

9 March 2000

Further information on EXTRA 139/99 (AMR 51/149/99, 6 October 1999) and follow-up (AMR 51/165/99, 13 October) - Death penalty / Legal concern

USA (Tennessee) Robert Glen Coe, aged 43, white

Robert Glen Coe is scheduled to be executed on 23 March 2000 for the abduction, rape and murder of eight-year-old Cary Ann Medlin in 1979. If the lethal injection goes ahead, Tennessee will become the 31st US state to carry out an execution since the USA resumed judicial killing in 1977. Tennessee has not executed a prisoner since 1960.

In late January 2000, a hearing was held in Shelby County Criminal Court into Robert Coe's competency to be executed. The legal standard for mental competency for execution in the USA is that the prisoner must understand the reason for, and the reality of, the punishment. This standard, however, has allowed prisoners with serious mental illnesses to be put to death.

At the hearing, Coe shouted, cursed, whistled and pounded on furniture. He was gagged, handcuffed, shackled and made to wear an electro-shock stun belt, but after he continued to disrupt proceedings he was removed from the courtroom to a nearby jury room with a closed-circuit TV link to the court.

The mental health experts called by the prosecution stated their opinion that Robert Coe suffers from various mental disorders, but was exaggerating the extent of them and was competent to be executed. They noted that he claimed that he had not killed Cary Ann Medlin, and that he attributed the crime to another man (the courts have so far rejected the innocence claim -see original EXTRA). For the defence, one psychiatrist said that Coe suffers from brain damage and chronic paranoid schizophrenia, and although aware of his impending execution, did not understand the true meaning of it. Another defence psychiatrist said that Coe suffers from various mental disorders, but that his delusions and paranoia vary and that he moves in and out of competency for execution.

On 2 February the Shelby County judge ruled that Robert Coe was competent to be executed, and on 7 March the state Supreme Court upheld his decision.

BACKGROUND INFORMATION

According to information received by Amnesty International, Robert Coe's childhood was marked by extreme poverty and his father's physical and sexual violence (the father had also regularly beaten his wife when she was pregnant with Robert). The youngest boy, Robert appeared to be a particular target for his father, who claimed that the boy was not his son. When Robert was three, his father threw him against a wall. Around that time his father kicked him off a two-metre high porch. When Robert was five, his father threw a hammer at his head, knocking him unconscious. When the boy was eight, his father shot him in the leg when he tried to escape a beating. Until the age of 12, Robert suffered regular seizures. He and his younger sister were regularly forced to watch their father raping and sexually assaulting the second youngest daughter. They also witnessed their mother having sex with other men, including relatives. Robert Coe began taking drugs and alcohol at an early age.

In 1975, aged 19, Robert Coe was charged with assaulting a woman, but was found incompetent to stand trial due to mental illness. He was described as "a seriously disturbed young man" whose disposition to violence and sexual

aggression was "a lesson garnered from his father". His illness included auditory hallucinations in which he would hear his father screaming at him.

At his 1981 trial for the murder of Cary Medlin, the jury rejected expert testimony that his mental illness, including a diagnosis of paranoid schizophrenia, coupled with intoxication at the time of the crime, rendered him legally insane (that is, unable to conform his behaviour to the law).

There are increasing calls for a moratorium on executions in the USA, following the 31 January decision by Illinois Governor Ryan to suspend all executions on account of his state's "shameful" record of wrongful convictions. International standards see the death penalty as an inappropriate punishment for the seriously mentally impaired. In Tennessee, the Governor has absolute power to grant clemency.

RECOMMENDED ACTION: Please send telegrams/faxes/express/airmail letters in your own words, using the following guidelines, in English or own language:

- acknowledging the seriousness of the crime of which Robert Coe was convicted and expressing sympathy for the family of Cary Ann Medlin;
- noting that the state courts have ruled Robert Coe mentally competent to be executed under the standard required in US law, but noting that he has repeatedly been diagnosed with serious mental illness by various experts during his life;
- noting that the power of executive clemency can serve to compensate for the rigidities of criminal law;
- noting that international standards oppose the use of the death penalty against the seriously mentally impaired;
- noting the worldwide trend towards abolition of the death penalty, and increasing support in the USA for a moratorium on executions;
- noting that society failed to protect Robert Coe as a child from his father's sexual and physical violence;
- arguing that the death penalty is a symptom of, not a solution to, a culture of violence;
- urging the Governor not to allow his state to take the retrograde step of resuming executions, and to instead commute Robert Coe's death sentence.

APPEALS TO:

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Salutation: Dear Governor

COPIES TO: diplomatic representatives of the USA accredited to your country.

You may also write brief letters (not more than 200 words) to:

Letters to the Editor, *The Tennessean*, 1100 Broadway, Nashville, TN 37203, USA. **Fax: +1 615 726 8928. E-mail: letters@tennessean.com**

PLEASE SEND APPEALS IMMEDIATELY