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Death penalty / Legal concern

28 April 2004

USA (Missouri)

Raymond E. Wood (m), white, aged 40

Raymond Wood is facing the possibility of the death penalty in Missouri. He has a history of serious mental illness and there is compelling evidence that he was psychotic at the time of the crime with which he has been charged. The United Nations Commission on Human Rights has repeatedly called on countries not to resort to the death penalty against anyone suffering from a mental disorder. A trial date has not yet been set.

On 14 February 2000, the police were called to a shooting in a rural home outside Warrensburg in Johnson County in mid-western Missouri. The caller, Raymond Wood's mother, said that her son had told her that he had shot his family. She also told the police that her son was mentally ill and was on medication. The police went to the house and found that Tina Wood and her six young children (aged from 18 months to 10 years) had been shot. The two youngest children were wounded, but alive. The four other children, and their mother, were dead. Raymond Wood was arrested at the scene.

On the evening of the same day, Raymond Wood was questioned at the police station by two plainclothes police officers, one of whom was a close personal friend of Wood and a lay minister at his church. He led the interrogation, adopting the style he used when ministering to a member of his congregation. Raymond Wood explained that he had shot his wife, and then, realizing that his children would suffer from the loss of their mother, shot each child. He said that he then shot himself, and showed the officers abrasions and gunpowder burns on his forehead. During his interview, Raymond Wood referred to the "turmoil" he had been experiencing in the days leading to the shootings, and he talked of the "snares" in his head and of "too many ensnaring thoughts". The interrogation was terminated abruptly when Raymond Wood's mental health took a turn for the worse. He was placed on suicide watch and was placed in a restraint chair after he became uncontrollable. He was subsequently taken to hospital in restraints, and was assessed as suffering from a major psychosis, severe depression, and a major affective disturbance. He was involuntarily committed to a state mental hospital where he has remained continuously since, that is for the past four years.

In February 2003, Raymond Wood's lawyer filed a motion in the trial court seeking to suppress his confession, arguing that it had not been given voluntarily because he was mentally ill and because the authorities had used coercive conduct in selecting an interrogator who was a friend and minister to the prisoner. At a hearing, the minister/officer testified that he had had concerns at the time of the interrogation that Raymond Wood was out of touch with reality, and he described the defendant as being "gravely disabled" at that time. Members of Raymond Wood's family testified that he had been exhibiting signs of his mental illness in the days before the shootings. For example, he and his wife had gone to a mental health facility on 11 February 2000, at which time he was described as catatonic, psychotic and suffering from delusional thoughts. Hospitalization was recommended, but he and Tina Wood opted for him to return home and start the prescribed medication, an antipsychotic and an antidepressant, at home. From 11 to 14 February, his condition continued to deteriorate, and he complained of hearing voices and of being possessed by the devil.

A psychiatrist for the defence testified that she believed that Raymond Wood's mental illness meant that he could not have made a voluntary waiver of his rights (such as his right to have a lawyer present or to remain silent). A psychiatrist for the state, while concluding that Wood was able to knowingly make such a waiver, acknowledged the evidence that the defendant was actively psychotic in the days immediately preceding the shooting and at the time of the interrogation, and that on the morning of the shooting, Wood would have qualified for involuntary commitment to a mental hospital.

Following the hearing, the judge found that the confession had been involuntary. She found that the police had known at the time of the interrogation that Raymond Wood was mentally ill and that he had a history of serious mental illness and had been previously committed to psychiatric care. The authorities also knew that Wood was deeply religious and would likely respond to his minister during the interrogation. The judge stated: "Certain interrogation techniques...are so offensive to a civilized system of justice that they must be condemned. Such interrogation techniques, applied to the unique characteristics of the Defendant, exist in this case". The state appealed the trial judge's suppression of the confession, but the Missouri Court of Appeals upheld the decision in March 2004.

Raymond Wood was first admitted to a psychiatric facility in 1985 and has been admitted on numerous occasions since. He has been diagnosed with severe mental illness since 1985 and is currently diagnosed as suffering from schizoaffective disorder. According to NAMI, a US grassroots organization (formerly the National Alliance for the Mentally Ill), schizoaffective disorder is "characterized by a combination of symptoms of schizophrenia and an affective (mood) disorder. To diagnose schizoaffective disorder, a person needs to have primary symptoms of schizophrenia (such as delusions, hallucinations, disorganized speech, disorganized behavior) along with a period of time when he or she also has symptoms of major depression or a manic episode." NAMI opposes the use of the death penalty against anyone suffering from such a serious mental illness.

Amnesty International opposes the death penalty in all cases. Today, 117 countries are abolitionist in law or practice. In contrast to this, more than 900 prisoners have been put to death in the USA since executions resumed in 1977. Among them have been prisoners who were mentally ill at the time of the crime and/or execution. The UN Commission on Human Rights, in resolutions passed each year since 1999, has called on all countries not to impose the death penalty on anyone suffering from a mental disorder, or to execute any such person.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language, in your own words:

- acknowledging the serious nature of the crime with which Raymond Wood has been charged and the suffering caused;
- noting Raymond Wood's long history of serious mental illness, and compelling evidence that he was suffering from psychosis in the days leading up to the crime and on the day of the shooting itself;
- noting that he has been involuntarily committed to mental hospital for the four years since the crime;
- expressing concern that the Johnson County prosecution is intending to seek the death penalty against this seriously mentally ill man;
- urging the Prosecuting Attorney to drop pursuit of the death penalty against Raymond Wood in the interest of decency and the reputation of the State of Missouri and the USA as a whole.

APPEALS TO:

Mary Ann Young, Prosecuting Attorney
Office of the Prosecutor, 101 W. Market St., Suite 301, Warrensburg, Missouri 64093, USA

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Salutation: Dear Prosecuting Attorney

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

You may also write a brief letter (not more than 250 words) to:

Letters to the Editor, *Kansas City Star*, 1729 Grand Blvd., Kansas City, MO 64108, USA

Fax: +1 816 234 4940

Email: letters@kcstar.com

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 9 June 2004.