

PUBLIC

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Death Penalty

USA (Indiana)

Alan Lehman Matheney (m), white, aged 54

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Alan Lehman Matheney is scheduled to be executed on 28 September. He was sentenced to death in 1990 for the murder of his ex-wife, Lisa Bianco, the previous year.

In 1987 Alan Matheney began a prison sentence for assaulting Lisa Bianco, and taking their two children across state lines in violation of a court order. On 4 March 1989 he was given eight hours' leave from prison, with permission to visit Indianapolis. Instead he headed for his ex-wife's home in the town of Mishawaka. He broke in to Lisa Bianco's house and chased her into the street, where he beat her to death with a shotgun. While in prison he had repeatedly expressed his desire to kill Bianco.

At his trial, Matheney claimed that he was legally insane when he committed the murder. He was under the impression that Lisa Bianco was part of an elaborate conspiracy to keep him in prison. Several witnesses testified to Matheney's strange behaviour. Though none of the doctors who examined Matheney testified that he was legally insane at the time of the murder, several have testified over Matheney's mental illness. At his original trial, one doctor testified that Matheney suffered from paranoid personality disorder and another testified that he had "schizophreniform disorder" (Acute Schizophrenia-Like Psychotic Disorder).

The jury recommended the death penalty unanimously, rejecting the possibilities of finding Matheney guilty but mentally ill or not guilty due to insanity. The conviction and sentence were upheld at all subsequent reviews.

On 29 August 2005 the Indiana Supreme Court concluded that "because we conclude that Matheney has not shown a reasonable possibility he is entitled to relief, we deny his request." His execution date was set on the same day. Matheney had argued that his death sentence is unconstitutional as he was mentally ill when he committed the murder.

In September 1985 Matheney was diagnosed with "schizophreniform disorder" by a Dr Charles Arens, who evaluated him while he was in jail, noting that Matheney was experiencing social withdrawal, cognitive confusion, anxiety and paranoia. By the time of the offense he was "grossly psychotic", according to Dr Helen Morrison, a psychiatrist who evaluated Matheney in 1989 and testified at his trial and post-conviction proceedings. His clemency petition notes that he continues to suffer "from a severe delusional disorder that significantly impairs his cognition and his orientation to reality".

#### **BACKGROUND INFORMATION**

Since 1977, when the USA resumed judicial killing, the US Supreme Court has provided some constitutional protections for mentally impaired people facing the death penalty. In 1986, in *Ford v. Wainwright*, the court ruled that the execution of people who are insane violates the US Constitution's prohibition on "cruel and unusual punishments". A decision by the Supreme Court in 2002 (*Atkins v. Virginia*) prohibited the death penalty for people with mental retardation, reasoning that mental retardation diminishes personal culpability, and renders the death penalty difficult to justify on deterrence and retribution grounds.

On March 1 2005, citing the "overwhelming weight of international opinion" and "evolving standards of decency" the Supreme Court, in *Roper v. Simmons*, finally outlawed the death penalty for offenders who were under the age of 18 at the time of their crime. The *Roper* majority quoted the *Atkins* decision: "Capital

punishment must be limited to those offenders who commit a narrow category of the most serious crimes and whose extreme culpability makes them the most deserving of execution”.

Amnesty International believes that there is a profound inconsistency in exempting people with mental retardation from the death penalty while those with serious mental illness remain exposed to it. Similarly, exempting juvenile offenders from the death penalty because of their diminished culpability is incongruous with executing those suffering from serious mental illness or impairment other than retardation. The UN Commission on Human Rights has repeatedly called on those countries which still retain the death penalty not to use it against anyone suffering from a mental disorder.

Amnesty International opposes all executions, regardless of the nature of the crime, the characteristics of the offender, or the method used by the state to kill the offender. The death penalty in itself contravenes evolving international standards of decency, with a clear and growing majority of states not executing anyone, let alone the mentally ill.

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

- expressing sympathy for the for the family and friends of Lisa Bianco, and explaining that you are not seeking to excuse the manner of her death or to minimize the suffering caused;
- opposing the execution of Alan Lehman Matheney;
- noting that the United Nations Commission on Human Rights has called for an end to the execution of people suffering from mental disorders,
- expressing concern that Alan Matheney has been diagnosed with schizophreniform disorder (Acute Schizophrenia-Like Psychotic Disorder) and paranoid personality disorder, and according to one doctor was “grossly psychotic” at the time of the offense;
- calling on Governor Daniels to stop the execution of Alan Matheney and to commute his death sentence.

**APPEALS TO:**

Governor Mitch Daniels, Office of the Governor, Statehouse Room 206  
200 W. Washington St., Indianapolis, IN 46204-2797, USA

**Fax:** +1 317 232 3443

**Email:** <http://www.in.gov/gov/contact/index.html>

**Salutation:** Dear Governor

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

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 28 September 2005.