. In September 1977, after being arrested for an assault, he was found incompetent to stand trial by two court-appointed psychiatrists, who between them concluded that he had severe depression and schizophrenia. One of them opined that “without the presence of the mental disturbance, the act of violence would not have taken place”. Clarence Dixon was committed to a hospital. Two months later, another psychiatrist found he was competent. Clarence Dixon waived his right to a jury trial, and the judge found him not guilty by reason of insanity and ordered the state to commence civil commitment proceedings within 10 days for in-patient treatment of his mental disability. She ordered that he remain released pending these proceedings. The 1978 murder of the ASU student – for which he would be sentenced to death 30 years later – was committed less than 48 hours after this order was issued.

A 1981 psychological assessment of Clarence Dixon by state prison authorities reported “schizophrenic symptoms” including “extreme paranoid ideation” and “grossly disturbed” thinking. After his 1985 conviction in the NAU case, as described in a motion filed in state court in April 2022, he “embraced what amounts to a psychotically driven delusional belief” that he had been wrongfully arrested by the NAU police and that the latter was not a legal entity. This was not true, and in any event, he had been arrested by the Flagstaff City Police. His fixed delusion, however, fed into his capital trial when he decided to fire his court-appointed lawyers after they told him that they could not ethically raise the false claim he was asserting, namely that if he had not been illegally arrested by the NAU police, he would not have been imprisoned, and the authorities would not have obtained his DNA sample. After firing them, Clarence Dixon filed a motion to suppress the DNA evidence based on the factually baseless NAU issue. His motion was denied. His current lawyers state that to this day, he has been “unable to overcome his psychotically-driven belief” about the NAU police and what he sees as his consequently illegal imprisonment and illegally obtained DNA evidence. He has repeatedly written to judges complaining about his lawyers’ failure to raise the NAU issue and has initiated legal proceedings 27 times in eight different courts.

In a psychological assessment conducted in 2012, Clarence Dixon was again diagnosed with paranoid schizophrenia. In an evaluation conducted in 2021 and 2022, a psychiatrist retained by Clarence Dixon’s lawyers to assess his competence for execution again diagnosed him with paranoid schizophrenia – “chronic and debilitating and affects every aspect of functioning”. In his opinion, Clarence Dixon’s mental disability “significantly affects his ability to develop a rational understanding of the State’s reasons for his execution”, and his disconnection from reality is further aggravated by “visual, auditory, and tactile hallucinations”. Clarence Dixon continues to hold “a fixed delusional belief that his incarceration, conviction, and forthcoming execution stem from his wrongful arrest by the NAU police in 1985”, and his legal filings “reveal his delusional, paranoid, and conspiratorial thought content” in this regard. The psychiatrist also concluded that “under his circumstances”, including the challenges associated with his blindness, “death watch isolation is analogous to psychological torture.”

Executing someone who lacks a rational understanding of their execution violates the US Constitution. The UN Human Rights Committee, established under the International Covenant on Civil and Political Rights (ICCPR) to oversee implementation of that treaty has said that “States parties must refrain from imposing the death penalty on individuals who face special barriers in defending themselves on an equal basis with others, such as persons whose serious psychosocial or intellectual disabilities impede their effective defence, and on persons who have limited moral culpability. They should also refrain from executing persons who have a diminished ability to understand the reasons for their sentence”. The USA ratified the ICCPR in 1992.

There have been four executions in the USA this year, and 1,544 since the US Supreme Court approved new capital statutes in 1976. Arizona accounts for 37 of these executions, the last of which was carried out on 23 July 2014, during which the condemned man repeatedly gasped for 100 minutes after the lethal injection of midazolam and hydromorphone was administered. Amnesty International opposes the death penalty in all cases, unconditionally.

PREFERRED LANGUAGE TO ADDRESS TARGET: English.
You may also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 11 May 2022

NAME AND PRONOUNS: Clarence Wayne Dixon (He/His)