

URGENT ACTION

MENTALLY ILL MAN EXECUTED IN FLORIDA

John Ferguson, a 65-year-old man with a decades-long history of serious mental illness, was executed in the US state of Florida on 5 August. He had been on death row for 35 years.

It is a violation of the US constitution to execute a prisoner who lacks a rational understanding of the reason for and reality of their punishment - they are "incompetent" for execution. In reality this standard has offered only limited protections, and numerous prisoners with serious mental illnesses have been executed in the USA despite it.

According to his lawyers, **John Ferguson** believed that following execution his body would not remain in his grave and instead he would come back to life. He believed he would then "sit at the right hand of God" and save the USA from a communist plot. On 25 July, his lawyers filed a petition before the US Supreme Court seeking a stay of what they argued would be an unconstitutional execution. The petition asserted that John Ferguson "is a schizophrenic, harbors delusions that he is the 'Prince of God', and boasts an unshakeable view that he is to be killed not because he committed several murders, but because the State wishes to prevent him from ascending to sit at God's right hand".

On 5 August the US Supreme Court refused to intervene. Just before he was killed by lethal injection, John Ferguson was reported as saying, "I just want everyone to know that I am the Prince of God and I will rise again". He was pronounced dead at 6.17pm local time, approximately 15 minutes after the lethal injection was administered.

In 1978 after two separate trials both presided over by the same judge, John Ferguson was convicted of eight murders committed near Miami in 1977 and 1978. He received eight death sentences for the murders of Livingstone Stocker, Michael Miller, Henry Clayton, John Holmes, Gilbert Williams, Charles Stinson, Belinda Worley and Brian Glenfeldt. The Florida Supreme Court remanded the case for re-sentencing after it found a judicial error in the sentencing phases of both trials. As the original trial judge had retired a different judge re-imposed the eight death sentences, without holding a new hearing.

John Ferguson had a history of serious mental illness that predated the crimes. He first reported having visual hallucinations in 1965 at the age of 17 and was first diagnosed with paranoid schizophrenia in 1971 - a diagnosis that was repeated dozens of times over the proceeding years. In 1975 a court-appointed psychiatrist concluded that Ferguson's severe mental illness rendered him dangerous and meant that he "should not be released under any circumstances" from a maximum security mental hospital. He was however discharged, and within three years was on death row. The diagnoses of serious mental illness, including by prison doctors, continued on death row. In 1991 for example, the prison authorities assessed him as "suffering from chronic schizophrenia, paranoid type" and that he had "suffered from this disease for many years, probably as early as 1971; and his present competency to assist his counsel in legal proceedings is questionable at best".

There have been 23 executions in the USA this year, four of them in Florida. The execution of John Ferguson brings to 1,343 the number of executions nationwide since 1977, 78 of which were conducted in Florida.

For further information on this aspect of the death penalty in the USA, see *USA: The execution of mentally ill offenders*, January 2006, <http://www.amnesty.org/en/library/info/AMR51/003/2006/en> and <http://www.amnesty.org/en/library/info/AMR51/114/2007/en>

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

This is the first update of UA 195/13. Further information: <http://amnesty.org/en/library/info/AMR51/055/2013/en>

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Gender m/f: m

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